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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–5040; Directorate Identifier 2013–NM–192–AD; Amendment 39–18787; AD 2017–02–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by a determination that certain inspection thresholds and intervals must be reduced. This AD requires repetitive detailed inspections for corrosion of the lower wing root joint, and related investigative and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 17, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5040.

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–2016–5040; 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 (telephone 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: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The NPRM published in the **Federal Register** on April 5, 2016 (81 FR 19509) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2013–0230, dated September 24, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 series airplanes; and Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

> Several cases of corrosion on the lower wing root joint, located in the wing bottom skin inboard and outboard of the external lower surface splice, have been reported by operators.
>
> This condition, if not detected and corrected, could affect the structural integrity of the airframe.
>
> Prompted by these findings, [Direction Générale de l'Aviation Civile] (DGAC) France issued AD 1997–006–210 [which corresponds to FAA AD 98–21–34, Amendment 39–10842 (63 FR 55524, October 16, 1998)] to require repetitive inspections to detect the presence of corrosion and prevent crack propagation at the wing bottom skin, inboard and outboard of the Rib 1 external lower surface splice, between Frame (FR) 40 and FR47.
>
> DGAC France * * * issued [an AD] to expand the choice of applicable Service Bulletins (SB). [The] DGAC France AD * * * was issued to allow A300–600 operators to use Revision 04 of Airbus SB A300–57–6047, converting flight cycles/''Fatigue rating'' into flight cycles (FC)/flight hours (FH).
>
> Subsequently, Airbus modification 10599 was developed to improve the corrosion behaviour of the area. This improvement allowed refining the inspection programme of the A300–600 aeroplane. For post-modification 10599 A300–600 aeroplanes, the application of the Maintenance Review Board Report (MRBR) inspection tasks was deemed sufficient for maintaining an adequate level of safety on these aeroplanes.
>
> Consequently, EASA issued AD 2008–0208 (later revised), retaining the requirements of [a] DGAC France AD * * *, which was superseded, to require the use of Airbus SB A300–57–6047 Revision 05 for the inspections and to exclude post-modification 10599 A300–600 aeroplanes from the Applicability.
>
> Since EASA AD 2008–0208R1 was issued, a fleet survey and updated Fatigue and Damage Tolerance analyses have been performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of these analyses determined that the threshold and interval must be reduced to allow timely detection of these cracks and the accomplishment of an applicable corrective action.
>
> For the reasons described above, this [EASA] AD takes over and retains the requirements for A300 and A300–600 aeroplanes from EASA AD 2008–0208R1 (which has been revised, remaining applicable only to A310 aeroplanes) and requires accomplishment of the inspections within the new thresholds and intervals.

Required actions include repetitive detailed inspections for corrosion of the

rib 1 external lower surface splice between FR40 and FR47, repetitive fatigue inspections for cracking of the fasteners and on the surface of the forward and aft lower surface panels if necessary, and corrective actions (including application of new protective coating, removal of corrosion, and measurement of the reworked depth) if necessary.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5040.

Comments

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

Request To Clarify the Applicability

United Parcel Service (UPS) requested that we change the information in paragraph (c), Applicability, of the proposed AD. UPS explained that paragraph (c) of the proposed AD defines the airplane models applicable to the proposed rule, then has an exclusion later in paragraph (g) of the proposed AD. UPS reasoned that we should simplify by having related information in the same location, and suggested we combine paragraph (c) and paragraph (g) of the proposed AD into a single paragraph (c) of the proposed AD.

For the reasons stated by the commenter, we agree to include the phrase, ''except those on which Airbus modification 10599 has been incorporated,'' in paragraph (c)(2) of this AD. However, we disagree with moving the statement, ''As of the effective date of this AD, the actions specified in AD 98–21–34, Amendment 39–10842 (63 FR 55524, October 16, 1998) (''AD 98–21–34'') are no longer required'' from paragraph (g) of this AD to paragraph (c) of this AD because the Applicability should not include this type of information; it is appropriately included in other regulatory text such as paragraph (g) of this AD.

Request To Clarify the Headings of Paragraphs (h) and (i) of the Proposed AD

UPS requested that we revise the headings of paragraphs (h) and (i) of the proposed AD because the paragraph titles do not reflect what is contained within the respective paragraphs. UPS explained that paragraph (h) of the proposed AD does not contain any corrective actions, and paragraph (i) of the proposed AD contains fatigue inspection requirements.

For the reasons stated by the commenter, we agree and have revised the headings of both paragraphs (h) and (i) of this AD.

Request for Grace Period

UPS stated that upon its review of the fatigue inspection requirements, it identified that there is not a transition/grace period for airplanes on which inspections are already being accomplished, but for which the new repetitive inspection intervals have already been exceeded due to the service bulletin interval reductions.

We agree with the commenter's statement. We had erroneously specified Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011, in the compliance time in paragraph (i)(2)(ii)(B) of the proposed AD; the correct reference is Airbus Service Bulletin A300–57–6047, Revision 05, dated May 27, 2008. We have changed paragraph (i)(2)(ii)(B) of this AD to include a grace period of 500 flight cycles or 1,050 flight hours (whichever occurs first), without exceeding the compliance time specified in Airbus Service Bulletin A300–57–6047, Revision 05, dated May 27, 2008.

Request To Remove Paragraph (j) of the Proposed AD

UPS requested that we delete paragraph (j) of the proposed AD. UPS explained that paragraphs (j)(1) and (j)(2) of the proposed AD identify differences between the service bulletin requirements specified by the original equipment manufacturer (OEM) and the proposed AD. UPS stated that in its review of paragraphs (j)(1) and (j)(2) of the proposed AD, it does not recognize a difference between contacting Airbus for corrective action, and using a method approved by the FAA for either situation. UPS reasoned that, as the discrepancy is located on primary structure and allowable/approved rework limits are exceeded, damage tolerance analysis is required as part of the repair definition process. UPS adds that the existing OEM process, the Repair Design Approval Sheet (RDAS), contains instructions for continued airworthiness and is approved by an EASA-designated airworthiness engineer. Based on the existing process and procedures in place, UPS does not believe that paragraph (j) of the proposed AD is necessary.

We disagree with the request to delete paragraph (j) of this AD. Paragraph (j)(1) of this AD is required to address certain inspection findings. The service information specifies that Airbus be contacted for corrective action; however, paragraph (j)(1) of this AD requires that one of the specific organizations identified must approve those corrective actions. Likewise, paragraph (j)(2) of this AD specifies the appropriate organizations for compliance time determinations. Therefore, we have not changed this AD in this regard.

Request To Define Average Flight Time (AFT)

UPS requested that we revise paragraph (k) of the proposed AD to match paragraph (i) of AD 2016–07–20, Amendment 39–18465 (81 FR 21255, April 11, 2016). UPS reasoned that AD 2016–07–20 clearly defines when the AFT value is calculated in subsequent repetitive inspection interval determinations. UPS explained that recent FAA ADs have included using AFT to determine repetitive inspection intervals, but the definition of calculating the AFT value has varied among ADs, which further complicates compliance across several mandatory ADs.

For the reasons stated by the commenter, we have added more specific criteria for establishing the AFT in paragraph (k) of this AD.

Request To Include Approval for Previous Alternative Methods of Compliance (AMOCs)

UPS requested that we revise paragraph (m) of the proposed AD to include approval for previous AMOCs. UPS explained that other final rules include approved AMOCs for prior or superseded ADs. UPS explained further that it received AMOC approval for AD 98–21–34 in which the intent is embodied within the proposed AD (*i.e.,* no additional action for an airplane with modification 10599 embodied), and that there may be other AMOC approvals applicable to the previous AD.

We agree for the reasons stated by the commenter. We added the previous AMOC approval information in paragraph (m)(1)(ii) of this final rule.

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 Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999; and Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011. This service information describes procedures for repetitive detailed inspections for corrosion of the rib 1 external lower surface splice between FR40 and FR47, repetitive fatigue inspections for cracking of the fasteners and on the surface of the forward and aft lower surface panels if necessary, and corrective actions (including application of new protective coating, removal of corrosion, and measurement of the reworked depth) if necessary. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 29 airplanes of U.S. registry. We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $19,720, or $680 per product.

In addition, we estimate that any necessary follow-on actions would take about 8 work-hours, for a cost of $680 per product. We have no way of determining the number of aircraft that might 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 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 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.

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):

2017–02–08 Airbus: Amendment 39–18787; Docket No. FAA–2016–5040; Directorate Identifier 2013–NM–192–AD.

(a) Effective Date

This AD is effective March 17, 2017.

(b) Affected ADs

This AD affects AD 98–21–34, Amendment 39–10842 (63 FR 55524, October 16, 1998) (''AD 98–21–34'').

(c) Applicability

This AD applies to Airbus airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

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

(2) Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes, except those on which Airbus modification 10599 has been incorporated.

(d) Subject

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

(e) Reason

This AD was prompted by reports of corrosion on the lower wing root joint located in the wing bottom skin inboard and outboard of the external lower surface splice, and the determination that certain existing inspection thresholds and intervals must be reduced. We are issuing this AD to detect and correct corrosion and cracking on the lower wing root joint, which could reduce the structural integrity of the airframe.

(f) Compliance

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

(g) Airplanes Excluded From the Requirements of AD 98–21–34 and This AD

For Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes, on which Airbus modification 10599 has been incorporated: As of the effective date of this AD, the actions specified in AD 98–21–34 are no longer required. No action is required by this AD.

(h) Repetitive Inspections

Within 60 months since the airplane's first flight, or within 60 months since accomplishment of the last inspection specified in Airbus Service Bulletin A300–57–0204 or A300–57–6047, whichever occurs later: Do a detailed inspection for corrosion of the rib 1 external lower surface splice between frame (FR)40 and FR47, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999; or Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011; as applicable. Repeat the inspection thereafter at intervals not to exceed 60 months. Accomplishment of the initial inspection required by this paragraph terminates the requirements of AD 98–21–34 for Model A300 and A300–600 series airplanes.

(i) Corrective Actions, Repetitive Fatigue Inspections, and Repair

If any corrosion is found during any inspection required by paragraph (h) of this AD, do the actions specified in paragraph (i)(1) and (i)(2) of this AD.

(1) Before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999; or Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011; as applicable; except as required by paragraph (j)(1) of this AD.

(2) At the applicable time specified in paragraph (i)(2)(i) or (i)(2)(ii) of this AD, except as required by paragraph (j)(2) of this AD: Do fatigue inspections to detect cracks of

the fasteners and on the surface of the forward and aft lower surface panels, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999; or Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011; as applicable. Repeat the fatigue inspections thereafter at the applicable interval specified in paragraph B.(5) of Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999; or Figure A–FBGAA, Sheet 01, of Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011; as applicable; except as required by paragraph (j)(2) of this AD. If any cracking is found during any fatigue inspection required by this paragraph: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(i) For Model A300 series airplanes: Do the initial inspection at the applicable time specified in paragraph B.(5) of Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999.

(ii) For Model A300–600 series airplanes: Do the initial inspection at the later of the times specified in paragraphs (i)(2)(ii)(A) and (i)(2)(ii)(B) of this AD.

(A) At the applicable time specified in Figure A–FBGAA, Sheet 01, of Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011.

(B) Within 500 flight cycles or 1,050 flight hours after the effective date of this AD, whichever occurs first, without exceeding the compliance time specified in Airbus Service Bulletin A300–57–6047, Revision 05, dated May 27, 2008.

(j) Exceptions to Service Bulletin Specifications

(1) Where Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999; or Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011; specifies to contact Airbus for appropriate corrective action, this AD requires repair before further flight using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(2) Where Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011, specifies to contact Airbus for the appropriate threshold or repetitive interval, this AD requires that the compliance time be determined using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(k) Calculating Average Flight Time (AFT)

For the purposes of paragraph (i)(2) of this AD, the AFT must be established as specified in paragraphs (k)(1), (k)(2), and (k)(3) of this AD.

(1) For the initial inspection, the AFT is the total accumulated flight hours, counted from take-off to touch-down, divided by the total accumulated flight cycles at the effective date of this AD.

(2) For the first repeated inspection interval, the AFT is the total accumulated flight hours divided by the total accumulated flight cycles at the time of the inspection threshold.

(3) For all inspection intervals onward, the AFT is the flight hours accumulated between the two most recent inspections divided by the flight cycles accumulated between the two most recent inspections.

(l) Credit for Previous Actions

This paragraph provides credit for the inspections and corrective actions required by paragraphs (h) and (i) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraphs (l)(1) through (l)(3) of this AD.

(1) Airbus Service Bulletin A300–57–6047, Revision 02, dated April 2, 1999.

(2) Airbus Service Bulletin A300–57–6047, Revision 03, dated September 28, 1999.

(3) Airbus Service Bulletin A300–57–6047, Revision 05, dated May 27, 2008.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 98–21–34 are approved as AMOCs for the corresponding provisions of paragraphs (h) and (i) of this AD.

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2013–0230, dated September 24, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–5040.

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

(o) 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 this AD specifies otherwise.

(i) Airbus Service Bulletin A300–57–0204, Revision 01, dated April 2, 1999.

(ii) Airbus Service Bulletin A300–57–6047, Revision 06, dated October 17, 2011.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(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 18, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01776 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6670; Directorate Identifier 2016–NM–006–AD; Amendment 39–18789; AD 2017–02–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–19–04 for certain The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes. AD 2013–19–04 required repetitive inspections for cracking of the skin around the fasteners common to the ends of certain bulkhead chords, and related investigative actions and corrective actions if necessary; and

provided an optional terminating modification. This new AD reduces the inspection threshold and repetitive inspection intervals. This AD was prompted by a report of cracks found in the skin at fasteners of certain bulkhead chords. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 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–2016–6670.

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–2016–6670; 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: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2013–19–04, Amendment 39–17586 (78 FR 59801, September 30, 2013) (''AD 2013–19–04''). AD 2013–19–04 applied to certain The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes. The NPRM published in the **Federal Register** on May 12, 2016 (81 FR 29505) (''the NPRM''). The NPRM was prompted by a report of cracks found in the skin at body station (STA) 540 just below stringer S–22L. The NPRM proposed to continue to require repetitive detailed and high frequency eddy current inspections for cracking of the skin around the eight fasteners common to the ends of the STA 540 bulkhead chords between stringers S–22 and S–23, left and right sides; related investigative actions and corrective actions, if necessary; and to provide an optional terminating modification. The NPRM also proposed to reduce the inspection threshold and repetitive inspection intervals. We are issuing this AD to detect and correct fatigue cracking in the fuselage skin around the eight fasteners securing the STA 540 bulkhead chords, which could result in rapid decompression of the cabin.

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 and United Airlines had no objections to the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that installation of winglets, as provided in Supplemental Type Certificate (STC) ST00830SE, does not affect the ability to accomplish the actions proposed in the NPRM.

We concur 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 ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE 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.

Request To Clarify Access and Restoration Requirements

All Nippon Airways requested that we clarify if the access and restoration instructions specified in the service information referenced in paragraph (k) of the proposed AD are required actions.

We agree to clarify this issue. Access and restoration actions are not part of the actions required to correct the unsafe condition identified in this AD. Therefore, access and restoration actions were excluded from the required actions in AD 2013–19–04 and are excluded from the required actions in this AD. We have added the service information referenced in paragraph (k) of this AD to paragraph (i)(4) of this AD. Paragraph (i)(4) of this AD specifies that the access and restoration actions specified in the referenced service information are not required by this AD.

Request To Clarify Corrective Action

Southwest Airlines (SWA) requested that we clarify the corrective action for drilling the new drag link assembly. SWA stated that the service information only provides instructions for parts constructed of aluminum and that the drag link assembly is made from titanium.

We agree that clarification is necessary. Boeing has informed us that revised service information is forthcoming. However, since the revised service information is not yet available, we do not consider that delaying this action until after the release of the manufacturer's revised service bulletin is warranted. When this service information becomes available, and upon satisfactory review, we plan to approve it as a global alternative method of compliance (AMOC) to the appropriate requirements of this AD. The issue raised by SWA affects only the on-condition repair instructions and not the required inspection to detect the identified unsafe condition. We have added paragraph (i)(5) to this AD to specify that repairs provided in Part 4 or Part 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1294, Revision 2, dated December 9, 2015 (''SASB 737–53–1294 R2''), must be done before further flight, using a method approved in accordance with the procedures specified in paragraph (l) of this AD. We have revised paragraphs (g) and (h) of this AD accordingly.

Clarification of Exception to Repetitive Intervals

For clarity, we have changed the format of paragraph (g) of this AD to make it clear the exceptions apply to the entire paragraph, including the repetitive inspection sentence specified in paragraph (g) of this AD.

Clarification of Terminating Actions

We have clarified paragraph (h) of this AD to specify that accomplishing the skin repair or preventive modification,

as specified in the applicable part of the Accomplishment Instructions of Boeing SASB 737–53–1294 R2, is terminating action for the side on which the skin repair or preventive modification is done.

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 SASB 737–53–1294 R2. The service information describes procedures for inspecting the skin around the eight fasteners common to the ends of the STA 540 bulkhead chords between stringers S–22 and S–23, left and right sides, for cracking, repairing cracks, and installing a chord splice as a preventive 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 903 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 (left and right sides).	12 work-hours × $85 per hour = $1,020 per inspection cycle.	$0	$1,020 per inspection cycle.	$921,060 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Preventive modification (each side)	7 work-hours × $85 per hour = $595	$894	$1,489.
Skin repair (each side)	39 work-hours × $85 per hour = $3,315	Up to $5,635	Up to $8,950.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

We 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) 2013–19–04, Amendment 39–17586 (78 FR 59801, September 30, 2013), and adding the following new AD:

2017–02–10 The Boeing Company: Amendment 39–18789; Docket No. FAA–2016–6670; Directorate Identifier 2016–NM–006–AD.

(a) Effective Date

This AD is effective March 17, 2017.

(b) Affected ADs

This AD replaces AD 2013–19–04, Amendment 39–17586 (78 FR 59801, September 30, 2013) (''AD 2013–19–04'').

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–53–1294, Revision 2, dated December 9, 2015 (''SASB 737–53–1294 R2'').

(2) Installation of Supplemental Type Certificate (STC) ST00830SE [*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/184DE9A71EC3FA5586257EAE00707DA6?OpenDocument&Highlight=st00830se*] does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE 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 a report of cracks found in the skin at body station (STA) 540 just below the left side of stringer S–22. We are issuing this AD to detect and correct fatigue cracking in the fuselage skin around the eight fasteners securing the STA 540 bulkhead chords, which could result in rapid decompression of the cabin.

(f) Compliance

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

(g) Inspection and Corrective Action

Except as required by paragraphs (i)(1) and (i)(2) of this AD: At the applicable time specified in table 1 of paragraph 1.E., ''Compliance,'' of SASB 737–53–1294 R2, do detailed and high frequency eddy current (HFEC) inspections for cracking of the skin in the area around the eight fasteners securing the STA 540 bulkhead chords between stringers S–22 and S–23; and do all applicable related investigative and corrective actions; in accordance with Parts 1, 2, 3, 4, and 5 of the Accomplishment Instructions of SASB 737–53–1294 R2, except as required by paragraphs (i)(3), (i)(4), and (i)(5) of this AD. Do all applicable related investigative and corrective actions before further flight. Except as required by paragraph (i)(2) of this AD, repeat the detailed and HFEC inspections thereafter at the intervals specified in table 1 of paragraph 1.E., ''Compliance,'' of SASB 737–53–1294 R2, until the optional preventive modification specified in paragraph (h) of this AD is done.

(h) Skin Repair or Optional Preventive Modification

Accomplishing the skin repair or preventive modification, including an HFEC inspection for cracking of the skin and STA 540 bulkhead chords, and all applicable repairs, in accordance with paragraph 3.B, Part 2 or Part 4 (left side), or Part 3 or Part 5 (right side), as applicable, of the Accomplishment Instructions of SASB 737–53–1294 R2, except as required by paragraphs (i)(2) and (i)(5) of this AD, terminates the inspection requirements of paragraph (g) of this AD for the side on which the skin repair or preventive modification is done.

(i) Exceptions to Service Bulletin Specifications

(1) Where paragraph 1.E., ''Compliance,'' of SASB 737–53–1294 R2, specifies a compliance time ''after the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) For airplanes on which Boeing Business Jet Lower Cabin Altitude Supplemental Type Certificate (STC) ST01697SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/0812969a86af879b8625766400600105/$FILE/ST01697SE.pdf*) (6,500 feet maximum cabin altitude in lieu of 8,000 feet) has been incorporated, the flight-cycle related compliance times for the inspection required by paragraph (g) of this AD are different from those specified in paragraph 1.E., ''Compliance,'' of SASB 737–53–1294 R2. All initial compliance times specified in total flight cycles or flight cycles must be reduced to half of those specified in SASB 737–53–1294 R2. All repetitive interval compliance times specified in flight cycles must be reduced to one-quarter of those specified in paragraph 1.E., ''Compliance,'' of SASB 737–53–1294 R2.

(3) If any cracking is found during any inspection required by this AD, and SASB 737–53–1294 R2, specifies to contact Boeing for appropriate action: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(4) The access and restoration actions identified in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1294, dated March 31, 2011; Boeing Special Attention Service Bulletin 737–53–1294, Revision 1, dated June 14, 2013; or SASB 737–53–1294 R2; are not required by this AD. Operators may perform those actions in accordance with accepted maintenance procedures.

(5) For doing repairs specified in Part 4 or Part 5 of the Accomplishment Instructions of SASB 737–53–1294 R2: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) Supplemental Inspections Not Required by This AD

Table 2 of paragraph 1.E., ''Compliance,'' of SASB 737–53–1294 R2, specifies post-modification airworthiness limitation inspections in compliance with 14 CFR 25.571(a)(3) at the modified locations, which support compliance with 14 CFR 121.1109(c)(2) or 129.109(b)(2). As airworthiness limitations, these inspections are required by maintenance and operational rules. It is therefore unnecessary to mandate them in this AD. Deviations from these inspections require FAA approval, but do not require an AMOC.

(k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 737–53–1294, dated March 31, 2011, which is not incorporated by reference in this AD; or Boeing Special Attention Service Bulletin 737–53–1294, Revision 1, dated June 14, 2013, which was incorporated by reference in AD 2013–19–04.

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved previously for the optional preventive modification installed in accordance with paragraph (h) of AD 2013–19–04, and AMOCs approved previously for repairs for AD 2013–19–04, are approved as AMOCs for the corresponding provisions of this AD, provided that such modification or repair included installation of the splice plate as specified in Boeing Special Attention Service Bulletin 737–53–1294, except as provided by paragraph (l)(5) of this AD.

(5) The time-limited repair approved as specified in FAA Letter 120S–15–140, dated June 3, 2015, is approved as an AMOC to the corresponding requirements of this AD.

(m) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

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

(i) Boeing Special Attention Service Bulletin 737–53–1294, Revision 2, dated December 9, 2015.

(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 18, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01824 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9050; Directorate Identifier 2016–NM–086–AD; Amendment 39–18788; AD 2017–02–09]

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 747–400, –400D, and –400F series airplanes. This AD was prompted by widespread corrosion damage that was found on the skin inner surface along the upper bulkhead at certain stations between certain stringers. This AD requires repetitive inspections of the fuselage crown skin inner surface, and related investigative and corrective actions if necessary. This AD also allows for terminating actions for the repetitive inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 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–2016–9050.

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–2016–9050; 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: Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *nathan.p.weigand@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 747–400, –400D, and –400F series airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59532) (''the NPRM''). The NPRM was prompted by widespread corrosion damage that was found on the skin inner surface along the upper bulkhead at certain stations between certain stringers. The NPRM proposed to require repetitive inspections of the fuselage crown skin inner surface, and related investigative and corrective actions if necessary. The NPRM would also allow for terminating actions for the repetitive inspections. We are issuing this AD to detect and correct cracks and corrosion on the crown skin inner surface. If the cracks or corrosion are not repaired, the cracks can rapidly join together and can cause a sudden decompression and loss of 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

United Airlines supported the content of the NPRM.

Request To Clarify the Language in the Terminating Action Paragraph

Boeing asked that we add accomplishment of Part 4 to the terminating action language specified in paragraph (i) of the proposed AD for clarification purposes. Boeing stated that Tables 1 and 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, specify that Action 1 is to complete Part 3: Skin Panel Modification or Repair; and Action 2 is to complete Part 4: Surface Finish Restoration. Boeing noted that both actions must be completed before further flight.

We agree with the commenter's request to add accomplishment of Part 4 of the referenced service information, for the reason provided. We have clarified the language in paragraph (i) of this AD to specify that both Part 3 and Part 4 of the referenced service information must be accomplished to terminate the repetitive inspections required by paragraph (g) of this AD. However, we do not agree that both actions must be done before further flight because the terminating action is optional; therefore, no specific compliance time is required.

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 change 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 747–53A2878, dated May 19, 2016. The service information describes procedures for inspecting the fuselage crown skin inner surface body at affected stations, and doing related investigative and corrective actions if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 53 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
Inspections and access	Up to 815 work-hours × $85 per hour = $69,275	Up to $69,275	Up to $3,671,575.

We estimate the following costs to do any necessary repairs that will be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these repairs and on-condition inspections:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repairs and on-condition inspections	Up to 1,820 work-hours × $85 per hour = $154,700.	N/A	Up to $154,700.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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):

2017–02–09 The Boeing Company: Amendment 39–18788; Docket No. FAA–2016–9050; Directorate Identifier 2016–NM–086–AD.

(a) Effective Date

This AD is effective March 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–400, –400D, and –400F series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by widespread corrosion damage that was found on the skin inner surface along the upper bulkhead at certain stations between certain stringers. We are issuing this AD to detect and correct

cracks and corrosion on the crown skin inner surface. If the cracks or corrosion are not repaired, the cracks can rapidly join together and can cause a sudden decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Inspection of the Skin Inner Surface

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, except as required by paragraph (k)(1) of this AD: Do a detailed inspection of the skin inner surface for any missing or degraded finish, sign of corrosion, or crack, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016. Repeat the inspection thereafter at intervals not to exceed the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, until the actions specified in paragraph (i) of this AD have been done.

(h) Repair of the Skin Inner Surface

If any damage is found during any inspection required by paragraph (g) of this AD, before further flight, do all applicable related investigative and correction actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, except as required by paragraph (k)(2) of this AD.

(i) Optional Terminating Action

Modification or repair of the inner skin surfaces, and restoration of the surface finish, in accordance with part 3 and part 4, respectively, of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, terminates the repetitive inspections required by paragraph (g) of this AD.

(j) Post Repair Inspection and Repairs

For airplanes on which a repair or modification has been done in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016: Except as required by paragraph (k)(1) of this AD, at the applicable time specified in Table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, do detailed inspections to detect damage of the repaired or modified areas, and do all applicable corrective actions, in accordance with part 5 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, except as required by paragraph (k)(2) of this AD. Do all applicable corrective actions before further flight. Repeat the inspections thereafter at intervals not to exceed the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016.

(k) Exceptions

(1) Where Boeing Alert Service Bulletin 747–53A2878, dated May 19, 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) If any cracking or corrosion is found during any inspection required by this AD, and Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking or corrosion using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m) 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 (k)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (l)(4)(i) and (l)(4)(ii) of this AD apply.

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

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

(m) Related Information

For more information about this AD, contact Nathan Weigand, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6428; fax: 425–917–6590; email: *nathan.p.weigand@faa.gov.*

(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.

(i) Boeing Alert Service Bulletin 747–53A2878, dated May 19, 2016.

(ii) Reserved.

(3) 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; 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 18, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01778 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9382; Directorate Identifier 2016–CE–032–AD; Amendment 39–18790; AD 2017–02–11]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher GmbH & Co. Gliders

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Alexander Schleicher GmbH & Co. Model ASK 21 gliders. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cable slack in gliders equipped with a rudder hand control

system leading to a short-term blockage of the rudder control system and reduced control. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of March 17, 2017.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9382; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact Alexander Schleicher GmbH & Co. Segelflugzeugbau, Alexander-Schleicher-Str. 1, D–36163 Poppenhausen, Germany; phone: +49 (0) 06658 89–0; fax: +49 (0) 06658 89–40; Internet: *http://www.alexander-schleicher.de/;* email: *info@alexander-schleicher.de.* 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 Docket No. FAA–2016–9382.

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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Alexander Schleicher GmbH & Co. Model ASK 21 gliders. The NPRM was published in the **Federal Register** on November 10, 2016 (81 FR 78947). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> A temporary rudder control blockage was reported, involving an ASK 21 sailplane equipped with a rudder hand control system. The subsequent investigation revealed significant cable slack in the rudder control system.
>
> This condition, if not detected and corrected, could lead to reduced rudder control, possibly resulting in reduced controllability of the sailplane.
>
> To address this potentially unsafe condition, Schleicher issued ASK 21 Technical Note (TN) 38 to provide instructions to amend the ASK 21 Aircraft Flight Manual (AFM), incorporating updated pre-flight inspection instructions to check the rudder control system of sailplanes modified in accordance with the instructions of Schleicher ASK 21 TN 25 (rudder actuated by hand lever for the front pilot seat) or TN 30 (rudder control by hand for the rear pilot seat).

For reasons described above, this AD requires amendment of the applicable Schleicher ASK 21 AFM, revising pre-flight checks of the rudder hand control system. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2016-9382-0002.*

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Alexander Schleicher GmbH & Co. ASK 21 Technical Note No. 38, dated May 31, 2016. The service information describes procedures for inspecting gliders equipped with a rudder hand control system for proper tension and adjustment if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD will affect 64 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $10,880, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour for cost of $85 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9382; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday,

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–02–11 Alexander Schleicher GmbH & Co.: Amendment 39–; Docket No. FAA–2016–9382; Directorate Identifier 2016–CE–032–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Alexander Schleicher GmbH & Co. ASK 21 gliders, all serial numbers, certificated in any category, that are modified with a rudder hand control system using either ASK 21 Technical Note No. 25, dated February 16, 1993, or ASK 21 Technical Note No. 30, dated January 22, 2007.

(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 cable slack in gliders equipped with a rudder hand control system. We are issuing this proposed AD to correct any excess slack in the rudder hand control system, which could result in a short-term blockage of the rudder control system and reduced control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (4) of this AD:

(1) If the glider is equipped with a rudder actuated by means of a hand lever at the left cockpit wall in the front pilot seat by ASK 21 Technical Note (TN) No. 25, dated February 16, 1993, within the next 60 days after March 17, 2017 (the effective date of this AD), replace the flight manual (FM) and maintenance manual (MM) pages with the following pages in ASK 21 TN No. 38, dated May 31, 2016:

(i) FM: Check List/1, 16a, 19.1a., and 21.

(ii) MM: 13, 15.

(2) If the glider is equipped with a rudder actuated by means of a hand lever at the left cockpit wall in the rear pilot seat by ASK 21 TN No. 30, dated January 22, 2007, within the next 60 days after March 17, 2017 (the effective date of this AD), replace the FM and MM pages with the following pages in ASK 21 TN No. 38, dated May 31, 2016:

(i) FM: Check List/1, 16a, 18a, 19b, 19c, 19.1a, and 21.

(ii) MM: 13, 15.

(3) For all affected gliders, within the next 60 days after March 17, 2017 (the effective date of this AD) and repetitively thereafter at intervals not to exceed every 12 months, inspect the rudder cable tension and make any necessary corrections following the instructions from FM page 19.1a, Checking and Adjusting of the Cable Tension, as specified in ASK 21 TN No. 38, dated May 31, 2016.

(4) For all affected gliders, after March 17, 2017 (the effective date of this AD), any glider modified with a rudder hand control system in accordance with ASK 21 TN No. 25 or TN No. 30 must also have the FM and MM amended following the instructions in ASK 21 TN No. 38, dated May 31, 2016.

(g) Pilot Authorization

In addition to the provisions of 14 CFR 43.3 and 43.7, the actions required by paragraph (f)(1) through (2) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the glider records showing compliance with this AD following 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(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: *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.: 2016–0192, dated September 28, 2016; ASK 21 Technical Note No. 25, dated February 16, 1993; and ASK 21 Technical Note No. 30, dated January 22, 2007, for related information. The MCAI can be found in the AD docket on the Internet at: *https://www.regulations.gov/document?D=FAA-2016-9382-0002.*

(j) Material Incorporated by Reference

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

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

(i) Alexander Schleicher GmbH & Co. ASK 21 Technical Note No. 38, dated May 31, 2016.

(ii) Reserved.

(3) For Alexander Schleicher GmbH & Co service information identified in this AD, contact Alexander Schleicher GmbH & Co. Segelflugzeugbau, Alexander-Schleicher-Str. 1, D–36163 Poppenhausen, Germany; phone: +49 (0) 06658 89–0; fax: +49 (0) 06658 89–40; Internet: *http://www.alexander-schleicher.de/;* email: *info@alexander-schleicher.de.*

(4) You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9382.

(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 19, 2017.

Melvin Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–01769 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–7415; Directorate Identifier 2015–SW–076–AD; Amendment 39–18786; AD 2017–02–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Deutschland GmbH (Airbus Helicopters) Model MBB–BK 117 C–2 and MBB–BK 117 D–2 helicopters. This AD requires inspections and a torque of certain attachment points. This AD was prompted by a design reassessment. These actions are intended to prevent an unsafe condition on these products.

DATES: This AD is effective March 17, 2017.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of March 17, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–7415.

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–2016–7415; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) ADs, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On June 21, 2016, at 81 FR 40203, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model MBB–BK 117 C–2 and MBB–BK 117 D–2 helicopters with a hydraulic module plate assembly part number B291M0003103 with a single locking attachment point (attachment point) installed. The NPRM proposed to require performing repetitive visual inspections of each attachment point of the hydraulic module plate assembly for a crack and proper installation and a one-time torque of the nuts of each attachment point. The proposed requirements were intended to prevent failure of an attachment point, which could result in loss of the hydraulic module plate and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. 2015–0210R1, Revision 1, dated October 28, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Airbus Helicopters Model MBB–BK117 C–2, MBB–BK117 C–2e, MBB–BK117 D–2, and MBB–BK117 D–2m helicopters. EASA advises that the hydraulic plate assembly on certain MBB–BK117 models has four attachment points on the fuselage secured by a single locking mechanism. According to EASA, a design reassessment revealed stiffness of the hydraulic plate may be insufficient to withstand the in-service loads in the event one of the four single locking attachment points fails. EASA states that if this condition is not detected and corrected, it may lead to loss of the hydraulic module plate and possible loss of control of the helicopter. Therefore, the EASA AD requires a repetitive inspection and one-time torque tightening of the attachment points in accordance with Airbus Helicopters' service information. EASA considers its AD an interim action and states further AD action may follow.

After we issued the NPRM, EASA revised its AD and issued EASA AD No. 2015–0210R2, Revision 2, dated December 2, 2016. AD 2015–0210R2 reduces the applicability by serial number to exclude helicopters with an improved hydraulic module plate installation that is not subject to the unsafe condition.

Comments

After our NPRM was published, we received comments from one commenter.

Request

Airbus Helicopters requested revising the statements regarding what prompted this AD action and the intended effects of this AD action to more accurately describe the unsafe condition. Specifically, the commenter requested we state the design assessment showed that in case of a failure of a single attachment point, the stiffness of the hydraulic plate installation may be insufficient to withstand the in-service loads.

We agree. We have revised this statement in the Discussion paragraph of this Final Rule.

The commenter also requested that in our statement of what the proposed actions are intended to prevent, we change ''subsequent loss of control of the helicopter'' to ''possible loss of control of the helicopter.''

We disagree. This AD states the unsafe condition ''could result'' in loss of the hydraulic module plate and subsequent loss of control of the helicopter. This language indicates that loss of control of the helicopter is a possibility. Thus, the requested change is unnecessary.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed except for the change to the Applicability section previously described. This change is consistent with the intent of the proposals in the NPRM and will not increase the economic burden on any operator nor increase the scope of this AD.

Differences Between This AD and the EASA AD

The EASA AD requires contacting Airbus Helicopters customer support when replacing affected parts, and this AD does not.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. ASB MBB–BK117 C–2–29A–003 for Model MBB–BK 117 C–2 helicopters and Airbus Helicopters ASB No. ASB MBB–BK117 D–2–29A–001 for Model MBB–BK 117 D–2 helicopters, both Revision 0, and both dated October 12, 2015. This service information specifies a repetitive visual inspection for condition and correct installation of the attachment points, and if there is a crack, replacing the affected parts and contacting Airbus Helicopters customer support. This service information also specifies a tightening torque check after the initial inspection and, if torque cannot be applied, replacing the affected parts and contacting Airbus Helicopters customer support.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

We also reviewed Airbus Helicopters ASB No. ASB MBB–BK117 C–2–29A–003 for Model MBB–BK 117 C–2 helicopters and Airbus Helicopters ASB No. ASB MBB–BK117 D–2–29A–001 for Model MBB–BK 117 D–2 helicopters, both Revision 1 and both dated October 14, 2016. This service information specifies the same repetitive visual inspection for condition and correct installation of the attachment points except it reduces the applicability by serial number due to the introduction of a new locking design.

Costs of Compliance

We estimate that this AD affects 134 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. We estimate the cost of labor at $85 per work-hour. Visually inspecting the four attachment points will take about 0.75 work-hour for an estimated cost of $64 per helicopter and $8,576 for the U.S. fleet per inspection cycle. Inspecting the torque of the four attachment points will take about 0.25 work-hour for an estimated cost of $21 per helicopter and $2,814 for the U.S. fleet. Replacing any of the attachment point parts will take a minimal amount of time and parts will cost about $48 per attachment point.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–02–07 Airbus Helicopters Deutschland GmbH: Amendment 39–18786; Docket No. FAA–2016–7415; Directorate Identifier 2015–SW–076–AD.

(a) Applicability

This AD applies to Model MBB–BK 117 C–2 helicopters, serial numbers up to and including 9750, and Model MBB–BK 117 D–2 helicopters, serial numbers up to and including 20110, with a hydraulic module plate assembly part number B291M0003103 with a single locking attachment point installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a hydraulic module plate assembly attachment point (attachment point). This condition could result in loss of the hydraulic module plate and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective March 17, 2017.

(d) Compliance

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

(e) Required Actions

(1) Within 100 hours time-in-service (TIS):

(i) Visually inspect the split pins, castellated nuts, plugs, nuts, and hexagon bolts of each attachment point for a crack and for proper installation by following the Accomplishment Instructions, paragraphs 3.B.1.2.a. through 3.B.1.2.e., of Airbus Helicopters Alert Service Bulletin (ASB) No. ASB MBB–BK117 C–2–29A–003, Revision 0, dated October 12, 2015 (ASB MBB–BK117 C–2–29A–003), or Airbus Helicopters ASB No. ASB MBB–BK117 D–2–29A–001, Revision 0, dated October 12, 2015 (ASB MBB–BK117 D–2–29A–001), as applicable to your model helicopter. Replace any part that has a crack before further flight. If the split pins, castellated nuts, or hexagon bolts are not as depicted in Figure 2 of ASB MBB–BK117 C–2–29A–003 or ASB MBB–BK117 D–2–29A–001, before further flight, properly install them.

(ii) Apply a torque of 9 to 10 Nm to the left-hand and right-hand nuts of each attachment point. If a torque of 9 to 10 Nm cannot be applied, replace the affected nut before further flight.

(2) Thereafter, at intervals not to exceed 400 hours TIS, perform the inspection in paragraph (e)(1)(i) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate,

FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

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

(g) Additional Information

(1) Airbus Helicopters Alert Service Bulletin (ASB) No. ASB MBB–BK117 C–2–29A–003 and Airbus Helicopters ASB No. ASB MBB–BK117 D–2–29A–001, both Revision 1, and both dated October 14, 2016, which are not incorporated by reference, contain additional information about the subject of this final rule. For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0210R1, Revision 1, dated October 28, 2015, and EASA AD No. 2015–0210R2, Revision 2, dated December 2, 2016. You may view the EASA ADs on the Internet at *http://www.regulations.gov* in Docket No. FAA–2016–7415.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2900, Hydraulic Power System.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference 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) Airbus Helicopters Alert Service Bulletin No. ASB MBB–BK117 C–2–29A–003, Revision 0, dated October 12, 2015.

(ii) Airbus Helicopters Alert Service Bulletin No. ASB MBB–BK117 D–2–29A–001, Revision 0, dated October 12, 2015.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(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 Fort Worth, Texas, on January 18, 2017.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–01772 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31118; Amdt. No. 3733]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 10, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 10, 2017.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part § 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This

amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC on January 27, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 2 March 2017

Alexander City, AL, Thomas C Russell Fld, NDB–A, Amdt 2, CANCELED
Birmingham, AL, Birmingham-Shuttlesworth Intl, ILS OR LOC RWY 6, ILS RWY 6 (CAT II), Amdt 42B
Birmingham, AL, Birmingham-Shuttlesworth Intl, ILS OR LOC RWY 24, Amdt 3B
Birmingham, AL, Birmingham-Shuttlesworth Intl, RNAV (GPS) RWY 36, Amdt 1C
Birmingham, AL, Birmingham-Shuttlesworth Intl, RNAV (GPS) Y RWY 24, Amdt 3A
Grass Valley, CA, Nevada County Air Park, RNAV (GPS) RWY 7, Orig
Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 24R, ILS RWY 24R (CAT II), ILS RWY 24R (CAT III), Amdt 25
Los Angeles, CA, Los Angeles Intl, ILS OR LOC RWY 25L, ILS RWY 25L (CAT II), ILS RWY 25L (CAT III), Amdt 14
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 24R, Amdt 2
Los Angeles, CA, Los Angeles Intl, RNAV (GPS) Y RWY 25L, Amdt 4
Los Angeles, CA, Los Angeles Intl, RNAV (RNP) Z RWY 24R, Amdt 1
Los Angeles, CA, Los Angeles Intl, RNAV (RNP) Z RWY 25L, Amdt 2
Akron, CO, Colorado Plains Rgnl, RNAV (GPS) RWY 11, Amdt 2
Akron, CO, Colorado Plains Rgnl, RNAV (GPS) RWY 29, Amdt 1
Saipan Island, CQ, Francisco C Ada/Saipan Intl, ILS OR LOC RWY 7, Amdt 6
Saipan Island, CQ, Francisco C Ada/Saipan Intl, NDB RWY 25, Amdt 3
Saipan Island, CQ, Francisco C Ada/Saipan Intl, NDB Y RWY 7, Amdt 6
Saipan Island, CQ, Francisco C Ada/Saipan Intl, NDB Z RWY 7, Amdt 4
Saipan Island, CQ, Francisco C Ada/Saipan Intl, RNAV (GPS) RWY 7, Amdt 1
Saipan Island, CQ, Francisco C Ada/Saipan Intl, RNAV (GPS) RWY 25, Amdt 1
Fort Pierce, FL, Treasure Coast Intl, ILS OR LOC RWY 10R, Amdt 4C
Fort Pierce, FL, Treasure Coast Intl, RNAV (GPS) RWY 10R, Amdt 2C
Augusta, GA, Daniel Field, RADAR RWY 11—Orig, CANCELED
Augusta, GA, Daniel Field, RADAR RWY 29—Orig, CANCELED
Columbus, GA, Columbus, RNAV (GPS) RWY 6, Orig-B
Sheldon, IA, Sheldon Muni, NDB RWY 33, Amdt 7, CANCELED
Chicago, IL, Chicago O'Hare Intl, LOC RWY 4L, Amdt 22A, CANCELED
Olney-Noble, IL, Olney-Noble, LOC RWY 11, Amdt 6
Atchison, KS, Amelia Earhart, VOR/DME RNAV OR GPS RWY 16, Amdt 4B, CANCELED
Leesville, LA, Leesville, NDB RWY 36, Amdt 2A, CANCELED
Marksville, LA, Marksville Municipal, NDB RWY 4, Amdt 2, CANCELED
Easton, MD, Easton/Newnam Field, ILS OR LOC RWY 4, Amdt 2
Easton, MD, Easton/Newnam Field, RNAV (GPS) RWY 4, Amdt 1
Grand Marais, MN, Grand Marais/Cook County, NDB RWY 28, Amdt 1
Grand Marais, MN, Grand Marais/Cook County, Takeoff Minimums and Obstacle DP, Amdt 1
Minneapolis, MN, Minneapolis-St Paul Intl/Wold-Chamberlain, RNAV (RNP) Y RWY 30R, Amdt 1A
Concord, NH, Concord Muni, ILS OR LOC RWY 35, Amdt 1C
Concord, NH, Concord Muni, RNAV (GPS) RWY 12, Orig-C
Concord, NH, Concord Muni, RNAV (GPS) RWY 17, Orig-C
Concord, NH, Concord Muni, RNAV (GPS) RWY 35, Orig-C
Laconia, NH, Laconia Muni, ILS OR LOC RWY 8, Amdt 1B
Laconia, NH, Laconia Muni, NDB RWY 8, Amdt 9B
Laconia, NH, Laconia Muni, RNAV (GPS) RWY 26, Orig-B
Manchester, NH, Manchester, ILS OR LOC RWY 6, Amdt 2A
Manchester, NH, Manchester, ILS OR LOC RWY 35, ILS RWY 35 (SA CAT I), ILS RWY 35 (CAT II), ILS RWY 35 (CAT III), Amdt 2A
Manchester, NH, Manchester, ILS OR LOC/DME RWY 17, Amdt 2B
Manchester, NH, Manchester, RNAV (GPS) RWY 6, Amdt 2A
Manchester, NH, Manchester, RNAV (GPS) RWY 24, Amdt 1A
Manchester, NH, Manchester, RNAV (GPS) Y RWY 17, Amdt 1A

Albuquerque, NM, Albuquerque Intl Sunport, VOR RWY 8, Amdt 21
New York, NY, John F Kennedy Intl, ILS OR LOC RWY 31L, Amdt 11
New York, NY, John F Kennedy Intl, ILS OR LOC RWY 31R, Amdt 16
New York, NY, LaGuardia, RNAV (GPS) RWY 13, Orig
Beach City, OH, Beach City, Takeoff Minimums and Obstacle DP, Orig, CANCELED
Beach City, OH, Beach City, VOR OR GPS–A, Amdt 1, CANCELED
Tulsa, OK, Richard Lloyd Jones Jr, ILS OR LOC RWY 1L, Amdt 2
Tulsa, OK, Richard Lloyd Jones Jr, RNAV (GPS) RWY 1L, Amdt 1
Tulsa, OK, Richard Lloyd Jones Jr, RNAV (GPS) RWY 19R, Amdt 1
Pageland, SC, Pageland, RNAV (GPS) RWY 6, Orig
Pageland, SC, Pageland, RNAV (GPS) RWY 24, Orig
Murfreesboro, TN, Murfreesboro Muni, Takeoff Minimums and Obstacle DP, Amdt 3A
Union City, TN, Everett-Stewart Rgnl, RNAV (GPS) RWY 1, Amdt 4A
Union City, TN, Everett-Stewart Rgnl, RNAV (GPS) RWY 19, Amdt 2A
Fort Worth, TX, Fort Worth Alliance, RNAV (GPS) RWY 16R, Amdt 1
Harlingen, TX, Valley Intl, RNAV (GPS) Y RWY 31, Amdt 3
Harlingen, TX, Valley Intl, RNAV (RNP) Z RWY 31, Amdt 1
Harlingen, TX, Valley Intl, VOR Z RWY 31, Amdt 1
San Antonio, TX, San Antonio Intl, ILS OR LOC RWY 4, Amdt 22B
San Antonio, TX, San Antonio Intl, ILS OR LOC RWY 13R, ILS RWY 13R (CAT II), Amdt 14C
San Antonio, TX, San Antonio Intl, ILS OR LOC RWY 31L, Amdt 10C
San Antonio, TX, San Antonio Intl, RNAV (GPS) Y RWY 4, Amdt 3B
San Antonio, TX, San Antonio Intl, RNAV (GPS) Y RWY 13R, Amdt 1B
San Antonio, TX, San Antonio Intl, RNAV (GPS) Y RWY 22, Amdt 2B
San Antonio, TX, San Antonio Intl, RNAV (GPS) Y RWY 31L, Amdt 1B
San Antonio, TX, San Antonio Intl, RNAV (RNP) Z RWY 4, Orig-C
San Antonio, TX, San Antonio Intl, RNAV (RNP) Z RWY 13R, Orig-C
San Antonio, TX, San Antonio Intl, RNAV (RNP) Z RWY 22, Amdt 1B
San Antonio, TX, San Antonio Intl, RNAV (RNP) Z RWY 31L, Orig-B
Weslaco, TX, Mid Valley, GPS RWY 13, Orig-B, CANCELED
Weslaco, TX, Mid Valley, RNAV (GPS) RWY 14, Orig
Weslaco, TX, Mid Valley, Takeoff Minimums and Obstacle DP, Amdt 1
Suffolk, VA, Suffolk Executive, LOC RWY 4, Amdt 5
Suffolk, VA, Suffolk Executive, RNAV (GPS) RWY 4, Amdt 4
Suffolk, VA, Suffolk Executive, RNAV (GPS) RWY 7, Amdt 1C
Suffolk, VA, Suffolk Executive, RNAV (GPS) RWY 22, Amdt 2
Suffolk, VA, Suffolk Executive, RNAV (GPS) RWY 25, Amdt 1B
Eagle River, WI, Eagle River Union, LOC/DME RWY 4, Orig-B
Eagle River, WI, Eagle River Union, RNAV (GPS) RWY 4, Orig-A
Eagle River, WI, Eagle River Union, RNAV (GPS) RWY 22, Orig-A
Eagle River, WI, Eagle River Union, VOR/DME RWY 4, Amdt 1B
Manitowish Waters, WI, Manitowish Waters, RNAV (GPS) RWY 14, Amdt 1
Manitowish Waters, WI, Manitowish Waters, RNAV (GPS) RWY 32, Amdt 1
Rhinelander, WI, Rhinelander-Oneida County, ILS OR LOC RWY 9, Amdt 8C
Rhinelander, WI, Rhinelander-Oneida County, RNAV (GPS) RWY 9, Amdt 1C
Rhinelander, WI, Rhinelander-Oneida County, RNAV (GPS) RWY 15, Amdt 1C
Rhinelander, WI, Rhinelander-Oneida County, RNAV (GPS) RWY 27, Amdt 1C
Rhinelander, WI, Rhinelander-Oneida County, RNAV (GPS) RWY 33, Amdt 1B
Rhinelander, WI, Rhinelander-Oneida County, VOR/DME RWY 27, Orig-H
Thermopolis, WY, Hot Springs County, RNAV (GPS) RWY 5, Orig
Thermopolis, WY, Hot Springs County, RNAV (GPS) RWY 23, Orig
Thermopolis, WY, Hot Springs County, Takeoff Minimums and Obstacle DP, Orig

Rescinded: On January 12, 2017 (82 FR 3603), the FAA Published an Amendment in Docket No. 31112, Amdt No. 3727 to Part 97 of the Federal Aviation Regulations Under Section 97.23 and 97.33, the Following Entries for Healy, AK, and Batavia, OH, Effective March 2, 2017, and Are Hereby Rescinded in Their Entirety:

Healy, AK, Healy River, RNAV (GPS) RWY 15, Orig
Healy, AK, Healy River, RNAV (GPS)-A, Orig
Batavia, OH, Clermont County, RNAV (GPS) RWY 4, Amdt 1C
Batavia, OH, Clermont County, RNAV (GPS) RWY 22, Amdt 1D
Batavia, OH, Clermont County, VOR–B, Amdt 7C

[FR Doc. 2017–02491 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31116; Amdt. No. 3731]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 10, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 10, 2017.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC 20590–0001.
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on January 13, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 2 March 2017

Lake Village, AR, Lake Village Muni, RNAV (GPS) RWY 1, Amdt 1
Lake Village, AR, Lake Village Muni, RNAV (GPS) RWY 19, Amdt 1
Lake Village, AR, Lake Village Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Oakdale, CA, Oakdale, VOR–A, Orig-C
Santa Monica, CA, Santa Monica Muni, Takeoff Minimums and Obstacle DP, Amdt 7
Santa Monica, CA, Santa Monica Muni, TOPANGA ONE, Graphic DP
Augusta, GA, Daniel Field, RNAV (GPS) Y RWY 11, Amdt 2
Centerville, IA, Centerville Muni, RNAV (GPS) RWY 16, Amdt 1
Centerville, IA, Centerville Muni, RNAV (GPS) RWY 34, Orig-B
Des Moines, IA, Des Moines Intl, ILS OR LOC RWY 31, ILS RWY 31 (SA CAT I), ILS RWY 31 (CAT II), ILS RWY 31 (CAT III), Amdt 23C
Oskaloosa, IA, Oskaloosa Muni, NDB RWY 22, Amdt 4, CANCELED
Murray, KY, Kyle-Oakley Field, LOC RWY 23, Amdt 2B
Paducah, KY, Barkley Rgnl, ILS OR LOC RWY 4, Amdt 10C
Paducah, KY, Barkley Rgnl, VOR RWY 4, Amdt 18B
Paducah, KY, Barkley Rgnl, VOR/DME RWY 22, Amdt 6D
Somerset, KY, Lake Cumberland Rgnl, ILS OR LOC/DME RWY 5, Orig-E
Gonzales, LA, Louisiana Rgnl, RNAV (GPS) RWY 17, Amdt 1C
Gonzales, LA, Louisiana Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Gonzales, LA, Louisiana Rgnl, VOR–A, Amdt 2B
Gardner, MA, Gardner Muni, RNAV (GPS)-B, Orig-B
Sanford, ME, Sanford Seacoast Rgnl, ILS OR LOC RWY 7, Amdt 4D
Sanford, ME, Sanford Seacoast Rgnl, RNAV (GPS) RWY 7, Orig-C
Sanford, ME, Sanford Seacoast Rgnl, RNAV (GPS) RWY 25, Orig-B
Kalamazoo, MI, Kalamazoo/Battle Creek Intl, ILS OR LOC RWY 35, Amdt 23
Kalamazoo, MI, Kalamazoo/Battle Creek Intl, VOR RWY 35, Amdt 18
Cut Bank, MT, Cut Bank Intl, RNAV (GPS) RWY 14, Orig-A
Cut Bank, MT, Cut Bank Intl, RNAV (GPS) RWY 23, Orig-A
Cut Bank, MT, Cut Bank Intl, RNAV (GPS) RWY 32, Orig-A
Cut Bank, MT, Cut Bank Intl, VOR RWY 32, Amdt 16A
Concord, NH, Concord Muni, VOR–A, Orig-C
Lebanon, NH, Lebanon Muni, ILS OR LOC RWY 18, Amdt 6A
Lebanon, NH, Lebanon Muni, VOR RWY 7, Amdt 1E
Portsmouth, NH, Portsmouth Intl At Pease, ILS OR LOC RWY 16, Amdt 2A

Rochester, NH, Skyhaven, NDB RWY 33, Amdt 4C
Rochester, NH, Skyhaven, VOR/DME–A, Amdt 2A
Lakewood, NJ, Lakewood, RNAV (GPS) RWY 6, Amdt 1
Lakewood, NJ, Lakewood, RNAV (GPS) RWY 24, Amdt 1
Zuni Pueblo, NM, Black Rock, Takeoff Minimums and Obstacle DP, Amdt 1
Coshocton, OH, Richard Downing, RNAV (GPS) RWY 22, Amdt 1
Crossville, TN, Crossville Memorial-Whitson Field, ILS Y OR LOC Y RWY 26, Orig-B
Crossville, TN, Crossville Memorial-Whitson Field, ILS Z OR LOC Z RWY 26, Amdt 14B
Crossville, TN, Crossville Memorial-Whitson Field, VOR/DME–A, Amdt 9A
Jamestown, TN, Jamestown Muni, VOR–A, Amdt 2
Livingston, TN, Livingston Muni, VOR/DME RWY 21, Amdt 5C
Rockwood, TN, Rockwood Muni, VOR/DME RWY 22, Amdt 6B
Crosbyton, TX, Crosbyton Muni, NDB RWY 35, Orig-C, CANCELED
Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 18, Amdt 2
Georgetown, TX, Georgetown Muni, RNAV (GPS) RWY 36, Amdt 2
Jonesville, VA, Lee County, RNAV (GPS) RWY 7, Amdt 2
Jonesville, VA, Lee County, RNAV (GPS) RWY 25, Amdt 2
Kenbridge, VA, Lunenburg County, RNAV (GPS)-A, Orig
Kenbridge, VA, Lunenburg County, RNAV (GPS)-B, Orig
Bremerton, WA, Bremerton National, RNAV (GPS) RWY 2, Amdt 2A
Portage, WI, Portage Muni, RNAV (GPS) RWY 18, Orig
Portage, WI, Portage Muni, RNAV (GPS)-A, Orig, CANCELED
Portage, WI, Portage Muni, VOR/DME RNAV OR GPS RWY 17, Amdt 4A, CANCELED
Prairie Du Chien, WI, Prairie Du Chien Muni, VOR/DME RWY 29, Amdt 8B, CANCELED

[FR Doc. 2017–02487 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 2 and 7

[Docket No. PTO–T–2016–0002]

RIN 0651–AD07

Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action delays for 60 days the effective date of the final rule entitled ''Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases,'' published in the **Federal Register** on January 19, 2017. The 60-day delay in effective date is necessary to give agency officials the opportunity for further review of the issues of law and policy raised by this rule.

DATES: The effective date of FR Doc. 2017–00317, published in the **Federal Register** on January 19, 2017 (82 FR 6259), is delayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Catherine Cain, Office of the Deputy Commissioner for Trademark Examination Policy, by email at *TMFRNotices@uspto.gov,* or by telephone at (571) 272–8946.

SUPPLEMENTARY INFORMATION: On January 19, 2017, the United States Patent and Trademark Office (USPTO or Office) published in the **Federal Register** a final rule entitled ''Changes in Requirements for Affidavits or Declarations of Use, Continued Use, or Excusable Nonuse in Trademark Cases.'' In that action, the USPTO amended its rules concerning the examination of affidavits or declarations of continued use or excusable nonuse filed pursuant to section 8 of the Trademark Act, or affidavits or declarations of use in commerce or excusable nonuse filed pursuant to section 71 of the Act, to allow the USPTO to require additional proof of use to verify the accuracy of claims that a trademark is in use in commerce in connection with particular goods/services identified in the registration.

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 that final rule 60 days from the date of the January 20, 2017 memo. The effective date of the January 19, 2017 final rule, which would have been February 17, 2017, is now March 21, 2017. The 60-day delay in the effective date is necessary to give agency officials the opportunity for further review of the issues of law and policy raised by the rule.

Rulemaking Requirements

Administrative Procedure Act: The Director of the USPTO finds good cause under 5 U.S.C. 553(b)(B) and (d)(3) to waive the notice and comment procedure and the 30-day delay in the effective date because it is impracticable and contrary to the public interest. A delay in effective date is necessary to give agency officials the opportunity for further review of the issues of law and policies raised by the rule before the final rule becomes effective on February 17, 2017. If this rule was delayed to provide for the procedural requirements under 5 U.S.C. 553, the final rule published on January 19, 2017 would be allowed to go into effect, thus negating the objectives of the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff. Therefore, we find there is good cause to waive notice and comment procedures and the 30-day delay in effective date for this rule.

Dated: February 6, 2017.

Michelle K. Lee,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2017–02796 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–16–P

LEGAL SERVICES CORPORATION

45 CFR Parts 1610, 1627, and 1630

Use of Non-LSC Funds, Transfers of LSC Funds, Program Integrity; Subgrants and Membership Fees or Dues; Cost Standards and Procedures

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule revises the Legal Services Corporation's (LSC or Corporation) regulations governing subgrants. LSC published a Notice of Proposed Rulemaking (NPRM) on April 20, 2015, and a Further Notice of Proposed Rulemaking (FNPRM) on April 26, 2016. This final rule identifies the factors to consider in determining whether an award from an LSC recipient to another organization is a subgrant, establishes a dollar threshold at which recipients must seek LSC's approval to award a subgrant, authorizes recipients to use property or services funded in whole or in part with LSC funds to support a subgrant, and establishes new processes for seeking prior approval of subgrants.

DATES: This final rule will be effective on April 1, 2017.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007, (202) 295–1563 (phone), (202) 337–6519 (fax), *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

LSC provided a more complete history of the impetus for this rulemaking in the April 20, 2015 NPRM. 80 FR 21692, Apr. 20, 2015. In brief, LSC initiated this rulemaking to address an issue identified by LSC's Office of Inspector General (OIG) through an audit of the Corporation's Technology Initiative Grant (TIG) program. In its audit report, OIG disagreed with LSC management's (Management) interpretation and application of the rules governing subgrants and transfers of LSC funds because ''[t]he subgrant rule appears to have been written with the LSC's principal legal service grants in mind, such that ordinarily, programmatic activities consist of the provision of legal services, and business services can easily be classified as ancillary. This division is not as easy to make in the case of TIG grants, and the rule does not seem to have anticipated this problem.'' Audit of Legal Services Corporation's Technology Initiative Grant Program, Report No. AU–11–01, at 42, Dec. 2010.

LSC initiated this rulemaking in 2012 to resolve the conflict of opinions. In 2015, Management proposed expanding this rulemaking to update these rules more comprehensively. On April 12, 2015, the Operations and Regulations Committee (Committee) of LSC's Board of Directors (Board) voted to recommend that the Board approve publication of an NPRM in the **Federal Register** for notice and comment. On April 14, 2015, the Board accepted the Committee's recommendation and approved publication of the NPRM. The NPRM was published in the **Federal Register** on April 20, 2015, with a comment closing date of May 20, 2015. 80 FR 21692, Apr. 20, 2015. After receiving a request to extend the comment period, LSC gave interested parties an additional 21 days to respond to the NPRM. 80 FR 29600, May 22, 2015.

LSC received five comments during the comment period. One LSC funding recipient, Northwest Justice Project (NJP), submitted comments. The other four comments came from OIG; Metro Volunteer Lawyers (MVL), the pro bono program of the Denver Bar Association; the National Legal Aid and Defender Association, through its Civil Policy Group and its Regulations and Policy Committee (NLADA); and the American Bar Association's Standing Committee on Legal Aid and Indigent Defense (SCLAID). Collectively, the commenters identified five areas of concern with the NPRM: (1) An ambiguous definition of the term ''programmatic''; (2) LSC's proposal to adopt the five characteristics of a subgrant from the Office of Management and Budget's (OMB) Uniform Guidance, 2 CFR part 200; (3) LSC's proposal to prohibit recipients from using services or property acquired in whole or in part with LSC funds as the basis for a subgrant; (4) LSC's proposal to remove a provision that deemed subgrants approved if LSC did not make a decision about whether to approve the subgrant within 45 days of submission; and (5) LSC's proposal to require subrecipients to maintain timekeeping records in accordance with 45 CFR part 1635. Commenters also responded to LSC's request for comments about whether to increase the dollar threshold at which fee-for-service arrangements, including judicare projects and contracts with private attorneys to provide legal assistance to eligible clients, are considered subgrants.

LSC reviewed all comments received and determined that revisions to the proposed rule were appropriate. LSC proposed to make significant changes to five provisions of the proposed rule:

- Removing the definition of the term *programmatic* from § 1627.2;
- Revising § 1627.3 to allow recipients to use property or services acquired in whole or in part with LSC funds to support a subgrant;
- Revising § 1627.4 to establish a $15,000 threshold at which recipients must seek LSC's prior written approval before awarding a subgrant;
- Committing LSC to publishing the time frames in which LSC will make decisions on requests for prior approval of subgrants in the **Federal Register** on an annual basis; and
- Revising § 1627.5 to allow recipients flexibility to negotiate the creation and maintenance of timekeeping records with subrecipients.

LSC determined that the changes were significant enough to warrant a second round of notice and comment rulemaking. On April 18, 2016, the Committee authorized publication of an FNPRM in the **Federal Register**. LSC published the FNPRM on April 26, 2016, with a 30-day comment period. 81 FR 24544. The comment period closed on June 10, 2016.

On October 16, 2016, LSC staff presented a proposed final rule to the Committee for consideration. During the public comment period of the Committee meeting, the Committee received comments from Kathleen Schoen of the Denver Bar Association, Robin Murphy of the National Legal Aid and Defender Association, and Terry Brooks of the American Bar Association.

The commenters remarked on two issues: Timekeeping and LSC's oversight of subgrants, including audit requirements. Subrecipient timekeeping was the subject of significant revision and public comment at both the notice of proposed rulemaking (NPRM) and further notice of proposed rulemaking (FNPRM) stages of this rulemaking. Commenters did not raise concerns about LSC's oversight of subgrants until the FNPRM stage.

In response to the commenters' concerns, the Committee deferred voting on the final rule and directed LSC staff to reexamine whether LSC could (1) further tailor the level of detail proposed in the timekeeping requirement to reduce the burdens on bar associations receiving LSC-funded property or services to engage in pro bono activities while remaining sufficient to ensure compliance with LSC's governing statutes; and (2) reconsider the scope of the provisions governing oversight and auditing of subgrants as they apply to such bar associations.

LSC staff conducted the requested reexamination and developed revised language, on which they briefed the Committee and the public at an interim meeting on November 22, 2016. 81 FR 80686, Nov. 6, 2016. The Committee again received comments from ABA and NLADA during this meeting. NLADA also submitted a written comment, which LSC staff took under advisement.

On January 26, 2017, the Committee considered the final rule and voted to recommend its adoption and publication in the **Federal Register** to the Board. On January 28, 2017, the Board adopted the final rule and approved its publication.

Material regarding this rulemaking is available on the Rulemaking page of LSC's Web site at *http://www.lsc.gov/about-lsc/laws-regulations-guidance/rulemaking.* After the effective date of this rule, those materials will appear on the Closed Rulemaking page of LSC's Web site at *http://www.lsc.gov/about-lsc/laws-regulations-guidance/rulemaking/closed-rulemaking.*

II. Section-by-Section Discussion and Analysis

A. Part 1610

Section 1610.7 Transfers of LSC funds. In the NPRM, LSC proposed to transfer § 1610.7 to part 1627 to consolidate all provisions pertaining to the use of LSC funds for subgrants into one part of LSC's regulations. As a result of the transfer, LSC proposed to redesignate §§ 1610.8 and 1610.9 as §§ 1610.7 and 1610.8, respectively. LSC

also proposed to delete the definition of the term *transfer* from § 1610.2. LSC received no comments on these proposals, and now adopts them in this final rule.

LSC is making a technical amendment to newly redesignated § 1610.7(a)(2) to reflect the deletion of the term *transfer* from the definitions section of part 1610.

B. Part 1627

Section 1627.1 Purpose. In the NPRM, LSC proposed to redefine the purpose of part 1627 as establishing the requirements applicable to subgrants of LSC funds. LSC received no comments on this proposal.

Section 1627.2 Definitions. LSC proposed several changes to this section in both the NPRM and the FNPRM. LSC received no comments on the NPRM proposals to transfer the definition of the term *membership fees or dues* to part 1630 and to redefine the terms *recipient* and *subrecipient.* LSC received one comment in favor of the proposal to adopt the definition of the term *private attorney* established by 45 CFR part 1614.

In the NPRM, LSC proposed to define the term *programmatic* to mean activities or functions carried out for the purpose of providing legal assistance, as defined in § 1002 of the LSC Act. 80 FR 21692, 21694, Apr. 20, 2015. As discussed more fully in the FNPRM, NLADA and NJP both objected to the proposed definition as ambiguous and overly broad. 81 FR 24544, 24545, Apr. 26, 2016. Both commenters recommended that LSC replace the phrase ''activities or functions carried out to provide legal assistance'' with ''the delivery of legal assistance to eligible clients.'' They both also recommended excluding ''activities conducted by entities not directly involved in the delivery of legal assistance to eligible clients'' from the definition. Finally, NLADA suggested that LSC expand the definition of *programmatic* to include ''the provision of services under a special LSC grant project.''

LSC agreed that its proposed definition of the term *programmatic* created more problems than it solved. Commenters identified several ambiguities with the proposed definition and suggested solutions, but LSC determined that the potential solutions themselves created problems. For example, both NLADA and NJP stated that LSC's proposed definition was too broad and unclear, so both organizations offered language they believe would clarify that *programmatic* means only the delivery of legal assistance to eligible clients. Both NLADA's and NJP's suggested language, however, would narrow the definition beyond what LSC intended.

LSC found it difficult to redefine *programmatic* with a degree of precision sufficient to give grantees clear guidance about the term's meaning. Consequently, in the FNPRM, LSC instead proposed to remove the proposed definition of *programmatic* in § 1627.2 and to remove the term from the list of factors in proposed § 1627.3(b)(2). In its place, LSC proposed to define the term *procurement contract* in § 1627.2(b). LSC proposed to define and use this term for two reasons. The first was to highlight the distinction between subgrants, which involve provision of legal assistance, and procurement contracts, which are agreements to purchase property or services that a recipient needs to operate. The second was that LSC anticipated incorporating the federal government's Uniform Guidance principles applicable to procurement contracts into part 1630 and the Property Acquisition and Management Manual (PAMM) through an ongoing rulemaking. LSC received no comments on this proposal.

In the FNPRM, LSC also proposed to define the term *property* as real or personal property. This proposal resulted from the decision to allow recipients to use property acquired in whole or in part with LSC funds to support subgrants. LSC received no comments on this proposal.

§ 1627.2(e) Subgrant. In the NPRM, LSC proposed to redefine the term *subgrant* to substantially reflect the definition in the Uniform Guidance, 2 CFR 200.92. LSC proposed in the FNPRM to revise the term to reflect the decision to allow recipients to use property or services acquired in whole or in part with LSC funds to support a subgrant. LSC received no comments on either proposal.

In the existing rule, LSC excludes from the definition of *subgrant* fee-for-service arrangements, such as judicare arrangements and contracts with private attorneys for the direct delivery of legal assistance to recipients' clients, when the cost of such arrangements does not exceed $25,000. During LSC's 2014 rulemaking to revise the private attorney involvement rule at 45 CFR part 1614, LSC received a comment recommending that LSC increase the threshold at which such arrangements are considered subgrants from $25,000 to $60,000. The commenter proposed increasing the threshold to $60,000 to account for inflation since LSC established the original threshold in 1983. 70 FR 61770, 61780, Oct. 15, 2014. Consistent with that comment, LSC proposed to increase the threshold and sought comment on the appropriate amount to adopt. Commenters unanimously agreed that LSC should set the threshold at $60,000. LSC agrees and is therefore adopting the $60,000 threshold in this final rule.

§ 1627.2(f) Subrecipient. In the NPRM, LSC proposed to simplify the existing definition of *subrecipient.* LSC received no comments on this proposal.

§ 1627.3 Characteristics of subgrants. In the NPRM, LSC proposed to create a new section describing the factors that recipients should evaluate when determining whether a particular third-party agreement is a subgrant subject to the provisions of part 1627 or a procurement contract subject to part 1630 and the PAMM. LSC proposed to adopt in substantial part language from the Uniform Guidance, 2 CFR 200.330(a) and (c). These provisions explain the characteristics of a subgrant and state that recipients are to use judgment in evaluating the characteristics, all of which may not be present for any given subgrant. LSC made minor revisions to these provisions to make clear that the context for subgrant activities and the performance of the subrecipient is the LSC recipient's legal services work. LSC also provided two examples of how third-party arrangements would be characterized—as a subgrant or as a procurement contract—when analyzed using the five characteristics.

Comment: NJP and NLADA both expressed concern about LSC's proposal to adopt the Uniform Guidance characteristics. NLADA objected to the proposal because it does not ''provide a definitive framework'' for determining whether a particular third-party arrangement is a subgrant. NJP observed that ''by authorizing recipients to 'use judgment' in classifying each agreement as a subgrant or procurement contract, recipients are placed at risk of making judgments that differ from how LSC would judge the relationship. If this occurs, the expenditure of funds could be a 'questioned cost' or subject to limited sanctions, creating disincentives for recipients to exercise any judgment.'' NJP further claimed that the characteristics themselves were ambiguous and lacked definition and clarity about how and whether LSC expected recipients to, for example, delegate programmatic decision-making to a subrecipient. NJP and NLADA both recommended that if LSC were to adopt the proposed language, LSC should also adopt a provision that holds recipients harmless for making a good faith error in judgment about whether a third-party agreement is a subgrant.

Response: The commenters' concerns appear to be rooted in a belief that using the Uniform Guidance framework will result in many arrangements being mischaracterized and that LSC will penalize recipients with whom they disagree. LSC's research, however, has not indicated that federal grantees have had significant difficulty using these factors to assess their third-party agreements after years of applying them pursuant to OMB Circular A–133. The fact that the preambles to the Advance Notice of Proposed Guidance, Notice of Proposed Guidance, and Final Guidance for the Uniform Guidance are silent about the inclusion of these factors provides further evidence that federal grantees generally have not found them difficult to use. *See* 77 FR 11778, Feb. 28, 2012 (ANPG); 78 FR 7282, Feb. 1, 2013 (NPG); 78 FR 78589, Dec. 26, 2013 (Final Guidance). Furthermore, neither OMB Circular A–133 nor the Uniform Guidance included a good faith exception of the type that NJP and NLADA recommended.

LSC continues to believe that providing a framework for analyzing third-party agreements is an improvement over the status quo, in which the existing definition provides little guidance. In addition, using the OMB factors enables recipients who have federal grants to use uniform standards for evaluating their third-party agreements. For these reasons, LSC will retain the characteristics of a subgrant in § 1627.3(b).

LSC will not adopt the recommendation to provide a safe harbor for recipients who make a good faith determination that a subaward to a third party is not a subgrant when LSC applies the characteristics of a subgrant and reaches the opposite conclusion for two reasons. First, the Uniform Guidance, from which LSC is adopting the characteristics, does not provide a safe harbor. Second, if a recipient has questions about whether a particular award would constitute a subgrant under the characteristics in § 1627.3(b), the recipient is encouraged to contact LSC for guidance before making the award.

Currently, LSC evaluates third-party agreements for whether they meet the definition of *subgrant,* whether the recipient sought prior approval of the subaward, and whether the recipient's use of funds is reasonable and allocable to the grant under the cost standards of part 1630. If LSC determines that the subaward is reasonable but the recipient did not seek prior approval, LSC may direct the recipient to submit a request for approval of a subgrant. LSC will then treat the award as a subgrant from the date on which LSC approves the subgrant. If LSC determines that the subaward does not meet the standards of part 1630, LSC may initiate a questioned cost proceeding based on that finding. Whether a recipient sought prior approval of the subaward may be a factor in determining whether a subaward satisfies part 1630, but generally is not dispositive.

In the Uniform Guidance, OMB described the characteristics of a procurement relationship and the characteristics of a subaward in the same section. 2 CFR 200.330(b). LSC compares the two sets of characteristics, as LSC would apply them, in the chart below.

Characteristics of a Subgrant
Third party determines who is eligible to receive legal assistance under the recipient's LSC grant.
Third party's performance is measured in relation to whether programmatic objectives of the LSC grant were met.
Third party has responsibility for programmatic decision-making regarding the delivery of legal assistance under the recipient's LSC grant.
Third party is responsible for adhering to applicable LSC program requirements specified in the LSC grant award.
Third party, in accordance with the subgrant agreement, uses LSC funds to carry out a program for a public purpose specified in LSC's governing statutes and regulations.

Characteristics of a Procurement Contract
Third party provides the goods and services within its normal business operations.
Third party provides similar goods or services to many different purchasers.
Third party normally operates in a competitive environment.
Third party provides goods or services that are ancillary to the operation of the recipient's programmatic activities.
Third party is not subject to compliance requirements of LSC's governing statutes and regulations as a result of the contract, though similar requirements may apply for other reasons.

LSC provides this comparison to help demonstrate the differences between subgrants and procurement contracts. Some types of subawards, such as those pursuant to which the third party is providing goods or services that require the third party to use substantive legal knowledge, will involve judgment calls about whether the awards more closely meet the characteristics of a subgrant or those of a contract. In those situations, LSC encourages recipients to contact LSC to work through the analysis of the characteristics.

In the NPRM, LSC published an analysis of two fact patterns to demonstrate how subawards of LSC funds to third parties would be analyzed under the subgrant characteristics. In the interest of providing more practical guidance about applying the characteristics of a subgrant, LSC is providing five additional examples.

Example 1: An LSC funding recipient provides an award to a bar association to recruit pro bono attorneys by sending out email blasts to the association's subscriber list announcing a recipient's pro bono opportunities. This award would not be a subgrant because all of the characteristics under § 1627.3(b) are lacking. Sending an email message about pro bono opportunities would not make the association responsible for determining client eligibility under the LSC grant. This responsibility would remain with the recipient. Additionally, the bar association would not have its performance measured in relation to whether objectives of the recipient's Basic Field-General grant were met. The bar association's performance would not be measured by how well it achieves the objectives of the recipient's grant, but rather by how well it succeeds in sending an email to its membership. Furthermore, by sending a simple email blast, the bar association would have no responsibility for programmatic decision-making (such as setting new or different priorities than the priorities set by the recipient), nor would the bar association be responsible for adhering to applicable LSC program requirements specified in the LSC grant award. Finally, the association would be sending the email as a technical service for the benefit of the recipient.

Example 2: An LSC funding recipient gives an award to a bar association that (1) recruits pro bono attorneys; (2) provides support to recipient-sponsored trainings; and (3) refers its members to the recipient to take pro bono cases. Recruitment consists of communicating about the upcoming training and pro bono opportunities in the form of newsletters, email blasts, and mailings. Support for the training involves logistical

support in the form of space, audio-visual equipment, refreshments, and administrative processing of paperwork for continuing legal education credits. The bar association does not provide substantive input on the training. The bar association's support for the pro bono opportunities involves referring any of its interested members/attorneys to the recipient to take a case or otherwise get involved. It makes no determinations about, nor does it get involved in, client eligibility or cases.

Applying the five factors in proposed § 1627.3(b), this award would not constitute a subgrant. As in the prior example, the bar association does not determine who is eligible to receive legal assistance under the recipient's LSC grant. Nor does it have its performance measured in relation to whether objectives of the LSC grant were met. In this case, the recipient would simply assess whether the bar association recruited attorneys, provided technical support at trainings, and referred members to the recipient to take pro bono cases. Because the bar association is only recruiting, referring, and providing technical support, it is not responsible for making decisions about priorities or which services to deliver to eligible clients. The bar association would not be responsible for adhering to requirements set forth in the LSC grant award. Finally, the services provided by the bar association primarily benefit the recipient because they are recruitment and administrative tasks that the recipient would otherwise have to do. Consequently, this agreement does not constitute a subgrant.

Example 3: An LSC recipient provides an award to a bar association to conduct part of its PAI program. Pursuant to the terms of the award, the bar association will recruit attorneys by sending its membership information about upcoming trainings and pro bono opportunities. The bar association will provide training to interested attorneys on substantive areas of law, will screen clients for eligibility, will refer cases of eligible clients to participating private attorneys to handle, and will supervise private attorneys who agree to accept cases. The bar association will report to the recipient about how many attorneys it recruits, how many cases it placed, the outcomes of those cases, the number of individuals who seek assistance through the award, and the number of eligible individuals referred to private attorneys.

In contrast to the two previous examples, this award would be considered a subgrant because the majority of characteristics under § 1627.3(b) are satisfied. First, the recipient would transfer screening and intake responsibilities to the bar association as part of the award. The bar association would be responsible for determining whether an applicant is eligible to receive legal assistance under the recipient's LSC grant. Second, the bar association would have its performance measured in relation to whether objectives—delivering legal services to eligible clients of the LSC grant—are met because it is referring cases to private attorneys and supervising their handling of clients' cases. Third, the bar association could have significant responsibility for programmatic decision-making. For example, the bar association may choose to set its own priorities for the types of cases the private attorneys it recruits will handle. Fourth, in conducting the program, the bar association would be responsible for adhering to applicable LSC program requirements specified in the LSC grant award (such as the restrictions, timekeeping, and recordkeeping requirements), but only with respect to the PAI award. Finally, this award would use LSC funds to carry out a public purpose described in the grant award and statute authorizing the grant. The more technical activities described in the prior examples are services provided to the recipient, while the bar association's conduct of a PAI program helps the recipient carry out a public purpose—delivery of legal assistance to eligible clients—specified in the LSC Act. Consequently, this award would constitute a subgrant.

Example 4: An LSC recipient pays an expert to educate the recipient's staff members on an area of law unfamiliar to the staff members. The recipient pays the expert from its Basic Field-General grant award. This award would not be a subgrant because it lacks most, if not all, of the characteristics under § 1627.3(b). The expert would make no determinations about who is eligible to receive services under the recipient's grant; rather, the expert's objective would be to educate the recipient's staff members. The expert also would not have his or her performance measured in relation to the objectives of the Basic Field-General grant. Furthermore, the expert would not be responsible for programmatic decision-making (for example, setting new priorities or determining what services to provide), nor would the expert be responsible for adhering to applicable LSC program requirements specified in the LSC grant award (for example, complying with LSC's Case Service Report Handbook or Audit Guide). Finally, the award primarily benefits the recipient because it increases the recipient staff's knowledge.

Example 5: An LSC recipient provides an award to an expert to disseminate legal information to the public through an in-person presentation. Under the terms of the award, the expert is not responsible for determining who is eligible to receive legal assistance. The expert will not have his or her performance measured in relation to whether objectives of the recipient's grant are met. However, the expert has responsibility for programmatic decision-making because under the award, he or she is responsible for deciding what legal information to convey directly to the public and how to convey it most effectively. Under the terms of the award, the expert must comply with the terms of the LSC Act, Public Law 104–134 to the extent it is adopted in the current year's appropriations statute, other applicable statutes, and LSC's regulations. Finally, the expert is being paid to provide legal information directly to the public. In contrast to the preceding example, the award in this situation would be a subgrant because it has many of the characteristics under § 1627.3(b).

In the FNPRM, LSC proposed to revise the language of § 1627.3 as presented in the NPRM. First, LSC proposed to incorporate in paragraph (a) language from the Uniform Guidance stating that recipients must determine on a case-by-case basis whether each award to a third party is a subgrant or procurement contract. LSC also proposed to replace the introductory language of paragraph (b) with language from the Uniform Guidance stating that the list of characteristics support the classification of an award as a subgrant. 2 CFR 200.330(a). Finally, as described in the preceding discussion of § 1627.2, LSC proposed to remove the term *programmatic* from paragraph (b)(2). LSC received no comments on these proposals. Consequently, LSC adopts them in this final rule.

§ 1627.4 Requirements for all subgrants. In the NPRM, LSC proposed to transfer existing § 1627.4—Membership fees or dues, to 45 CFR part 1630 and redesignate it as § 1630.14 without change. LSC also proposed to redesignate existing § 1627.3 as § 1627.4. LSC received no comments on these proposals.

Changes to the subgrant approval process. The most significant proposal in this section was LSC's proposed changes to the subgrant approval process. In paragraph (a), LSC proposed to link the subgrant approval process for Basic Field Grants more closely to the annual grant competition and renewal process. LSC also proposed to formalize the procedures for two kinds of recipients: (1) Those seeking to make subgrants under LSC's special grant programs, which currently are limited to Technology Initiative Grants (TIG), Pro Bono Innovation Fund grants, and emergency relief grants; and (2) those who need to make subgrants in the middle of a funding period. LSC proposed to eliminate the provision automatically deeming a subgrant approved if LSC fails to act on a subgrant proposal within 45 days of submission by the recipient.[1]

NLADA objected to LSC's proposal to remove the rule deeming a subgrant approved if LSC did not respond within the prescribed time. NLADA stated that the proposal ''leaves programs in a state of fiscal uncertainty as to subgrant agreements'' and recommended leaving both provisions in the rule to ''preserve[] an important backstop for

[1] Existing § 1627.3(a)(2) states that if LSC fails to act on the subgrant proposal within 45 days of submission, the recipient ''shall notify the Corporation of this failure'' and gives LSC 7 additional days to respond to the proposal. The subgrant is deemed approved if LSC fails to respond within the additional 7 days. For ease of reference, we refer to the entire § 1627.3(a)(2) period as ''the 45-day period.''

recipients and subrecipients who depend on LSC-funding and who, without hearing in a timely fashion from LSC, may plan a budget as if the funding has been approved.'' NLADA further argued that ''it is important in keeping with LSC's focus on uniformity and consistent application of rules and regulations that all parties bear equitable burdens with regard to meeting LSC statutory and regulatory requirements.''

LSC disagreed with NLADA's recommendation to leave the existing rule in place. NLADA's comments did not reflect the greater assurance of a timely response from LSC provided by the consolidation of the Basic Field Grant competition and subgrant approval processes. Nor did they acknowledge that responsible grants management practices do not include allowing the expenditure of a large amount of funds without the approval of the funding agency.

As explained more fully in the FNPRM, LSC considered four options for responding to NLADA's comments. 81 FR 24544, 24548, Apr. 10, 2016. The first was to retain the language proposed in the NPRM. The second was to reinstate the existing rule in its entirety. The third was to reinstate the 45-day limit, but include a provision stating that if LSC does not respond, the subgrant is deemed denied. The last option was to include either a waiver provision or a notice provision similar to the ones provided in the Uniform Guidance. LSC chose the last, proposing to include in the **Federal Register** notices described in § 1627.4(a)(2)(i) and (a)(3) a statement that if LSC has not responded to a recipient's request for approval of a subgrant under paragraph (a)(2) or (a)(3) within the number of days specified in the notice, LSC will inform the recipient in writing of the date when the recipient may expect the decision. The notice would be given only for subgrant approvals requested as part of a special grant or during the mid-year grant process.

Commenters again opposed LSC's proposal. NLADA reiterated its concern that ''LSC's proposal basically omits any time frame for LSC to take action on subgrants, leaving programs in a state of fiscal uncertainty as to subgrant agreements.'' NLADA opined that the fixed 30-day time period for response provided in the Uniform Guidance was a ''more equitable and workable time frame'' than the flexible, annually determined period LSC had proposed.

NJP also submitted comments urging LSC to adopt the Uniform Guidance approach of committing to a 30-day period in which to make a decision on a subgrant application or to give the applicant notice of the date by which LSC expected to make a decision. Like NLADA, NJP opined that a fixed 30-day period was a reasonable time frame for LSC to make decisions on subgrant applications. NJP also urged LSC to adopt 45 days, or 15 days after the initial 30-day decision period ends, as an outside limit for making decisions on subgrant applications. Such a process, NJP concluded, ''will provide recipients assurance that the approval process is underway and that a decision will be made in the very near term. This prevents uncertainty and administrative delay in the provision of critically needed legal help for clients.''

LSC appreciates the commenters' views on the value of a fixed response date, rather than the flexible option LSC proposed in the FNPRM. LSC also understands the commenters' desire for a 30-day initial response time. LSC's staffing and operations, however, make it impractical to commit to a 30-day initial time frame for response. The staff who review and make recommendations to Management about whether to approve, deny, or suggest changes to a subgrant application are the same staff who conduct site visits and issue reports of those visits. Because those staff balance subgrant review with their other oversight responsibilities, it is necessary for the initial response period to be longer than the 30-day period provided in the Uniform Guidance. Consequently, LSC is responding to the commenters by adopting a 45-day period in which LSC must make a decision on an application for a subgrant or give the requester notice of the date by which it expects to make a decision. LSC believes this rule appropriately balances recipients' need for certainty about when a decision will be made with LSC's need to afford its staff adequate time to carry out their responsibilities.

Prior approval threshold. Under the existing part 1627, all subgrants are subject to the prior approval requirement, regardless of cost. In calendar year 2015, recipients made 77 subgrants. The smallest subgrant was for $2,000, 15 of the subgrants were for less than $10,000, and 25 were for less than $15,000. Ten of the 77 subgrants originating in calendar year 2015 exceeded $100,000. LSC understands that recipients spend significant amounts of time and resources preparing applications for approval of subgrants. LSC determined that, on balance, the burdens of prior approval on both sides outweigh the benefits of the increased oversight of subgrants involving less than $15,000. Consequently, LSC proposed to redesignate paragraph (a) from the NPRM as paragraph (b) and introduce a new paragraph (a) establishing the thresholds for prior approval of subgrants.

For both cash and in-kind subgrants, LSC proposed to set the prior approval threshold at $15,000. LSC believed this amount represents a significant enough investment of LSC funding or LSC-funded resources that LSC should have increased oversight over the award. For in-kind subgrants, LSC proposed to adopt language in paragraph (a)(2) that substantially adopts the provisions of the Uniform Guidance pertaining to valuation of goods and services used to satisfy a federal grantee's cost-sharing requirements. In paragraph (a)(2)(i), LSC proposed to require recipients to use the fair market value of the asset at the time the subgrant is made to evaluate whether the subgrant requires prior approval. In paragraph (a)(2)(ii), which pertains to valuations of leased space, LSC proposed that recipients should evaluate the fair rental value of the space. Finally, in paragraph (a)(2)(iii), LSC proposed to adopt language from the Uniform Guidance that requires recipients to document and support the fair rental value of the asset by the same methods used internally for its other in-kind valuations.

Comment: NLADA ''strongly'' supported the proposal, noting that because ''grantees are required to comply with part 1630, which includes a requirement that all expenses be necessary and reasonable, additional oversight for smaller subgrants is not necessary.'' NLADA noted that eliminating the prior approval requirement for smaller subgrants ''increases efficiency for both grantees, and LSC.'' NLADA also recommended that LSC consider a higher threshold of $20,000.

Response: LSC agrees with NLADA's recommendation. Upon further review of all subgrants undertaken during the 2015 grant year, LSC determined that increasing the threshold to $20,000 would have eliminated the prior approval requirement for a total of 30 subgrants. In other words, the proposed $5,000 increase would have eliminated the prior approval requirement for only five additional subgrants. Because all subgrants are subject to oversight under part 1630 regardless of whether recipients must seek prior approval, LSC does not believe that increasing the prior approval threshold to $20,000 would materially decrease its oversight of subgrants.

Although subgrants for less than the threshold amount are not subject to the

prior approval requirement, they continue to be governed by part 1630 and § 1627.5. part 1630 requires that all expenditures of LSC funds be reasonable and necessary to carry out the grant, and that recipients maintain documentation sufficient to demonstrate that all expenditures charged to the grant are allowable. 45 CFR 1630.3.

Subgrants of property or services acquired in whole or in part with LSC funds. In the FNPRM, LSC proposed technical changes to § 1627.4 to reflect its decision to allow in-kind subgrants. In paragraph (b), LSC proposed to insert language stating that for all subgrants exceeding the proposed $15,000 threshold, recipients must submit applications to LSC for prior written approval. LSC also proposes to add the phrase *property or services* to paragraph (e)(2), which pertains to a recipient's responsibility to ensure its subrecipient's proper use of, accounting, and auditing of LSC resources. Lastly, LSC proposed to add a new paragraph (f) establishing the requirements for accounting for in-kind subgrants. LSC received no comments on these proposed changes.

Revisions to accounting and auditing requirements. In response to the FNPRM and during the opportunity for public comment at the Committee's October meeting, stakeholders expressed concerns about the scope of LSC's oversight of subgrants to bar associations to engage in pro bono work. In its response to the FNPRM, the Denver Bar Association described LSC's oversight as ''overreaching'' and stated that ''As a private non-profit, the Denver Bar Association will not allow LSC the same oversight rights and audit requirements as it has with CLS [Colorado Legal Services, an LSC recipient], as set forth in 45 CFR 1627.4.'' During the Committee's October meeting, both Ms. Schoen of the Denver Bar Association and Ms. Murphy of NLADA stated that the audit requirements of part 1627 are burdensome, particularly for bar associations that have their own audits done under different auditing standards. Ms. Murphy further stated that the current version of part 1627 provides for very broad oversight of subrecipients, although she acknowledged that LSC historically has not conducted extensive oversight into operations of an organization that receives a subgrant.

LSC understands from the substance of their comments that the commenters object to proposed § 1627.4(f) and (g). Paragraph (f) governs accounting for funds or property or services acquired in whole or in part with LSC funds that are used to support a subgrant. Paragraph (g) requires subgrant agreements to include terms providing the same oversight rights for LSC with respect to subrecipients as apply to recipients. 80 FR 21692, 21700, Apr. 20, 2015. LSC proposed no substantive changes to paragraph (g) in either the NPRM or the FNPRM. LSC did, however, propose to make one change in the final rule intended to address the commenters' objections to the FNPRM.

LSC proposed one salient change to paragraph (f) in the NPRM, which received no comments. 80 FR 21697. The current version of proposed § 1627.4(f) is located at § 1627.3(c). The last two sentences of this paragraph permit recipients and subrecipients, in lieu of accounting for subgranted funds in either of their audit reports, to negotiate a means of ensuring that subrecipients appropriately used the subgrants during the life of the subgrant. LSC must approve such alternative arrangements.

This language has been in part 1627 since 1983. 48 FR 28485, June 22, 1983. During the course of this rulemaking, LSC has proposed two substantive changes to this language. The first, explained and proposed in the NPRM, was to eliminate the option to enter into alternative auditing arrangements because, in LSC's extensive experience administering this rule, the option had never been used. 80 FR 21697. The second change, proposed in the FNPRM, was to include language reflecting the expansion of the rule to include in-kind subgrants. 81 FR 24548, 24550.

It is clear from the plain text of part 1627 that LSC does not require all subrecipients to submit to an audit that complies with LSC's Audit Guide. Since at least 1983, when this section of part 1627 was last revised, LSC explicitly has permitted recipients and subrecipients to develop alternative procedures for auditing the proper use of subgrant funds. LSC has not proposed to change the auditing provisions in any significant form except to extend them to subgrants supported by property or services acquired in whole or in part with LSC funds. Although LSC believes that the language proposed in the NPRM and the FNPRM provides recipients with sufficient flexibility to negotiate the accounting and auditing responsibilities appropriate to any particular subgrant, LSC proposes to reinstate the language that it proposed to remove. LSC believes that reinstating this language will ensure that recipients and subrecipients, whether bar associations or other legal aid providers, have ample options for negotiating a satisfactory method of demonstrating that LSC-funded resources supporting a subgrant were used appropriately. LSC will also add this language to paragraph (f)(2)(i) of this section, which governs accounting for subgrants made using property or services purchased in whole or in part with LSC funds.

LSC is making one minor modification to the reinstated language to direct recipients to submit alternative audit procedures to LSC, rather than to the Audit Division, which is no longer a functional division of LSC. To make clear that the flexibility provided by the reinstated language applies to the auditing requirements, LSC is also restructuring the language pertaining to the accounting requirements and the language governing auditing requirements into separate paragraphs. LSC does not intend the restructuring to have any substantive effect; rather, it is intended solely to distinguish between the accounting and auditing provisions of this section.

LSC is making one additional change to § 1627.4(f) to address the concerns raised by NLADA and the Denver Bar Association. LSC is adding paragraph (f)(2)(iii), which explicitly exempts from the Accounting Guide and the Audit Guide bar associations, pro bono programs, law firms or private attorneys who receive property or services acquired in whole or in part with LSC funds for the sole purpose of providing legal information or legal assistance on a pro bono or reduced fee basis to eligible clients, whether the costs allocated with the activity are allocated to the PAI requirement or not. These subrecipients must, however, have financial management systems in place that LSC deems sufficient to determine that any resources the subrecipient receives or uses under the subgrant are used consistent with 45 CFR part 1610.

With respect to the general oversight provision, currently at § 1627.3(e), LSC proposed in the NPRM to relocate the provision to § 1627.4 with no changes. 80 FR 21700. The provision currently requires that LSC have the same oversight rights with respect to subrecipients as LSC has with respect to its direct recipients. *Id.*; *see also* 45 CFR 1627.3(e).

In response to the comments provided by the Denver Bar Association during the FNPRM comment period, LSC proposed to revise this language to clarify that its oversight rights apply to the subgrant. LSC proposed to revise the language to state that subgrant agreements must provide the same oversight rights for LSC with respect to subgrants as apply to recipients. In other words, LSC must be able to visit subrecipients and review records and practices *pertinent to the subgrant,*

including the financial management systems described in § 1627.4(f)(2)(iv).

The Office of Inspector General expressed concerns that the revised provision could be interpreted as limiting OIG's and LSC's access to subrecipients' financial, accounting, and timekeeping records. The revised language does not limit OIG's or LSC's authority to access a subrecipient's records, policies, and procedures when review of those documents is needed to carry out their oversight responsibilities under the Inspector General Act and the LSC Act. OIG and LSC must be able to ensure that resources related to a subgrant supported with LSC funding are used consistent with LSC's governing statutes and regulations. For example, under the proposed revision to § 1627.4(e), LSC and OIG must still have access to financial records when necessary to determine that a subrecipient is spending its non-LSC funds consistent with the restrictions or that the subrecipient is properly allocating costs across its sources of funding. As another example, if LSC or OIG has reason to believe that a subrecipient is conducting restricted activities in LSC-funded space, the oversight provision authorizes them to review the subrecipient's operations and records to determine whether the LSC-funded space is being used consistent with LSC's governing statutes and the terms of the subgrant.

Throughout the course of this rulemaking, LSC has been sensitive to the fact that subgrants of LSC funds or property or services acquired in whole or in part with LSC funds come with obligations to comply with the statutes under which those funds were appropriated. LSC considered whether options such as a de minimis rule for relatively small contributions of property or services from an LSC recipient to another organization to carry out legal assistance activities or an exception to the subgrant rule for bar associations receiving only property or services to carry out private attorney involvement activities were consistent with its statutory obligations. Because several restrictions placed on LSC recipients by Congress extend to all of the recipients' operations, rather than just to their use of LSC funds, LSC determined that it was inappropriate to enact a rule that would allow an organization benefiting from the expenditure of LSC funds, either by receipt of such funds by the organization itself or by the recipient providing property or services to the organization to carry out legal assistance activities, to operate free of the restrictions. LSC continues to believe that its obligations to ensure that its resources are used consistent with Congress' intent are the same regardless of whether the item of value being exchanged is property or services funded with LSC funds, and regardless of the amount of funds or the value of the LSC-funded property or services. LSC believes that the additional modifications to part 1627 proposed here fulfill that obligation while creating flexibility for recipients and subrecipients to meet the requirements of the regulation.

§ 1627.5 Applicability of Restrictions, Recordkeeping, and Recipient Priorities; Private Attorney Involvement Subgrants

In the NPRM, LSC proposed to transfer existing 45 CFR 1610.7—Transfers of LSC funds to part 1627 and redesignate it as § 1627.5. LSC also proposed to revise the timekeeping requirement in current § 1610.7(c) to adopt the timekeeping standards applicable to recipients in part 1635. LSC received no comments on the proposal to transfer § 1610.7.

Timekeeping. As explained more fully in the FNPRM, NJP and NLADA opposed the proposal to require part 1635-compliant timekeeping for subgrants on three related grounds. 81 FR 24544, 24549, Apr. 10, 2016. The first was that private attorneys and other legal aid providers that recipients enter into subgrants with often have their own timekeeping systems, so it is inefficient and burdensome to require them to invest in timekeeping systems that comply with part 1635. Another reason was that private attorneys would be unwilling to allocate their time according to LSC's prescribed categories of cases, matters, and supporting activities and to agree to make their personal time records and timekeeping systems subject to examination by auditors and LSC representatives. Finally, they expressed concern that the costs associated with implementing part 1635-compliant timekeeping would be a disincentive for private attorneys, bar associations, and other legal aid providers to enter into subgrants with LSC recipients.

LSC considered three options for responding to the comments. The first was to keep the proposed language without change. The second was to draft a rule providing minimum standards for timekeeping that LSC believed would provide it with the information it needed to ensure that subgrant funds are properly accounted for, but that would not prescribe how the recipient or subrecipient keeps time. The third option was to adopt part 1635-compliant timekeeping as the default, but allow recipients to seek approval from LSC for an alternate timekeeping method that will ensure accountability for the use of subgrant funds. This option was similar to language LSC proposed to delete from existing § 1627.3(c) that authorized recipients and subrecipients to propose alternative auditing methods. LSC proposed deleting that language simply because it had never been used, rather than because it was ineffective.

LSC proposed to adopt the second option in the FNPRM. LSC proposed that, consistent with part 1635, recipients should be able to show how much time subrecipient attorneys and paralegals spent on cases and matters and aggregate information on pending and closed cases by legal problem type. LSC did not, however, propose to require that the subrecipient collect the information or otherwise dictate how the recipient and subrecipient collect and maintain the information. Those decisions were left to the recipient and subrecipient to negotiate as part of the subgrant agreement.

NLADA, NJP, and the Denver Bar Association (DBA) all submitted comments objecting to the revised proposal. All three commenters stated that the proposal did not grant recipients the flexibility LSC intended to grant. The comments also reflected a misunderstanding of the scope of the timekeeping requirement in that some of the commenters appeared to believe that LSC expects private attorneys, in addition to attorneys and paralegals working for the subrecipient, to keep time in compliance with part 1635.

NJP reiterated its comment responding to the NPRM that it is unreasonable for LSC to expect private attorneys to ''use timekeeping systems that assign an LSC coded problem-type to each case handled under a subgrant or that their timekeeping systems are able to aggregate time record information by legal problem code for both closed and pending cases. No private attorney has any reason to assign an LSC problem code to a case or to aggregate time for both closed and pending cases.'' NJP stated that it maintains case records with assigned LSC problem codes for each case assigned to a private attorney through a subgrant, but that ''NJP does not keep track of the private attorney's time contemporaneously in its case management/timekeeping system.'' NJP recommended that LSC either ''drop the LSC specific timekeeping requirements for PAI subgrants or limit the requirement to the provisions of Part 1627.5(c)(1) and (c)(2), *i.e.,* 'the time spent on each case or matter by date and

in increments of not greater than one-quarter [an] hour,' and 'the unique case name and identifier for each case[.]' ''

NLADA similarly objected to LSC's proposal to require recipients to provide the part 1635-specific information, stating that the requirements ''leave little, if any, room for negotiation'' between recipients and subrecipients about how time spent on a subgrant will be kept. NLADA recommended that LSC consider implementing a requirement that subrecipients ''would need to establish time keeping methods that would account for the time spent on categories of activities. For example, a staff attorney employed by a bar foundation as a full-time pro bono coordinator responsible for making pro bono referrals could record her time showing 7 or 8 hours per day making referrals to pro bono attorneys. Likewise, a pro bono attorney could report 10 hours spent on negotiating a child support agreement.''

DBA's comments expressed concerns similar to those expressed by NLADA, NJP, and Metro Volunteer Lawyers (MVL) in their comments responding to the NPRM. DBA stated that ''[l]awyers who are giving their time and expertise to provide legal assistance through MVL are not going to comply with the timekeeping required in 45 CFR 1627.5.'' DBA observed that its attorneys and paralegals ''arguably would be subject to the same 15 minute time keeping requirements.'' DBA observed that ''the only way a recipient would be able to verify that time was kept as required by 1627.5(c) would be to insure the subgrantee maintains detailed timekeeping records as indicated in 1627.5(c).'' They recommended that LSC ''revise 1627.5(c) to allow the flexibility intended by its comments and, if necessary, allow CLS and MVL to negotiate a timekeeping arrangement to maintain accountability without requiring the level of detail called for by the proposed regulation.''

In the version of the final rule presented to the Committee in October, LSC clarified the scope of the timekeeping requirement as applied to subgrants. By its terms, the requirement applies to attorneys and paralegals working for subrecipients of LSC funds or property or services acquired in whole or in part with LSC funds. The timekeeping requirement does not extend to private attorneys who accept cases on a pro bono or reduced fee basis from a subrecipient, nor does it apply to private attorneys who receive a subgrant from an LSC recipient to provide legal assistance to eligible clients on a fee-for-service basis. Private attorneys who accept cases from subrecipients on a pro bono basis are not being compensated. Although an accounting of these hours could be useful to recipients for effective volunteer management, recipients need not collect hours contributed by these attorneys to track the expenditure of funds allocated to the PAI requirement. Private attorneys who accept cases on a reduced fee basis, either from the LSC recipient itself or from a subrecipient, must enter into contracts ''that set forth payment systems, hourly rates, and maximum allowable fees.'' 45 CFR 1614.7(a)(2). They must submit bills or invoices to the recipient or subrecipient demonstrating that they have incurred the fees before the recipient or subrecipient can pay them for services rendered to an eligible client. *Id.* To avoid continued confusion about the application of the timekeeping requirement, LSC added paragraph (d)(4), which states that the timekeeping requirement does not apply to private attorneys providing legal assistance on a pro bono or reduced fee basis.

LSC also proposed to retain the language of the timekeeping requirement from the FNPRM for several reasons. Section 504(a)(10) of LSC's fiscal year 1996 appropriations statute prohibits LSC from making awards to organizations unless the organizations agree ''to maintain records of time spent on each case or matter with respect to which the person or entity is engaged[.]'' Sec. 504(a)(10)(A), Public Law 104–134, 110 Stat. 1321, 1321–54, incorporated annually in LSC's annual appropriations thereafter. LSC believed that proper accountability for funds requires a more rigorous level of timekeeping than the current rule provides. LSC's position was supported by findings reported by OIG in its 2015 Subgrant Capstone Report. In that report, OIG reported that four subrecipients used LSC funds to pay the salaries of staff who engaged in restricted activities. LSC Office of Inspector General, ''Report of Investigation: Subgrant Capstone Report'' at 6, Sept. 30, 2015, *available at https://www.oig.lsc.gov/images/pdfs/Subgrant_Capstone_Report_Final.pdf.* Timekeeping records that show what subrecipient attorneys and paralegals are working on are necessary to ensure that attorneys and paralegals working on the subgrant are working on LSC-eligible activities and being compensated from the LSC-funded subgrant only for time spent on subgrant activities. LSC also proposed to allow recipients and subrecipients to negotiate an agreement that best enables them to use the information maintained in their respective systems to tell LSC how subrecipient attorneys and paralegals are using subgranted LSC funds or property or services acquired in whole or in part with LSC funds.

LSC continues to believe that some level of recordkeeping is essential to show that LSC-funded resources are being used for only LSC-permissible activities, regardless of whether the actor is employed by the recipient or a subrecipient and the resources being used are LSC funds or property or services acquired in whole or in part with LSC funds.

LSC will respond to the public comments by reframing the timekeeping requirement in § 1627.5 as a recordkeeping requirement. LSC is making two main changes:

1. Separating the timekeeping requirements for cases and for matters. LSC believes that separately stating this information will eliminate concern about the types of information LSC expects subrecipients to provide and the burdens associated with each.

2. Explicitly stating what information LSC expects subrecipients and recipients to provide for cases and for matters. LSC proposes that, with respect to matters, subrecipients must maintain adequate records to show that attorneys and paralegals used subgrant resources to carry out the purposes of the subgrant consistent with the restrictions contained in LSC's governing statutes. This is a more flexible provision than § 1635.3(b)(2), which requires recipient paralegals and attorneys to identify the category of action on which they spent time for each matter handled. For cases, LSC proposes to eliminate the requirements that subrecipients record time contemporaneously and in 15-minute increments. Instead, subrecipients must maintain records for each case that show the amount of time spent by an attorney or paralegal on each case by date, the type of activity conducted by date, and a unique client name or case number. LSC believes that attorneys and paralegals who handle cases routinely maintain these types of information on the cases that they handle, so any burden incurred in providing that information to the recipient is minimal. Subrecipients handling both cases and matters must provide the required information for cases and the required information for matters.

LSC will continue to allow recipients and subrecipients to negotiate which party will maintain records for each case that show the problem type and closing code for the case. This provision will allow recipients to maintain that information for subgrants to subrecipients whose case management systems do not keep track of the same types of information that LSC recipients' systems do. It will also allow recipients and subrecipients who both receive LSC funds to track and provide this

information in a way that is most efficient for both parties. This requirement does not apply to subrecipients described in § 1627.5(d)(2)(ii), described in more detail below, who do not handle cases as part of the recipient's PAI program.

Subgrants for engaging private attorneys. In the FNPRM, LSC proposed one technical change to the NPRM version of § 1627.5(d). To reflect LSC's decision to allow in-kind subgrants, LSC proposed to include language stating that the prohibitions and requirements of part 1610 apply only to the subgranted funds, goods, or services when the subgrant is for the sole purpose of funding private attorney involvement activities.

NLADA and DBA submitted written comments responding to the FNPRM and participated in the public comment portion of the October Committee meeting. DBA expressed concern that because Colorado Legal Services (CLS) does not allocate any of the costs CLS incurs in providing office space to DBA's pro bono program, MVL, this proposed change to the rule would prohibit DBA itself from engaging in restricted activities. DBA stated that ''all the [Access to Justice] committee clinics and other projects would have to comply with LSC regulations and subject other DBA programs to LSC timekeeping and audit requirements. This would severely limit the assistance the DBA provides, outside of CLS offices, by requiring additional administration and limiting the types of cases that can be handled and the populations that can be served.'' DBA further expressed concern that it would be prohibited from engaging in lobbying and other activities that LSC's governing statutes prohibit LSC funding recipients from undertaking. DBA recommended that LSC ''carve out a cooperative agreement exception for bar associations, clearly indicating that . . . a bar association program that receives no direct LSC funding, whose cases are screened in compliance with LSC regulations, and is not counted towards recipients' private attorney involvement requirements, would not be a subgrant and would not be subject to the requirements of a subrecipient.''

NLADA concurred with DBA's comments on this proposal. NLADA stated that it had learned through discussions with LSC recipients that ''there are private attorneys and local bar associations willing to offer pro bono services to eligible clients who do not want to be bound by the administrative requirements in LSC's subgrant regulation.'' NLADA recommended that LSC adopt a second exception to the definition of *subgrant* for bar associations that ''would set out criteria so that a recipient's agreement, with a bar association, pro bono program, or law firm, to provide pro bono services to LSC-eligible clients would be exempted from the subgrant regulatory requirements.''

NLADA again proposed an exception to part 1627 at the November 22, 2016 Committee meeting and in a subsequent letter to LSC. NLADA proposed rule text that would require a recipient and a bar association or pro bono program, in lieu of being subject to part 1627, to enter into an agreement that would (1) bind the subrecipient to comply with the recipient's policies and client acceptance rules and regulations and to refrain from engaging in restricted activities when using the LSC-funded property or services; (2) require the subrecipient to maintain the records described in LSC's revised proposal for each case and matter handled by its attorneys and paralegals; (3) allow LSC to access ''records for all matters and cases handled at the location''; and (4) grant the recipient and LSC ''access to the state or local bar association or pro bono organization's annual audit.''

LSC understood the concerns raised by DBA and NLADA in response to the NPRM. As proposed, § 1627.5(d)(2) stated that the LSC restrictions listed in 45 CFR part 1610 apply ''only to the subgranted funds or property or services'' that a recipient provides to a subrecipient for the sole purpose of carrying out private attorney involvement (PAI) activities. If CLS were to allocate the costs associated with housing MVL to its PAI requirement, the prohibitions in part 1610 would only affect MVL—not DBA as a whole—because only MVL uses the space and resources provided by CLS.

Although LSC encourages recipients to allocate all costs they expend on engaging private attorneys to provide legal information and legal assistance to eligible clients to the PAI requirement, LSC understands that some recipients choose not to do so. LSC does not see a reason to treat subgrant activities that would constitute permissible PAI activities under 45 CFR part 1614 if a recipient chose to consider them part of the recipient's PAI program differently for purposes of applying the restrictions. LSC did not create a wholesale exception to the definition of *subgrant* for these types of arrangements. LSC did, however, extend the ''PAI exception'' to the application of the restrictions to projects like MVL.

LSC understands that subrecipients who are receiving only space and overhead from an LSC funding recipient to provide pro bono assistance do not want to be bound by the same restrictions and requirements applicable to subrecipients who are receiving LSC funds. LSC is also aware from its experience administering subgrants that subawards to organizations to provide pro bono assistance take many forms. An arrangement like the one MVL has with CLS, in which resources acquired in whole or in part with LSC funds are used on an ongoing basis to support another organization, is one that requires more oversight by LSC to ensure that the resources are being used consistent with LSC's governing statutes and regulations. For this reason, LSC believes that limiting the application of part 1627 and the restrictions in § 1627.5 to activities carried out using those resources is a more appropriate way to address the concerns raised by MVL than a blanket exception to the application of the subgrant rule as a whole.

§ 1627.6 Subgrants to Other Recipients

LSC proposed only non-substantive editorial changes to this section in the NPRM. In the FNPRM, LSC proposed to include language in paragraph (b) stating that subrecipients must audit any funds, or property or services acquired in whole or in part with LSC funds, that a recipient provides as a subgrant in the subrecipient's annual audit. LSC made this change to reflect its decision to permit recipients to make in-kind subgrants. LSC received no comments on those changes.

§ 1627.7 Recipient Policies, Procedures, and Recordkeeping

In the NPRM, LSC proposed to redesignate existing § 1627.8 as § 1627.7 without revision. LSC received no comments on this proposal.

In the NPRM, LSC proposed to redesignate existing § 1627.7 regarding recipient payments to tax-sheltered annuities, retirement accounts, and pensions, to part 1630. LSC also proposed to redesignate existing § 1627.8 as § 1627.7 without revision. LSC received no comments on this proposal.

C. Part 1630

In the NPRM, LSC proposed to move three sections of part 1627 to part 1630: §§ 1627.4—Membership fees or dues, 1627.5—Contributions, and 1627.7—Tax sheltered annuities, retirement accounts and pensions. LSC proposed to relocate these provisions to part 1630, which governs cost allocation. Through this transfer, LSC proposed to limit part 1627 to governing subgrants. LSC received no comments on this proposal.

List of Subjects

45 CFR Parts 1610 and 1627

Grant programs—law, Legal services.

45 CFR Part 1630

Accounting, Government contracts, Grant programs—law, Hearing and appeal procedures, Legal services, Questioned costs.

For the reasons stated in the preamble, the Legal Services Corporation amends 45 CFR chapter XVI as follows:

PART 1610—USE OF NON-LSC FUNDS, TRANSFERS OF LSC FUNDS, PROGRAM INTEGRITY

■ 1. The authority citation for part 1610 is revised to read as follows:

Authority: 42 U.S.C. 2996g(e).

§ 1610.7 [Removed]

■ 2. Remove § 1610.7.

§§ 1610.8 and 1610.9 [Redesignated as §§ 1610.7 and 1610.8]

■ 3. Sections 1610.8 and 1610.9 are redesignated as §§ 1610.7 and 1610.8, respectively.

■ 4. Revise newly redesignated § 1610.7(a)(2) to read as follows:

§ 1610.7 Program integrity of recipient.

(a) * * *

(2) The other organization receives no LSC funds from the recipient, and LSC funds do not subsidize restricted activities; and

* * * * *

PART 1630—COST STANDARDS AND PROCEDURES

■ 5. The authority citation for part 1630 is revised to read as follows:

Authority: 5 U.S.C. App. 3, 42 U.S.C. 2996e, 2996f, 2996g, 2996h(c)(1); Pub. L. 105–119, 111 Stat. 2440; Pub. L. 104–134, 110 Stat. 1321.

PART 1627—SUBGRANTS AND MEMBERSHIP FEES OR DUES

■ 6. The authority citation for part 1627 continues to read as follows:

Authority: 42 U.S.C. 2996e(b)(1), 2996f(a), and 2996g(e); Pub. L. 104–208, 110 Stat 3009; Pub. L. 104–134, 110 Stat 1321.

§ 1627.4 [Transferred to Part 1630 and Redesignated as § 1630.14]

■ 7. Section 1627.4 is transferred to part 1630 and redesignated as § 1630.14.

§ 1627.5 [Transferred to Part 1630 and Redesignated as § 1630.15]

■ 8. Section 1627.5 is transferred to part 1630 and redesignated as § 1630.15.

§ 1627.7 [Transferred to Part 1630 and Redesignated as § 1630.16]

■ 9. Section 1627.7 is transferred to part 1630 and redesignated as § 1630.16.

■ 10. Revise part 1627 to read as follows:

PART 1627—SUBGRANTS

Sec.
1627.1 Purpose.
1627.2 Definitions.
1627.3 Characteristics of subgrants.
1627.4 Requirements for all subgrants.
1627.5 Applicability of restrictions, recordkeeping, and recipient priorities; private attorney involvement subgrants.
1627.6 Transfers to other recipients.
1627.7 Recipient policies, procedures and recordkeeping.

Authority: 42 U.S.C. 2996g(e).

§ 1627.1 Purpose.

The purpose of this part is to establish the requirements for subgrants of LSC funds from recipients to third parties to assist in the recipient's provision of legal assistance to eligible clients.

§ 1627.2 Definitions.

(a) *Private attorney* has the meaning given that term in 45 CFR 1614.3(i).

(b) *Procurement contract* means an agreement between a recipient and a third party under which the recipient purchases property or services that does not qualify as a subgrant as defined in paragraph (e)(1) of this section.

(c) *Property* means real estate or personal property.

(d) *Recipient* as used in this part means any recipient as defined in section 1002(6) of the Act *and* any grantee or contractor receiving funds from LSC under section 1006(a)(1)(B) of the Act.

(e) *Subgrant.* (1) Subgrant means an award of LSC funds or property or services purchased in whole or in part with LSC funds from a recipient to a subrecipient for the subrecipient to carry out part of the recipient's legal assistance activities. A subgrant has the characteristics set forth in § 1627.3(b).

(2) *Subgrant* includes fee-for-service arrangements, such as those provided by a private law firm or attorney representing a recipient's clients on a contract or judicare basis, only when the cost of such arrangements exceed $60,000.

(f) *Subrecipient* means any entity receiving a subgrant. A single entity may be a subrecipient with respect to some activities it conducts for a recipient while not being a subrecipient with respect to other activities it conducts for a recipient.

§ 1627.3 Characteristics of subgrants.

(a) In determining whether an agreement between a recipient and another entity should be considered a subgrant or a procurement contract, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed in paragraph (b) of this section may not be present in all cases, and the recipient must use judgment in classifying each agreement as a subgrant or a procurement contract. The recipient must make case-by-case determinations whether each agreement that it makes with another entity constitutes a subgrant or a procurement contract.

(b) Characteristics that support the classification of the agreement as a subgrant include when the other entity:

(1) Determines who is eligible to receive legal assistance under the recipient's LSC grant;

(2) Has its performance measured in relation to whether objectives of the LSC grant were met;

(3) Has responsibility for programmatic decision-making regarding the delivery of legal assistance under the recipient's LSC grant;

(4) Is responsible for adherence to applicable LSC program requirements specified in the LSC grant award; and

(5) In accordance with its agreement, uses the LSC funds or property or services acquired in whole or in part with LSC funds, to carry out a program for a public purpose specified in LSC's governing statutes and regulations, as opposed to providing goods or services for the benefit of the recipient.

§ 1627.4 Requirements for all subgrants.

(a) *Threshold.* (1) A recipient must obtain LSC's written approval prior to making a subgrant when the cost of the subgrant is $20,000 of LSC funds or greater.

(2) *Valuation of in-kind subgrants.* (i) If either the actual cost to the recipient of the subgranted property or service or the fair market value of the subgranted property or service exceeds $20,000 of LSC funds, the recipient must seek written approval from LSC prior to making a subgrant.

(ii) The valuation of the subgrant, either by fair market value or actual cost to the recipient of property or services, must be documented and to the extent feasible supported by the same methods used internally by the recipient.

(b) *Corporation approval of subgrants.* Recipients must submit all applications for subgrants exceeding the $20,000 threshold to LSC in writing for prior written approval. LSC will publish notice of the requirements concerning the format and contents of the

application annually in the **Federal Register** and on LSC's Web site.

(1) *Basic Field Grants.* (i) Recipients should submit applications for subgrants of Basic Field Grant funds along with the recipient's proposal for funding, including applications for renewal of funding.

(ii) LSC will notify a recipient of its decision to approve, disapprove, or suggest modifications to an application for subgrant approval prior to, or at the same time as LSC provides notice of its decision with respect to the applicant's proposal for Basic Field Grant funding.

(2) *Special grants.* (i) Recipients of special grants (*e.g.,* Technology Initiative Grants, Pro Bono Innovation Fund grants, emergency relief grants), should submit their subgrant applications following notification of approval of special grant funds.

(ii) A subgrant application must be submitted at least 45 days in advance of its proposed effective date. Within 45 days of the date of receipt, LSC will notify the recipient in writing of its decision to approve, disapprove, or suggest modifications to the subgrant; or, if LSC has not made a decision, the date by which LSC expects to make a decision. A subgrant that is disapproved or to which LSC has suggested modifications may be resubmitted for approval.

(3) *Mid-year subgrant requests.* A recipient may apply for prior approval of a subgrant outside of the periods prescribed in paragraphs (a)(1) and (2) of this section as needed. LSC will follow the time periods prescribed in paragraph (a)(2)(ii) of this section to consider and notify a recipient of its decision to approve, disapprove, or suggest modifications to the subgrant.

(4) *Failure to comply.* Any subgrant not approved according to paragraphs (a)(1) through (3) of this section will be subject to disallowance and recovery of all funds expended under the subgrant.

(5) *Changes to subgrants requiring prior approval.* (i) If a recipient needs to make substantial changes to the scope or objectives, or increase or decrease the amount of funding of more than 10%, of a subgrant approved under paragraph (b) of this section, the recipient must obtain LSC's prior written approval. Minor changes in the scope or objectives or changes in support of less than 10% do not require prior approval, but the recipient must notify LSC of such changes in writing.

(ii) If a subgrant did not require prior approval, and the recipient proposes a change that will cause the total value of the subgrant to exceed the threshold for prior approval, the recipient must obtain LSC's prior written approval before making the change.

(c) *Duration of subgrant.* (1) For Basic Field grants, a subgrant may not be for a period longer than one year. All funds unexpended at the end of the subgrant period will be considered part of the recipient's available LSC funds.

(2) For special grants (*e.g.,* Pro Bono Innovation Fund grants, Technology Initiative Grants, emergency relief grants), a subgrant may not be for a period longer than the term of the grant. Absent written approval from LSC, all unexpended funds must be returned to LSC at the end of the subgrant period.

(d) *Provisions for termination and suspension of subgrants.* All subgrants must contain provisions for their orderly termination in the event that the recipient is no longer an LSC recipient, and for suspension of activities if the recipient's funding is suspended.

(e) *Recipient responsibilities.* (1) Recipients must ensure that subrecipients comply with LSC's financial and audit provisions to the extent required by this part.

(2) The recipient must ensure that the subrecipient properly spends, accounts for, and audits funds or property or services acquired in whole or in part with LSC funds received through the subgrant.

(3) The recipient must repay LSC for any disallowed expenditures by a subrecipient. Repayment is required regardless of whether the recipient is able to recover such expenditures from the subrecipient.

(f) *Accounting and auditing requirements*—(1) *Subgrants of funds.* (i) Any LSC funds paid by a recipient to a subrecipient through a subgrant are subject to the audit and financial requirements of the Audit Guide for Recipients and Auditors and the Accounting Guide for LSC Recipients. The relationship between the recipient and subrecipient will determine the proper method of financial reporting following generally accepted accounting principles.

(ii) Subgranted funds may be separately disclosed and accounted for, and reported upon in the audited financial statements of a recipient; or such funds may be included in a separate audit report of the subrecipient. A subgrant agreement may provide for alternative means of assuring the propriety of subrecipient expenditures, especially in instances where an organization receives a small subgrant. Any request to use an alternative means of assuring propriety of subrecipient funds must be submitted to LSC for consideration as part of the subgrant approval process. If LSC approves a request to use an alternative means, the information provided thereby shall satisfy the recipient's annual audit requirement with regard to the subgrant funds.

(2) *In-kind subgrants.* (i) The value of property or services funded in whole or in part with LSC funds provided by a recipient to a subrecipient through a subgrant is subject to the audit and financial requirements of the Audit Guide for Recipients and Auditors and the Accounting Guide for LSC Recipients. The relationship between the recipient and subrecipient will determine the proper method of financial reporting following generally accepted accounting principles.

(ii) Subgrants involving in-kind exchanges of property or services may be separately disclosed and accounted for, and reported upon in the audited financial statements of a recipient. A subgrant agreement may provide for alternative means of assuring the propriety of subrecipient expenditures and use of property or services acquired in whole or in part with LSC funds, especially in instances where an organization receives a small subgrant. Any request to use an alternative means of assuring propriety of subrecipient funds must be submitted to LSC for consideration as part of the subgrant approval process. If LSC approves a request to use an alternative means, the information provided thereby shall satisfy the recipient's annual audit requirement with regard to the subgrant funds.

(iii) If accounting for in-kind subgrants is not practicable, a recipient may convert the subgrant to a cash payment and follow the accounting procedures in paragraph (f)(1) of this section.

(iv) Subrecipients described in § 1627.5(d)(2) are not subject to the audit and financial requirements of the Audit Guide for Recipients and Auditors and the Accounting Guide for LSC Recipients. Such subrecipients must have financial management systems in place that would allow the recipient and LSC to determine that any resources the subrecipient receives or uses under the subgrant are used consistent with 45 CFR part 1610.

(g) *Oversight.* To ensure subrecipient compliance with the LSC Act, LSC's appropriations statutes, Congressional restrictions having the force of law, and LSC's regulations, guidelines, and instructions, agreements between a recipient and a subrecipient must provide the same oversight rights for LSC with respect to subgrants as apply to recipients.

§ 1627.5 Applicability of restrictions, recordkeeping, and recipient priorities; private attorney involvement subgrants.

(a) *Applicability of restrictions.* The prohibitions and requirements set forth in 45 CFR part 1610 apply both to the subgrant and to the subrecipient's non-LSC funds, except as modified by paragraphs (b), (c), and (d) of this section.

(b) *Priorities.* Subrecipients must either:

(1) Use the subgrant consistent with the recipient's priorities; or

(2) Establish their own priorities for the use of the subgrant consistent with 45 CFR part 1620.

(c) *Recordkeeping.* A recipient must be able to account for how its subrecipients spend LSC funds or use property or services funded in whole or in part with LSC funds. A subrecipient must provide to the recipient records as described in paragraphs (c)(1) and (2) of this section.

(1) A subrecipient that handles matters as defined at 45 CFR 1635.2(b) must maintain adequate records to demonstrate that its attorneys and paralegals used the LSC funds or property or services funded in whole or in part with LSC funds:

(i) To carry out the activities described in the subgrant agreement; and

(ii) Consistent with the restrictions set forth at 45 CFR part 1610.

(2) A subrecipient that handles cases as defined at 45 CFR 1635.2(a):

(i) Must require its attorneys and paralegals to maintain records for each case that show the amount of time spent on the case and the activity conducted by date, and a unique client name or case number; and

(ii) Either the subrecipient or the recipient must maintain records for each case that show the problem type and the closing code for the case.

(iii) This requirement does not apply to subrecipients described in paragraph (d)(2)(ii) of this section.

(3) A subrecipient who handles both cases and matters must maintain the types of records described in paragraphs (c)(1) and (2).

(d) *Subgrants for engaging private attorneys*—(1) *Subgrants of funds.* The prohibitions and requirements set forth in 45 CFR part 1610 apply *only* to the subgranted funds when the subrecipient is a bar association, *pro bono* program, private attorney or law firm, or other entity that receives a subgrant for the sole purpose of funding private attorney involvement activities (PAI) pursuant to 45 CFR part 1614.

(2) *In-kind subgrants.* The prohibitions and requirements set forth in 45 CFR part 1610 apply *only* to the subgranted property or services acquired in whole or in part with LSC funds when the subrecipient is a bar association, *pro bono* program, private attorney or law firm, or other entity that receives a subgrant for the sole purpose of:

(i) Conducting private attorney involvement activities (PAI) pursuant to 45 CFR part 1614; or

(ii) Providing legal information or legal assistance on a *pro bono* or reduced fee basis to individuals who have been screened and found eligible to receive legal assistance from an LSC recipient.

(3) *Treatment of non-LSC funds.* Any funds or property or services acquired in whole or in part with LSC funds and used by a recipient as payment for a PAI subgrant are deemed LSC funds for purposes of this paragraph (d).

(4) *Recordkeeping exception.* The recordkeeping requirement in paragraph (c) of this section does not apply to private attorneys providing legal assistance on a pro bono or reduced fee basis.

§ 1627.6 Transfers to other recipients.

(a) The requirements of this part apply to all subgrants from one recipient to another recipient.

(b) The subrecipient must audit any funds or property or services acquired in whole or in part with LSC funds provided by the recipient under a subgrant in its annual audit and supply a copy of this audit to the recipient. The recipient must either submit the relevant part of this audit with its next annual audit or, if an audit has been recently submitted, submit it as an addendum to that recently submitted audit.

(c) In addition to the provisions of § 1627.4(c)(3), LSC may hold the recipient responsible for any disallowed expenditures of subgrant funds. Thus, LSC may recover all of the disallowed costs from either the recipient or the subrecipient or may divide the recovery between the two. LSC's total recovery may not exceed the amount of expenditures disallowed.

§ 1627.7 Recipient policies, procedures and recordkeeping.

Each recipient must adopt written policies and procedures to guide its staff in complying with this part and must maintain records sufficient to document the recipient's compliance with this part.

PART 1630—COST STANDARDS AND PROCEDURES

■ 11. In newly transferred and redesignated § 1630.16, revise the section heading to read as follows:

§ 1630.16 Tax sheltered annuities, retirement accounts, and pensions.

* * * * *

Dated: February 6, 2017.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–02718 Filed 2–9–17; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R3–ES–2015–0112; 4500030113]

RIN 1018–BB66

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Rusty Patched Bumble Bee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with a January 20, 2017, memo from the White House, we, the U.S. Fish and Wildlife Service, are delaying the effective date of a rule we published on January 11, 2017.

DATES: The effective date of the rule that published on January 11, 2017, at 82 FR 3186, is delayed from February 10, 2017, to March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Peter Fasbender, Field Supervisor, U.S. Fish and Wildlife Service, Twin Cities Ecological Services Field Office, 4101 American Blvd. E., Bloomington, MN 55425; by telephone 952–252–0092, extension 210. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On January 11, 2017, we published a rule to list the rusty patched bumble bee (*Bombus affinis*), a species that occurs in the eastern and Midwestern United States and Ontario, Canada, as an endangered species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The rule was to be effective on February 10, 2017.

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 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.'' We are, therefore, delaying the effective date of our rule published on January 11, 2017, at 82 FR 3186 (see **DATES**, above).

Administrative Procedure Act

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, our implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Pursuant to 5 U.S.C. 553(b)(B), we have determined that good cause exists to forgo the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures would be impracticable, unnecessary, and contrary to the public interest. We are temporarily postponing for 60 days after January 20, 2017, the effective date of this regulation pursuant to the previously noted memorandum from the White House. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. For these same reasons, we find good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d).

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

Dated: February 7, 2017.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–02865 Filed 2–9–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 160405311–6999–02]

RIN 0648–BF95

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rehabilitation of the Jetty System at the Mouth of the Columbia River: Jetty A, North Jetty, and South Jetty, in Washington and Oregon

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

ACTION: Final rule.

SUMMARY: NMFS, upon request of the U.S. Army Corps of Engineers (Corps), hereby issues a regulation to govern the unintentional taking of marine mammals incidental to the rehabilitation of the Jetty System at the Mouth of the Columbia River (MCR), over the course of five years. This regulation, which allows for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during the described activities and specified timeframes, prescribes the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking.

DATES: Effective May 1, 2017, through April 30, 2022.

ADDRESSES: An electronic copy of the application, containing a list of references used in this document, and the associated Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) may be obtained by telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

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

SUPPLEMENTARY INFORMATION:

Executive Summary

This regulation, issued under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*), establishes a framework for authorizing the take of marine mammals incidental to the Corps' rehabilitation of the Jetty System, including Jetty A, North Jetty and South Jetty at the Mouth of the Columbia River in Washington and Oregon.

Purpose and Need for This Regulatory Action

NMFS received an application from the Corps requesting five-year regulations and authorization to take multiple species of marine mammals. We anticipate take to occur in the vicinity of the MCR Jetty System by Level B harassment incidental to the use of vibratory pile driving and pedestrian surveys of the jetties. This regulation is valid for five years from the date of issuance. Please see ''Background'' later in this document for definitions of harassment.

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after notice and public comment, the agency makes certain findings and issues regulations. This regulation contains mitigation, monitoring, and reporting requirements.

Legal Authority for the Regulatory Action

Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I provide the legal basis for issuing the five-year regulations and any subsequent Letters of Authorization.

Summary of Major Provisions Within the Final Regulation

The following provides a summary of some of the major provisions within this regulation for the MCR Jetty System rehabilitation project. We have determined that the Corps' adherence to the mitigation, monitoring, and reporting measures listed later in this regulation would achieve the least practicable adverse impact on the affected marine mammals. They include:

- Establishment and monitoring of shutdown zones to reduce likelihood of injury to marine mammals;
- Establishment and monitoring of Level B harassment zones or zones of influence (ZOI) to record instances of behavioral harassment;
- Implementation of hydroacoustic monitoring plan to ensure that shutdown zones and ZOIs have been delineated appropriately; and
- Shutdown between May 1 and July 1 when killer whales are sighted within the ZOIs to avoid take of Southern Resident killer whales which are listed

as Endangered under the Endangered Species Act (ESA);

Availability of Supporting Information

We provided **SUPPLEMENTARY INFORMATION** for this activity in the Notice of Proposed Rulemaking published in the **Federal Register** on August 25, 2016 (81 FR 58443) and a correction on September 6, 2016 (81 FR 61160). The correction notice noted that NMFS used an incorrect document identifier number ''NOAA–NMFS–2014–0144'' rather than the correct document identifier of ''NOAA–NMFS–2016–0108'' in the Federal e-Rulemaking Portal hyperlink. We do not reprint all of that information here in its entirety. Instead, we provide either a summary of the material presented in the proposed rule or a note referencing the page(s) in the proposed rule where the public can find the information. We do address any information that has changed since the proposed rule was published. Additionally, this final rule contains a section that responds to the public comments submitted during the 40-day public comment period, including the extension of the public comment period from September 26, 2016 to October 6, 2016 (81 FR 61160).

Background

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

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

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

Summary of Request

On February 13, 2015, NMFS received an application from the Corps for the taking of marine mammals incidental to the rehabilitation of the Jetty System at the MCR in Washington and Oregon. On June 9, 2015, NMFS received a revised application. NMFS determined that the application was adequate and complete on June 12, 2015. NMFS issued an incidental harassment authorization (IHA) to the Corps on August 31, 2015 (80 FR 53777; September 8, 2015) to cover pile installation at Jetty A which is valid from May 1, 2016 through April 30, 2017. The Corps will conduct additional work under an LOA that may result in the incidental harassment of marine mammals. A notice of receipt was published in the **Federal Register** on October 26, 2015 (80 FR 65214). On August 25, 2016 NMFS published a notice in the **Federal Register** of our proposal to issue regulations and subsequent LOAs with preliminary determinations (81 FR 58443). A corrected notice was published in the **Federal Register** on September 6, 2016 (81 FR 61160). The filing of the corrected notice extended the original 30-day comment period to 40 days with a closing date of October 6, 2016. The comments and our responses are discussed later in this document.

The Corps is seeking an LOA for continuation of work begun on Jetty A under an IHA issued by NMFS that expires on April 30, 2017. The activity will occur annually between the periods of May 1 through September 30 of each year between May 2017 and April 2022. If there is any remaining work from the IHA at Jetty A that may need to be completed under the LOA, it would likely include pile maintenance and pile removal of a barge offloading facility at that jetty. Any work on the North and South Jetties will be covered under the LOA. The following specific aspects of the activity are likely to result in the take of marine mammals: Vibratory pile driving and removal. Take, by Level B Harassment only, of individuals of seven species or stocks of marine mammals may result from the specified activity.

On August 4, 2016, NMFS released its Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Guidance) (81 FR 51694). This new Guidance established new thresholds for predicting auditory injury, which equates to Level A harassment under the MMPA. NMFS explained the approach it would take during a transition period, wherein we balance the need to consider this new best available science with the fact that some applicants have already committed time and resources to the development of analyses based on our previous thresholds and have constraints that preclude the recalculation of take estimates, as well as consideration of where the action is in the agency's decision-making pipeline. In that notice, we included a non-exhaustive list of factors that would inform the most appropriate approach for considering the new Guidance, including: The scope of effects; how far in the process the applicant has progressed; when the authorization is needed; the cost and complexity of the analysis; and the degree to which the Guidance is expected to affect our analysis.

As described above, NMFS published a notice in the **Federal Register** of our proposal to issue regulations and subsequent LOAs with preliminary determinations (81 FR 58443; August 25, 2016). A corrected notice was published in the **Federal Register** on September 6, 2016 (81 FR 61160). Theses notices did not include the standards contained in the new Guidance. NMFS received comment from the Marine Mammal Commission to use the new Guidance for this rulemaking (see below). NMFS agreed with this comment and used the Guidance for this final rule.

The Guidance indicates that there is a greater likelihood of auditory injury in the form of permanent threshold shift (PTS) for low-frequency cetaceans (*i.e.,* humpback whale, gray whale) and for high-frequency cetaceans (*i.e.,* harbor porpoise) than was considered in our notice of proposed rulemaking (81 FR 52614; August 9, 2016) because the Level A harassment isopleths are larger. To account for the slightly larger Level A zones that exist for these species, NMFS increased the shutdown zone from 20 meters (m) to 30 m for the two whale species and from 20 m to 40 m for the harbor porpoise. Therefore, no Level A take is likely or authorized for this action. With these changes, the required mitigation measures, and the monitoring and mitigation program, impacts to the affected species or stocks will be minimized.

In summary, we have considered the new Guidance and believe that the likelihood of injury is adequately addressed in the analysis contained herein and appropriate protective measures are in place in the regulations and LOAs.

Description of the Specified Activity

Overview

There are numerous steps involved in the planned multi-year effort to rehabilitate the MCR Jetty System. This notice will focus only on those components of the project under the MMPA. Additional detailed information about the project in its entirety is contained in the application which may be found at: *http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* Construction of three offloading facilities will be necessary to transport materials to these specific project locations. These will be located at Jetty A, North Jetty and South Jetty. Pile installation at Jetty A is covered under an existing IHA. The LOA will cover remaining pile installation, pile maintenance and pile removal at Jetty A depending on how much work is accomplished under the current IHA. The LOA will also cover pile installation and removal of the facility at North Jetty and the one at South Jetty. In addition, all work related to pedestrian surveys of the South Jetty that could result in visual disturbance to pinnipeds will be covered under the LOA.

The scheduled program of repair and rehabilitation priorities is described in detail in Section 1 of the Corps' LOA application. The sequence and timing for work under the LOA at the three MCR jetties includes:

1. The Jetty A scheduled repairs and head stabilization task will be covered under the current IHA. This would include pile installation related to construction of an offloading facility as well as construction and stone placement. There will be at least one season of in-water work but two seasons are likely to be required to complete these activities. The second season of pile maintenance and removal would occur in 2017 and be covered under the LOA.

2. The North Jetty scheduled repair and head stabilization task will occur under the LOA and include pile installation and removal at an offloading facility. Construction and placement will occur from 2017 through 2019 as this task will require three placement seasons.

3. The South Jetty interim repair and head determination task will occur under the LOA and will include pile installation and removal at two facilities with one being on the trunk near the head and the other at Clatsop Spit. This task will require four placement seasons running from 2018 through 2021.

Installation and removal of piles with a vibratory hammer will introduce sound waves into the MCR area intermittently for up to seven years (depending on funding streams and construction sequences). In terms of actual on-the-ground work it is possible, but unlikely, that driving will occur at multiple facilities on the same day. For the purposes of this LOA, NMFS will be assuming that driving will occur only at a single facility on any given day.

The **Federal Register** Notice of Proposed Rulemaking (81 FR 58443, August 25, 2016) described the construction of four offloading facilities, not three, that would require pile driving. Piles would be a maximum diameter of 24 inches and would only be installed by vibratory driving method due to the soft sediments (sand) in the project area. No impact driving will be necessary or authorized under these regulations and LOA. The piles will be located within 200 feet (ft) (60.96 m) of each jetty structure. The dolphins' Z- and H-piles would be composed of either untreated timber or steel piles installed to a depth of approximately 15 to 25 ft (4.5–7.6 m) below grade in order to withstand the needs of offloading barges and heavy construction equipment.

In the **Federal Register** Notice of Proposed Rulemaking (81 FR 58443; August 25, 2016), it was assumed that pile installation and removal would occur for about 10 hours per day over the span of about 67 days. Approximately 96 piles and up to 373 sections of sheet pile to retain rock fill would be installed and removed, totaling 469 initial installation and 469 removal events over the span of about 67 days. In order to round the math, NMFS assumed 68 days, with each of the four offloading facilities taking about 17 days total for installation and removal.

Since the Notice of Proposed Rulemaking was published, the Corps has submitted an Addendum revising their project estimates to include only 5 hours of daily vibratory operations. The addendum is available at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* The vibratory duration, or number of days, remains the same at 17 days per facility. However, only one of the two sites originally planned for the South Jetty will be constructed resulting in a total of just three offloading facilities. Note that the Jetty A pile installation, requiring 10 pile driving days was completed under the existing IHA. Jetty A pile extraction is not expected to occur until May 2017 and, therefore, will be covered under this LOA. The Corps is still assuming a seven-day duration for the extraction at Jetty A. Additionally, pedestrian surveys on South Jetty outside of the construction seasons will take six additional days. In the Corps' updated addendum, the number of piles to be driven and/or extracted decreased from 96 to 52 while the number of sheet or Z- or H-piles went down from 373 to 139. A total of 49 days of pile driving work will be required, consisting of 41 days associated with installation and extraction at Jetty A, North Jetty and South Jetty and eight days of maintenance at South Jetty as shown in Table 1. Six days of pedestrian surveys at South Jetty will also be required. This activity will not affect the underwater soundscape but will result in some behavior disturbance to hauled out pinnipeds. The result is decreased impacts to marine mammals compared to impacts originally described in the proposed rule.

TABLE 1—ESTIMATED DAYS OF PILE DRIVING AND REMOVAL ACTIVITIES *

Jetty	Timeframe (install)	Timeframe (removal)	Timeframe (maint.)	Pile type and number	Duration (install) (days)	Duration (removal) (days)	Duration (maint.) (days)
Jetty A	.....	May 2017	.....	4–24″ dia Piles + 19 H-piles.	.....	7	.....
North	May 2018	Sep 2019	.....	24–24″ dia Piles + 20 H-piles.	10	7	.....
South	May 2020	Sep 2021	May–June 2020 + May–June 2021.	24–24″ dia Piles + 100 Z/Sheet piles.	10	7	8

TABLE 1—ESTIMATED DAYS OF PILE DRIVING AND REMOVAL ACTIVITIES *—Continued

Jetty	Timeframe (install)	Timeframe (removal)	Timeframe (maint.)	Pile type and number	Duration (install) (days)	Duration (removal) (days)	Duration (maint.) (days)
Totals	.....	.....	.....	.....	20	21	8

* Six days of pedestrian surveys will also be required.

Dates and Duration

The current IHA, for which take has been authorized, is valid from May 1, 2016, through April 30, 2017. The LOA will be valid from May 1, 2017, through April 30, 2022. The work season generally extends from April through October, with extensions, contractions, and additional work windows outside of the summer season varying by weather patterns. To avoid the presence of Southern Resident killer whales, the Corps will prohibit pile installation or removal from October 1 until April 30 because that is the killer whales' primary feeding season when they may be present at the MCR plume. Installation and removal will occur from May 1 to September 30 each year.

Specified Geographic Region

This activity will take place at the three MCR jetties in Pacific County, Washington, and Clatsop County, Oregon. These are Jetty A, North Jetty and South Jetty. See Figure 1 in the application for a map of the MCR Jetty system and surrounding areas.

Detailed Description of Activities

The notice of proposed rulemaking (NPRM) (81 FR 58443; August 25, 2016) contains a full detailed description of project activities and timelines. Other than the decreased hours of pile diving per day, reduction in the number of piles being driven, and reduction in pile driving days contained as shown in Table 1, the information in that NPRM has not changed and is not repeated here.

Comments and Responses

The proposed rule was published in the **Federal Register** on August 26, 2016 (81 FR 58443) for public comment. A correction notice was published in the **Federal Register** on September 6, 2016 (81 FR 61160) extending the public comment period until October 6, 2016. The Marine Mammal Commission (Commission) timely requested an extension for their comment letter which was granted by NMFS. The Commission submitted comments on November 15, 2016. No other comments nor other requests for extensions to file late comments were received past the October 6, 2016 comment deadline. The comment letter is available on our Web site at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Following is a summary of the public comments and NMFS' responses.

Comment 1: The Commission recommended removing all references to impact pile driving, drilling, and installation of concrete piles because those activities would not occur.

Response: NMFS has made these changes in the final rule.

Comment 2: The Commission recommends using the standard clearance time of 15 minutes for small cetaceans rather than 30 minutes.

Response: NMFS has made this change in the final rule.

Comment 3: The Commission recommended incorporating NMFS' new Level A harassment thresholds, revising the exclusion zones accordingly, and requiring implementation of standard mitigation and monitoring measures based on those revised zones.

Response: NMFS has utilized the new Level A harassment thresholds to revise exclusion zones for the final rule. Appropriate mitigation and monitoring measures will be enacted based on these updated thresholds and corresponding shutdown zones.

Comment 4: The Commission recommended using the most recent version of the *Pacific Navy Marine Species Density Database* (Navy 2015) rather than the 2014 edition (Navy, 2014) as the basis for cetacean density estimates and choosing the appropriate densities from the seasonal distribution maps.

Response: NMFS has applied these recommendations and revised take calculations accordingly for the final rule.

Comment 5: The Commission recommended reducing the number of Level B harassment takes of California sea lions and harbor seals based on computational errors.

Response: NMFS has corrected computational errors in the Final Rule.

Comment 6: Thus, the Commission recommended that NMFS (1) follow its policy of a 24-hour reset for enumerating the number of each species that could be taken during the proposed activities, (2) apply standard rounding rules before summing the numbers of estimated takes across days, and (3) for species that have the potential to be taken but model-estimated or calculated takes round to zero, use group size to inform the take estimates—these methods should be used consistently for all future incidental take authorizations.

Response: While NMFS uses a 24-hour reset for its take calculation to ensure that individual animals are not counted as a take more than once per day, that fact does not make the summing of take across the entire activity period before rounding incorrect. The calculation of predicted take is not an exact science and there are arguments for taking different mathematical approaches in different situations, and for making qualitative adjustments in other situations. NMFS is currently engaged in developing a protocol to guide more consistent take calculation given certain circumstances. In this case, group size was used to inform the take estimates and we believe that the prediction for this action remains appropriate.

Description of Marine Mammals in the Area of the Specified Activity

Marine mammals known to occur in the Pacific Ocean offshore at the MCR include whales, orcas, dolphins, porpoises, sea lions, and harbor seals. Most cetacean species observed by Green and others (1992) occurred in Pacific slope or offshore waters 182 m to 1,828 m (600 to 6,000 ft) in depth. Harbor porpoises (*Phocoena phocoena)* and gray whales (*Eschrichtius robustus)* were prevalent in shelf waters less than 182 m (600 ft) in depth. Killer whales *(Orcinus orca)* are known to feed on Chinook salmon at the MCR, and humpback whales (*Megaptera novaeangliae*) may transit through the area offshore of the jetties. Pinniped species that occur in the vicinity of the jetties include Pacific harbor seals (*Phoca vitulina richardsi*), California sea lions (*Zalophus californianus*), and Steller sea lions (*Eumetopias jubatus*). A haulout used by all of these species is located on the open ocean side of the South Jetty. The marine mammal species potentially present in the activity area are shown in Table 2.

We have reviewed the Corps' detailed species descriptions, including life history information, for accuracy and completeness and refer the reader to the application instead of reprinting the information here. We provided additional information for marine mammals with potential for occurrence in the area of the specified activity in our **Federal Register** NPRM (81 FR 58443; August 26, 2016). Information regarding these species is also available in the NMFS Marine Mammal Stock Assessment Reports, which may be found at: *http://www.nmfs.noaa.gov/pr/species/.*

TABLE 2—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN THE PROJECT AREA

Species	Stock(s) abundance estimate [1]	ESA * status	MMPA ** status	Frequency of occurrence [3]
Killer Whale (*Orcinus orca*) *Eastern N. Pacific, Southern Resident Stock.*	82	Endangered	Depleted and Strategic	Infrequent/Rare.
Killer Whale (*Orcinus orca*) *Eastern N. Pacific, West Coast Transient Stock.*	243		Non-depleted	Rare.
Gray Whale (*Eschrichtius robustus*) *Eastern North Pacific Stock, (Pacific Coast Feed Group).*	20,990 (197)	Delisted/Recovered (1994).	Non-depleted	Rare.
Humpback Whale (*Megaptera novaeangliae*) *California/Oregon/Washington Stock.*	1,918	Endangered	Depleted and Strategic	Rare.
Harbor Porpoise (*Phocoena phocoena*) *Northern Oregon/Washington Coast Stock.*	21,487		Non-depleted	Likely.
Steller Sea Lion (*Eumetopias jubatus*) *Eastern U.S. Stock/DPS* ***.	60,131–74,448	Delisted/Recovered (2013).	Depleted and Strategic [2].	Likely.
California Sea Lion (*Zalophus californianus*) *U.S. Stock.*	296,750		Non-depleted	Likely.
Harbor Seal (*Phoca vitulina richardii*) *Oregon and Washington Stock.*	[4] 24,732		Non-depleted	Seasonal.

[1] NOAA/NMFS 2015 marine mammal stock assessment reports at *http://www.nmfs.noaa.gov/pr/sars/species.htm.*
[2] May be updated based on the recent delisting status.
[3] Frequency defined here in the range of:
- Rare—Few confirmed sightings, or the distribution of the species is near enough to the area that the species could occur there.
- Infrequent—Confirmed, but irregular sightings.
- Likely—Confirmed and regular sightings of the species in the area year-round.
- Seasonal—Confirmed and regular sightings of the species in the area on a seasonal basis.

4 Data is 8 years old. No current abundance estimates exist.
* ESA = Endangered Species Act.
** MMPA = Marine Mammal Protection Act.
*** DPS = Distinct population segment.

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

This section includes a summary and discussion of the ways that stressors, (*e.g.* pile driving) and potential mitigation activities, associated with the MCR jetty rehabilitation project, may impact marine mammals and their habitat. The *Estimated Take by Incidental Harassment* section will include an analysis of the number of individuals that are expected to be taken by this activity. The *Estimated Take by Incidental Harassment* section, together with the *Mitigation* section will also draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and, from that, on the affected marine mammal populations or stocks. The *Negligible Impact Analysis* section will include the analysis of how this specific activity will impact marine mammals. In this section, we provide general background information on sound and marine mammal hearing before considering potential effects to marine mammals from sound produced by vibratory pile driving.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in hertz (Hz) or cycles per second. Wavelength is the distance between two peaks of a sound wave; lower frequency sounds have longer wavelengths than higher frequency sounds and attenuate (decrease) more rapidly in shallower water. Amplitude is the height of the sound pressure wave or ''loudness'' of a sound and is typically measured using the decibel (dB) scale. A dB is the ratio between a measured pressure (with sound) and a reference pressure (sound at a constant pressure, established by scientific standards). It is a logarithmic unit that accounts for large variations in amplitude; therefore, relatively small changes in dB ratings correspond to large changes in sound pressure. When referring to sound pressure levels (SPLs; the sound force per unit area), sound is referenced in the context of underwater sound pressure to 1 microPascal (μPa). One pascal is the pressure resulting from a force of one newton exerted over an area of one square meter. The source level (SL) represents the sound level at a distance of 1 m from the source (referenced to 1 μPa). The received level is the sound level at the listener's position. Note that all underwater sound levels in this document are referenced to a pressure of 1 μPa, and all airborne sound levels in this document are referenced to a pressure of 20 μPa.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Rms is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick 1983). Rms accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues,

may be better expressed through averaged units than by peak pressures.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in all directions away from the source (similar to ripples on the surface of a pond), except in cases where the source is directional. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction). A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

- *Wind and waves:* The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient noise for frequencies between 200 Hz and 50 kHz (Mitson 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf noise becomes important near shore, with measurements collected at a distance of 5.2 miles (mi) (8.5 kilometers (km)) from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions.
- *Precipitation:* Sound from rain and hail impacting the water surface can become an important component of total noise at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times.
- *Biological:* Marine mammals can contribute significantly to ambient noise levels, as can some fish and shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz.
- *Anthropogenic:* Sources of ambient noise related to human activity include transportation (surface vessels and aircraft), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Shipping noise typically dominates the total ambient noise for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly (Richardson *et al.,* 1995). Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.,* a passing vessel) is sometimes termed background sound, as opposed to ambient sound. Representative levels of anthropogenic sound are displayed in Table 3.

TABLE 3—REPRESENTATIVE SOUND LEVELS OF ANTHROPOGENIC SOURCES

Sound source	Frequency range (Hz)	Underwater sound level	Reference
Small vessels	250–1,000	151 dB rms at 1 m	Richardson *et al.,* 1995.
Tug docking gravel barge	200–1,000	149 dB rms at 100 m	Blackwell and Greene, 2002.
Vibratory driving of 72-in steel pipe pile.	10–1,500	180 dB rms at 10 m	Reyff, 2007.
Impact driving of 36-in steel pipe pile	10–1,500	195 dB rms at 10 m	Laughlin, 2007.
Impact driving of 66-in cast-in-steel-shell (CISS) pile.	10–1,500	195 dB rms at 10 m	Reviewed in Hastings and Popper, 2005.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals, and exposure to sound can have deleterious effects. To appropriately assess these potential effects, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on measured or estimated hearing ranges on the basis of available behavioral data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. The lower and/or upper frequencies for some of these functional hearing groups have been modified from those designated by Southall *et al.* (2007), and the revised generalized hearing ranges are presented in the new Guidance. The functional hearing groups and the associated frequencies are indicated in Table 4.

TABLE 4—MARINE MAMMAL HEARING GROUPS AND THEIR GENERALIZED HEARING RANGE

Hearing group	Generalized hearing range*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, cephalorhynchid, *Lagenorhynchus cruciger* and *L. australis*).	275 Hz to 160 kHz.

TABLE 4—MARINE MAMMAL HEARING GROUPS AND THEIR GENERALIZED HEARING RANGE—Continued

Hearing group	Generalized hearing range*
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

Acoustic Impacts

Potential Effects of Pile Driving Sound—The effects of sounds from pile driving might result in one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The effects of pile driving on marine mammals are dependent on several factors, including the size, type, and depth of the animal; the depth, intensity, and duration of the pile driving sound; the depth of the water column; the substrate of the habitat; the standoff distance between the pile and the animal; and the sound propagation properties of the environment. Impacts to marine mammals from pile driving activities are expected to result primarily from acoustic pathways. As such, the degree of effect is intrinsically related to the received level and duration of the sound exposure, which are in turn influenced by the distance between the animal and the source. The further away from the source, the less intense the exposure should be. The substrate and depth of the habitat affect the sound propagation properties of the environment. Shallow environments are typically more structurally complex, which leads to rapid sound attenuation. In addition, substrates that are soft (*e.g.,* sand) would absorb or attenuate the sound more readily than hard substrates (*e.g.,* rock) which may reflect the acoustic wave. Soft porous substrates would also likely require less time to drive the pile, and possibly less forceful equipment, which would ultimately decrease the intensity of the acoustic source.

In the absence of mitigation, impacts to marine species would be expected to result from physiological and behavioral responses to both the type and strength of the acoustic signature (Viada *et al.,* 2008). The type and severity of behavioral impacts are more difficult to define due to limited studies addressing the behavioral effects of impulse sounds on marine mammals. Potential effects from impulse sound sources can range in severity from effects such as behavioral disturbance or tactile perception to physical discomfort, slight injury of the internal organs and the auditory system, or mortality (Yelverton *et al.,* 1973).

Hearing Impairment and Other Physical Effects—Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.,* 1999; Schlundt *et al.,* 2000; Finneran *et al.,* 2002, 2005). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Marine mammals depend on acoustic cues for vital biological functions (*e.g.,* orientation, communication, finding prey, avoiding predators). Thus, TTS may result in reduced fitness in survival and reproduction. However, this depends on the frequency and duration of TTS, as well as the biological context in which it occurs. TTS of limited duration, occurring in a frequency range that does not coincide with that used for recognition of important acoustic cues, would have little to no effect on an animal's fitness. Repeated sound exposure that leads to TTS could cause PTS. PTS constitutes injury, but TTS does not (Southall *et al.,* 2007). The following subsections discuss in somewhat more detail the possibilities of TTS, PTS, and non-auditory physical effects.

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter 1985). While experiencing TTS, the hearing threshold rises, and a sound must be stronger in order to be heard. In terrestrial mammals, TTS can last from minutes or hours to days (in cases of strong TTS). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity in both terrestrial and marine mammals recovers rapidly after exposure to the sound ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals, and none of the published data concern TTS elicited by exposure to multiple pulses of sound. Available data on TTS in marine mammals are summarized in Southall *et al.* (2007) and more recently in Finneran (2016).

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale, harbor porpoise, and Yangtze finless porpoise) and three species of pinnipeds (northern elephant seal, harbor seal, and California sea lion) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (*e.g.,* Finneran, 2016; Finneran *et al.,* 2002; Finneran and Schlundt, 2010, 2013; Nachtigall *et al.,* 2004; Kastaket *et al.,* 2005; Lucke *et al.,* 2009; Popov *et al.,* 2011). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Kastak *et al.,* 2005; Kastelein *et al.,* 2011, 2012a, 2012b, 2013a, 2013b, 2014a, 2014b, 2015a, 2015b, 2015c, 2016). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007),

Finneran and Jenkins (2012), and Finneran (2016).

Permanent Threshold Shift—When PTS occurs, there is physical damage to the sound receptors in the ear. In severe cases, there can be total or partial deafness, while in other cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter 1985). There is no specific evidence that exposure to pulses of sound can cause PTS in any marine mammal. However, given the possibility that mammals close to a sound source might incur TTS, there has been further speculation about the possibility that some individuals might incur PTS. Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage, but repeated or (in some cases) single exposures to a level well above that causing TTS onset might elicit PTS.

Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals. Available data from humans and other terrestrial mammals indicate that a 40 dB threshold shift approximates PTS onset (see Ward *et al.,* 1958; Ward *et al.,* 1959; Ward, 1960; Kryter *et al.,* 1966; Miller, 1974; Ahroon *et al.,* 1996; Henderson *et al.,* 2008). Southall *et al.,* (2007) also recommended this definition of PTS onset.

PTS onset acoustic thresholds for marine mammals have not been directly measured and must be extrapolated from available TTS onset measurements. Thus, based on cetacean measurements from TTS studies (see Southall *et al.,* 2007; Finneran, 2015; Finneran, 2016 (found in Appendix A of the Guidance)) a threshold shift of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability and is typically the minimum amount of threshold shift that can be differentiated in most experimental conditions (Finneran *et al.,* 2000; Schlundt *et al.,* 2000; Finneran *et al.,* 2002).

Measured source levels from impact pile driving can be as high as 214 dB rms. Although no marine mammals have been shown to experience TTS or PTS as a result of being exposed to pile driving activities, captive bottlenose dolphins and beluga whales exhibited changes in behavior when exposed to strong-pulsed sounds (Finneran *et al.,* 2000, 2002, 2005). The animals tolerated high received levels of sound before exhibiting aversive behaviors. Experiments on a beluga whale showed that exposure to a single watergun impulse at a received level of 207 kilopascal (kPa) (30 psi) peak-to-peak (p-p), which is equivalent to 228 dB p-p, resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within four minutes of the exposure (Finneran *et al.,* 2002). Although the source level of pile driving from one hammer strike is expected to be much lower than the single watergun impulse cited here, animals being exposed for a prolonged period to repeated hammer strikes could receive more sound exposure in terms of sound exposure level (SEL) than from the single watergun impulse (estimated at 188 dB re 1 μPa^2-s) in the aforementioned experiment (Finneran *et al.,* 2002). However, in order for marine mammals to experience TTS or PTS, the animals have to be close enough to be exposed to high intensity sound levels for a prolonged period of time. Based on the best scientific information available, these SPLs are below the thresholds that could cause TTS or the onset of PTS.

Non-auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007). Studies examining such effects are limited. In general, little is known about the potential for pile driving to cause auditory impairment or other physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would presumably be limited to short distances from the sound source and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. Marine mammals that show behavioral avoidance of pile driving, including some odontocetes and some pinnipeds, are especially unlikely to incur auditory impairment or non-auditory physical effects.

Disturbance Reactions

Disturbance includes a variety of effects, including subtle changes in behavior, more conspicuous changes in activities, and displacement. Behavioral responses to sound are highly variable and context-specific and reactions, if any, depend on species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007).

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. Behavioral state may affect the type of response as well. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC 2003; Wartzok *et al.,* 2003).

Controlled experiments with captive marine mammals showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2000). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic guns or acoustic harassment devices but also including pile driving) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; Thorson and Reyff, 2006; see also Gordon *et al.,* 2004; Wartzok *et al.,* 2003; Nowacek *et al.,* 2007). Responses to continuous sound, such as vibratory pile installation, have not been documented as well as responses to pulsed sounds.

With both types of pile driving, it is likely that the onset of pile driving could result in temporary, short term changes in an animal's typical behavior and/or avoidance of the affected area. These behavioral changes may include (Richardson *et al.,* 1995): Changing durations of surfacing and dives; number of blows per surfacing; moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located; and/or flight responses (*e.g.,* pinnipeds flushing into water from haul-outs or rookeries). Pinnipeds may increase their haul-out time, possibly to avoid in-water disturbance (Thorson and Reyff 2006).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected

disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, or reproduction. Significant behavioral modifications that could potentially lead to effects on growth, survival, or reproduction include:

- Drastic changes in diving/surfacing patterns (such as those thought to cause beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic sound depends on both external factors (characteristics of sound sources and their paths) and the specific characteristics of the receiving animals (hearing, motivation, experience, demography) and is difficult to predict (Southall *et al.,* 2007).

Auditory Masking—Natural and artificial sounds can disrupt behavior by masking, or interfering with, a marine mammal's ability to hear other sounds. Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher levels. Chronic exposure to excessive, though not high-intensity, sound could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions. Masking can interfere with detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction. If the coincident (masking) sound were anthropogenic, it could be potentially harassing if it disrupted hearing-related behavior. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs only during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

Masking occurs at the frequency band which the animals utilize so the frequency range of the potentially masking sound is important in determining any potential behavioral impacts. Because sound generated from in-water vibratory pile driving is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds made by porpoises. However, lower frequency man-made sounds are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey sound. It may also affect communication signals when they occur near the sound band and thus reduce the communication space of animals (Clark *et al.,* 2009) and cause increased stress levels (Foote *et al.,* 2004; Holt *et al.,* 2009).

Masking has the potential to impact species at the population or community levels as well as at individual levels. Masking affects both senders and receivers of the signals and can potentially have long-term chronic effects on marine mammal species and populations. Recent research suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, and that most of these increases are from distant shipping (Hildebrand 2009). All anthropogenic sound sources, such as those from vessel traffic, pile driving, and dredging activities, contribute to the elevated ambient sound levels, thus intensifying masking.

Vibratory pile driving is relatively short-term, with rapid oscillations occurring for 10 to 30 minutes per installed pile. It is possible that vibratory pile driving resulting from this action may mask acoustic signals important to the behavior and survival of marine mammal species, but the short-term duration and limited affected area would result in insignificant impacts from masking. Any masking event that could possibly rise to Level B harassment under the MMPA would occur concurrently within the zones of behavioral harassment already estimated for vibratory pile driving, and which have already been taken into account in the exposure analysis.

Acoustic Effects, Airborne—Marine mammals that occur in the project area could be exposed to airborne sounds associated with pile driving that have the potential to cause harassment, depending on their distance from pile driving activities. Airborne pile driving sound would have less impact on cetaceans than pinnipeds because sound from atmospheric sources does not transmit well underwater (Richardson *et al.,* 1995). Thus, airborne sound would only be an issue for pinnipeds either hauled-out or looking with heads above water in the project area. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon their habitat and move further from the source. Studies by Blackwell *et al.* (2002) and Moulton *et al.* (2005) indicate a tolerance or lack of response to unweighted airborne sounds as high as 112 dB peak and 96 dB rms.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat are associated with elevated sound levels produced by vibratory and impact pile driving and removal in the area. However, other potential impacts to the surrounding habitat from physical disturbance are also possible.

Potential Pile Driving Effects on Prey—Construction activities would produce continuous (*i.e.,* vibratory pile driving) sounds. Fish react to sounds that are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan 2001, 2002; Popper and Hastings 2009). Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.,* 1992; Skalski *et al.,* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality. The most likely impact to fish from pile driving activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution, and behavior is anticipated. Additionally, NMFS developed a Biological Opinion in 2011 which indicated that no adverse effects were anticipated for critical habitat of prey species for marine mammals. In general, impacts to marine mammal prey species are expected to be minor and temporary due to the short timeframe for the project.

Effects to Foraging Habitat—Pile installation may temporarily increase turbidity resulting from suspended sediments. Any increases would be temporary, localized, and minimal. The Corps must comply with state water

quality standards during these operations by limiting the extent of turbidity to the immediate project area. In general, turbidity associated with pile installation is localized to about a 25-ft (7.62 m) radius around the pile (Everitt *et al.,* 1980). Cetaceans are not expected to be close enough to the project pile driving areas to experience effects of turbidity, and any pinnipeds will be transiting the terminal area and could avoid localized areas of turbidity. Therefore, the impact from increased turbidity levels is expected to be discountable to marine mammals. Furthermore, pile driving and removal at the project site will not obstruct movements or migration of marine mammals.

Natural tidal currents and flow patterns in MCR waters routinely disturb sediments. High volume tidal events can result in hydraulic forces that re-suspend benthic sediments, temporarily elevating turbidity locally. Any temporary increase in turbidity as a result of the action is not anticipated to measurably exceed levels caused by these normal, natural periods.

Mitigation Measures

In order to issue an LOA under section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking'' for certain subsistence uses.

The Corps' calculation of the Level A harassment zones utilized the methods presented in Appendix D of NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (the Guidance, available at *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*) and the accompanying User Spreadsheet. The Guidance provides updated PTS onset thresholds using the cumulative SEL (SEL_{cum}) metric, which incorporates marine mammal auditory weighting functions, to identify the received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity for acute, incidental exposure to all underwater anthropogenic sound sources. The Guidance (Appendix D) and its companion User Spreadsheet provide alternative methodology for incorporating these more complex thresholds and associated weighting functions.

The User Spreadsheet accounts for effective hearing ranges using Weighting Factor Adjustments (WFAs), and the Corps' application uses the recommended values for vibratory driving therein. NMFS' new acoustic thresholds use SEL_{cum} for non-impulsive sounds (*e.g.,* vibratory pile driving) (Table 5). The Corps used the User Spreadsheet to determine isopleth estimates for PTS onset using the cumulative sound exposure level metric (L_E) (*http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*). In determining the cumulative sound exposure levels, the Guidance considers the duration of the activity (5 hours), the sound exposure level produced by the source (163 rms SPL) during one working day, and the effective hearing range of the receiving species. These values were then used to develop mitigation measures for pile driving activities. The shutdown zone effectively represents the mitigation zone that would be established around each pile to prevent Level A harassment (PTS onset) to marine mammals (Table 5), while the ZOIs provide estimates of the areas within which Level B harassment might occur for vibratory pile driving.

TABLE 5—SUMMARY OF PTS ONSET ACOUSTIC THRESHOLDS AND PTS ISOPLETHS

Functional hearing group	PTS onset acoustic thresholds—non-impulsive, stationary, continuous (received level)	PTS isopleth to threshold (meters)
Low-Frequency (LF) Cetaceans	L_E,LF,24h: 199 dB	27.1
Mid-Frequency (MF) Cetaceans	LE,MF,24h: 198 dB	2.4
High-Frequency (HF) Cetaceans	LE,HF,24h: 173 dB	40.1
Phocid Pinnipeds (PW) (Underwater)	L_E,PW,24h: 201 dB	16.5
Otariid Pinnipeds (OW) (Underwater)	LE,OW,24h: 219 dB	1.2

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound exposure level (L_E) has a reference value of 1μPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

For this project, the Corps worked with NMFS to develop the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity. The primary purposes of these mitigation measures are to minimize sound levels from the activities, avoid unnecessary exposure to elevated sound levels, and to monitor marine mammals within designated ZOIs corresponding to NMFS' Level A and B harassment thresholds. The following measures would apply to the Corps' mitigation through shutdown zone and ZOI:

Shutdown Zone—For all pile driving activities, the Corps will establish a shutdown zone intended to contain the area in which Level A harassment thresholds are exceeded. The purpose of the exclusion zone is to define an area within which shutdown of construction activity would occur upon sighting of a marine mammal within that area (or in anticipation of an animal entering the defined area), preventing potential injury of marine mammals. Calculated distances to the updated PTS onset acoustic thresholds are shown in Table 5. Distances to the PTS onset threshold during vibratory pile driving range from a maximum of 40.1 m for high-frequency cetaceans to 1.2 m for otariid

pinnipends. Shutdown zone ispopleths for the species for which take are authorized is shown in Table 6.

Level B Harassment Zone (Zone of influence)—The ZOI refers to the area(s) in which SPLs equal or exceed NMFS' current Level B harassment thresholds (120 dB rms for non-pulsed continuous sound). ZOIs provide utility for monitoring that is conducted for mitigation purposes (*i.e.,* exclusion zone monitoring) by establishing monitoring protocols for areas adjacent to the exclusion zone. Monitoring of the ZOI enables observers to be aware of, and communicate about, the presence of marine mammals within the project area but outside the exclusion zone and prepare for potential shutdowns of activity should those marine mammals approach the exclusion zone. However, the primary purpose of ZOI monitoring is to allow documentation of incidents of Level B harassment; ZOI monitoring is discussed in greater detail later (see *Monitoring and Reporting*). The modeled radial distances for ZOIs for vibratory pile driving (not taking into account landmasses which are expected to limit the actual ZOI radii) are shown in Table 6 in the *Estimated Take by Harassment* section.

The Corps will implement a marine mammal monitoring plan as described in Sections 13 and 16 of the application as well as the November 2016 Addendum to the application. This plan includes the following measures:

- The Corps will conduct briefings between construction supervisors and crews, the marine mammal monitoring team, and Corps staff prior to the start of all pile driving activity in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.
- All pile driving and removal activities will be conducted only using a vibratory hammer.
- For in-water heavy machinery work other than pile driving (using, *e.g.,* standard barges, tug boats, barge-mounted excavators, or clamshell equipment used to place or remove material), if a marine mammal comes within 20 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.
- If the shutdown zone is obscured by fog or poor lighting conditions, pile driving will not be initiated until the entire shutdown zone is visible.
- If a marine mammal approaches or enters the shutdown zone during pile driving, work will be halted and delayed until either the animal's voluntary departure has been visually confirmed beyond the disturbance zone, or 15 minutes have passed without re-detection of the animal.
- Marine Mammal Observers (MMO) will scan the waters starting 30 minutes before and continuing through duration of all pile driving. If any species for which take is not authorized are observed within the area of potential sound effects during or 30 minutes before pile driving, the observer(s) will immediately notify the on-site supervisor or inspector, and require that pile driving either not initiate or temporarily cease until the animals have moved outside of the area of potential sound effects.
- Work will occur only during daylight hours, when visual monitoring of marine mammals can be conducted.
- In order to minimize impact to Southern Resident killer whales, in-water pile driving work will not be conducted during their primary feeding season extending from October 1 until April 30. Installation will occur from May 1 through September 30 each year. In order to avoid take of endangered Southern Resident killer whales, which may be indistinguishable from transient whales, if between May 1 and July 1 any killer whales are observed within the area of ZOI, comprising the shutdown and Level B thresholds, the Corps will immediately shut down all pile installation, removal, or maintenance activities. Operations will either remain shutdown or will not be initiated until all killer whales have moved outside of the area of the ZOI. After July 1 until September 30 all killer whales will be assumed to be transients because the presence of Southern Resident killer whales at that time would be highly improbable. No shutdown is required for killer whales observed after July 1 until September 30 in the Level B harassment zone, but animals must be recorded as Level B takes in the approved monitoring forms.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of affecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that these mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an Incidental Take Authorization (ITA) for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. The Corps submitted information regarding marine mammal monitoring to be conducted during pile driving and removal operations as part of the application. That information can be found in sections 13 and 16 of the application as well as the November 2016 Addendum.

Monitoring measures prescribed by NMFS should contribute to or accomplish one or more of the following top-level goals:

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

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

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

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

through effects on annual rates of recruitment or survival).

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

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

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

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

Monitoring Measures

Visual Monitoring

The following monitoring measures are required as part of this authorization.

- Visual vessel-based monitoring—The Corps will employ two vessels to monitor disturbance zones associated with pile-driving and removal activities at the North Jetty and South Jetty offloading facilities. Section 16 of the Corps' application indicates roughly where these vessels will be located. These vessels will be traversing across the delineated disturbance zones while pile driving is occurring.
- Visual shore-based monitoring will be conducted by qualified, trained MMOs. Visual monitoring will be implemented during all pile installation activities at all jetties. An observer must meet the qualifications stated in the application, have prior training and experience conducting marine mammal monitoring or surveys, and have the ability to identify marine mammal species and describe relevant behaviors that may occur in proximity to in-water construction activities.
- MMOs must be approved in advanced by NMFS.
- Trained MMOs will be placed at the best vantage points practicable (*e.g.,* at the pile location on construction barges, on shore, or aboard vessels, *etc.* as noted in the figures) to monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. Likely shore-based MMO locations are described in section 16 of the application.
- During pedestrian surveys, personnel will avoid as much as possible direct approach towards pinnipeds that are hauled out. If it is absolutely necessary to make movements towards pinnipeds, approach in a slow and steady manner to reduce the behavioral harassment to the animals as much as possible.
- MMOs will use a hand-held or boat-mounted GPS device *and* rangefinder to verify the required monitoring distance from the project site. MMOs will use range finders to determine distance to marine mammals, boats, buoys, and construction equipment.
- MMOs will be equipped with camera and video capable of recording any necessary take information, including data required in the event of an unauthorized Level A take.
- MMOs will scan the waters within the area of potential sound effects using high-quality binoculars (*e.g.,* Zeiss 10x42, or similar) or spotting scopes (20–60 zoom or equivalent), and by making visual observations.
- MMOs shall be equipped with radios or cell phones for maintaining immediate contact with other observers, Corps engineers, and personnel operating pile equipment.
- Monitoring would be conducted before, during, and after pile driving and removal activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from piles being driven. Observations made outside the shutdown zone will not result in shutdown; that pile segment would be completed without cessation, unless the animal approaches or enters the shutdown zone, at which point all pile driving activities would be halted.
- Monitoring will take place from 30 minutes prior to initiation through 30 minutes post-completion of pile driving activities. Pile driving activities include the time to remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Hydroacoustic Monitoring

A hydroacoustic monitoring plan submitted by the Corps has been approved by NMFS and will be implemented during construction. This will ensure that the shutdown and harassment isopleths are aligned with the initial distances established as part of these regulations. The complete hydroacoustic monitoring plan may be found in the November 2016 Addendum to the application at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

Data Collection

Observers shall use approved data forms. Among other pieces of information, the Corps will record detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any. In addition, the Corps will attempt to distinguish between the number of individual animals taken and the number of incidents of take. We require that, at a minimum, the following information be collected on the sighting forms:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Weather parameters *(e.g.,* percent cover, visibility);
- Water conditions (*e.g.,* sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;
- Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Locations of all marine mammal observations; and
- Other human activity in the area.

Reporting Measures

The Corps will submit an annual report to NMFS' Permits and Conservation Division within 90 days of the end of every operating season (September 30) during the 5-year authorization period. The annual report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. If no comments are received from NMFS within 30 days, the draft final report will become final. If comments are received, a final report must be submitted up to 30 days after receipt of comments. Reports shall contain the following information:

- Summaries of monitoring effort (*e.g.,* total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);
- Analyses of the effects of various factors influencing detectability of marine mammals (*e.g.,* sea state, number of observers, and fog/glare);
- Species composition, occurrence, and distribution of marine mammal sightings, including date, numbers, age/size/gender categories (if determinable), and group sizes;
- Observed behavioral responses to pile driving including bearing and direction of travel and distance from pile driving activity; and
- Results of hydroacoustic monitoring program.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the LOA, such as an injury (Level A harassment), serious injury or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), the

Corps will immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator. The report will include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved (if applicable);
- Vessel's speed during and leading up to the incident (if applicable);
- Description of the incident;
- Status of all sound source used in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Activities will not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with the Corps to determine necessary actions to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Corps will not be able to resume their activities until notified by NMFS via letter, email, or telephone.

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

In the event that the Corps discovers an injured or dead marine mammal, and the lead MMO determines that the injury or death is not associated with or related to the activities authorized in the LOA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Corps will report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, and the NMFS West Coast Stranding Hotline or West Coast Regional Stranding Coordinator, within 24 hours of the discovery. The Corps will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Pile driving activities will be permitted to continue.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as: ''. . . any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).''

All anticipated takes would be by Level B harassment resulting from vibratory pile driving and removal and may result in temporary changes in behavior. Injurious or lethal takes are not expected due to the expected source levels and sound source characteristics associated with the activity, and the mitigation and monitoring measures are expected to further minimize the possibility of such take.

If a marine mammal responds to a stimulus by changing its behavior (*e.g.,* through relatively minor changes in locomotion direction/speed or vocalization behavior), the response may or may not constitute taking at the individual level, and is unlikely to affect the stock or the species as a whole. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on animals or on the stock or species could potentially be significant (*e.g.,* Lusseau and Bejder 2007; Weilgart 2007). Given the many uncertainties in predicting the quantity and types of impacts of sound on marine mammals, it is common practice to estimate how many animals are likely to be present within a particular distance of a given activity, or exposed to a particular level of sound, and to use those values to estimate take.

Upland work can generate airborne sound and create visual disturbance that could potentially result in disturbance to marine mammals (specifically, pinnipeds) that are hauled out or at the water's surface with heads above the water. The Corps will also be conducting pedestrian surveys on each of the jetties during the summer, lasting about two days for each survey. During the life of this action, about six days of surveys over three seasons will occur at the South Jetty, which is the only jetty survey with the potential to impact pinnipeds.

The Corps requested authorization for the incidental taking of small numbers of killer whale, gray whale, humpback whale, harbor porpoise, Steller sea lion, California sea lion, and harbor seal near the MCR project area that may result from vibratory pile driving and removal during construction activities associated with the rehabilitation of the Jetty system at the MCR. In order to estimate the potential incidents of take that may occur incidental to the specified activity, we must first estimate the extent of the sound field that may be produced by the activity and then consider that in combination with information about marine mammal density or abundance in the project area. We first provide information on applicable sound thresholds for determining effects to marine mammals before describing the information used in estimating the sound fields, the available marine mammal density or abundance information, and the method of estimating potential incidences of take.

Sound Thresholds

We use sound exposure thresholds to determine when an activity that produces sound might result in impacts to a marine mammal such that a ''take'' by harassment might occur. As discussed above, NMFS has recently revised PTS (and TTS) onset acoustic thresholds for impulsive and non-impulsive sound as part of its new acoustic guidance. Information on applicable sound thresholds for determining Level A auditory injury harassment may be found in the new Guidance document (81 FR 51694; August 4, 2016). NMFS' calculation of the Level A harassment zones utilized the methods presented in Appendix D of the new Guidance and the accompanying Optional User Spreadsheet. The spreadsheet accounts for a marine mammal hearing group's potential susceptibility to noise-induced hearing loss at different frequencies (*i.e.,* auditory weighting functions) using Weighting Factor Adjustments (WFA). NMFS' new acoustic thresholds use cumulative sound exposure level for non-impulsive sounds (*e.g.,* vibratory pile driving). NMFS used source level measurements from similar vibratory pile driving events coupled with

practical spreading loss (15 log R), and applied the updated PTS onset thresholds for cumulative sound exposure level (SEL_{cum}) metric using the Optional User spreadsheet derived from the new acoustic guidance to determine isopleth estimates for PTS onset using the SEL_{cum} metric (*http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm*). In determining the cumulative sound exposure levels, the Guidance considers the duration of the activity within a 24-hour period, and the associated adjustment from the WFAs by hearing group. All calculated distances to marine mammal sound thresholds for PTS injury are provided in Table 6.

TABLE 6—PTS ISOPLETHS AND SHUTDOWN ZONE RADII AT MCR JETTIES

Species (hearing group)	PTS isopleth (m)	Shutdown radius (m)
Western Transient Killer Whale (Mid-frequency cetaceans)	2.4	20
Humpback Whale (Low-frequency cetaceans)	27.1	30
Gray Whale (Low-frequency cetaceans)	27.1	30
Harbor Porpoise (High-frequency cetaceans)	40.1	40
Steller Sea Lion (Otariid pinnipeds)	1.2	20
California Sea Lion (Otariid pinnipeds)	1.2	20
Harbor Seal (Phoccid pinnipeds)	16.5	20

These values were then used to develop mitigation measures for pile driving activities. The new Guidance indicates that there is a greater likelihood of auditory injury for low-frequency cetaceans (*i.e.,* humpback whales, gray whales) and high-frequency cetaceans (*i.e.,* harbor porpoise) than was considered in our **Federal Register** Notice of Proposed Rulemaking. In that **Federal Register** notice, NMFS proposed a shutdown zone of 20 m for all species during vibratory driving. In order to address this increased likelihood of PTS, we increased the shutdown zones required for low-frequency cetacean hearing group to 30 m and for high-frequency cetacean hearing group to 40 m. For harbor porpoise we assumed that 0.1 m (40.1 m vs. 40 m) would not make a significant difference in susceptibility to injury and set the PTS isopleth at 40 m. Because the shutdown zones for all hearing groups and species are greater than or equivalent to the PTS injury isopleths, NMFS does not authorize any Level A harassment take.

The Guidance does not address Level B harassment or airborne noise harassment; therefore, the Corps uses the current NMFS acoustic exposure criteria to determine exposure to airborne and underwater noise sound pressure levels for Level B harassment (Table 7).

TABLE 7—CURRENT NMFS ACOUSTIC EXPOSURE CRITERIA FOR LEVEL B HARASSMENT

Criterion	Definition	Threshold
Level B harassment (underwater)	Behavioral disruption	160 dB re: 1 μPa (impulsive source*)/120 dB re: 1 μPa (continuous source*) (rms).
Level B harassment (airborne)**	Behavioral disruption	90 dB re: 20 μPa (harbor seals)/100 dB re: 20 μPa (other pinnipeds) (unweighted).

* Impact pile driving produces impulsive noise; vibratory pile driving produces non-pulsed (continuous) noise.
** NMFS has not established any formal criteria for harassment resulting from exposure to airborne sound. However, these thresholds represent the best available information regarding the effects of pinniped exposure to such sound and NMFS' practice is to associate exposure at these levels with Level B harassment.

Distance to Sound Thresholds

Underwater Sound Propagation Formula—Pile driving generates underwater noise that can potentially result in disturbance to marine mammals in the project area. Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \log_{10} (R_1/R_2),$$

Where

TL = transmission loss in dB
B = wave mode coefficient
R_1= the distance of the modeled SPL from the driven pile, and
R_2= the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6 dB reduction in sound level for each doubling of distance from the source (20*log[range]). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source (10*log(range)). A practical spreading value of 15 is often used under conditions where water increases with depth as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions. Practical spreading loss (15*log(range)) with a 4.5 dB reduction in sound level for each doubling of distance is assumed here.

The Corps does not have information or modeling results related to pile installation activities. However, some features of the action are similar to those recently carried out by the Navy, the Washington State Department of Transportation (WSDOT), and other entities which were issued IHA/LOAs. For these reasons, NMFS considered

some of the results from previous, representative monitoring efforts. Though the MCR navigation channel is a major commercial thoroughfare, there are no ports or piers in the immediate proximity of the jetties, as the seas are too dangerous. The locations and settings of the MCR jetties are far more dynamic than a naval pier setting in the Puget Sound, the substrate is mostly sand, and the natural background noise is likely to be much higher with the large, breaking wave sets, dynamic currents, and high winds.

NMFS considered representative results from underwater monitoring for steel and wood piles that were installed via both impact and vibratory hammers in water depths from 5 to 15 meters (Illingworth and Rodkin 2007; WSDOT 2011 cited in Naval Base Kitsap 2014; Navy 2014; and NMFS 2011b). Transmission loss and propagation estimates are affected by the size and depth of the piles, the type of hammer and installation method, frequency, temperature, sea conditions, currents, source and receiver depth, water depth, water chemistry, and bottom composition and topography. NMFS reviewed several documents that included relevant monitoring results for radial distances and proxy sound levels encompassed by underwater pile driving noise. These distances for vibratory driving for 24-in steel piles were summarized previously in Table 16 in the application.

Because no site-specific, in-water noise attenuation data is available, the practical spreading model described and used by NMFS was used to determine transmission loss and the distances at which impact and vibratory pile driving or removal source levels are expected to attenuate down to the pertinent acoustic thresholds. The underwater practical spreading model is provided below:

$$R_2 = R_1 * 10\text{^}((dB_{at\ R1} - dB_{acoustic\ threshold})/15)$$

Where:

R_1 = distance of a known or measured sound level

R_2 = estimated distance required for sound to attenuate to a prescribed acoustic threshold

NMFS used representative sound levels from different studies to determine appropriate proxy sound levels and to model estimated distances until pertinent thresholds (R_1 and dB at R_1). Studies which met the following parameters were considered: Pile materials comprised of wood and steel pipe piles; pile sizes from 24- to 30-inches diameter; and pile driver type of either vibratory and impact hammers. These types and sizes of piles were considered in order to evaluate a representative range of sound levels that may result from the action. In some cases, because there was little or no data specific to 24-inch piles, NMFS analyzed 30-inch piles as the next larger pile size with available data. The Corps will include a maximum pile size of 24-inches as a constraint in its construction contracts.

Results of the practical spreading model provided the distance of the radii that were used to establish a ZOI or area affected by the noise criteria. At the MCR, the channel is about 3 miles across between the South and North Jetty. These jetties, as well as Jetty A, could attenuate noise, but the flanking sides on two of the jetties are open ocean, and Jetty A is slightly further interior in the estuary. Clatsop Spit, Cape Disappointment, Hammond Point, and the Sand Islands are also land features that would attenuate noise. Therefore, as a conservative estimate, NMFS is using (and showing on ZOI maps) the maximum distance and area (See Figures 1, 2, 3, and 4 in the November 2016 Addendum to the application). The actual area ensonified by pile driving activities is significantly constrained by local topography relative to the total threshold radius. The ensonified area was determined using a straight line-of-sight projection from the anticipated pile driving locations. Note that figures are provided for the ZOIs for both the South Jetty and the South Jetty Clatsop Spit. Only one of those two offloading facilities will be constructed, resulting in a total of three offloading facilities for the entire project.

NMFS selected proxy values for impact installation methods and calculated distances to acoustic thresholds for comparison and contextual purposes. NMFS ultimately relied most heavily on the proxy values developed by the Navy (2014).

For vibratory pile driving source level installation, NMFS used a figure of 163 dB re 1 μPa rms at 10 m. The proxy value of 163 dB re 1 μPa rms at 10 m is greater than the 24-in pipe pile proxy and equal to the sheet pile values proposed by Navy (2014) at 161 dB re 1 μPa rms and 163 dB re 1 μPa rms, respectively, and is also higher than the Friday Harbor Ferry sample (162 dB re 1 μPa rms) (Navy 2014 and Laughlin 2010a cited in Washington State Ferries 2013, respectively). NMFS also used 163 dB re 1 μPa rms to represent sheet pile installation, which registered higher than the pipe pile levels in the proxy study. Given the comparative differences between the substrate and context used in the Navy study relative to the MCR, 163 dB re 1 μPa rms is a very conservative evaluation level.

Airborne construction sound may also cause behavioral responses. Again, the Corps does not have specific, in-situ data and has used monitoring results from similar actions to obtain representative proxy SPLs. This also included the Navy (2014) proxy study for acoustic values from both vibratory and impact installation methods.

During the Navy study (2014), a maximum level of 110 re 20 μPa at 15 m was measured for a single 24-inch pile installed via impact hammer and was selected as the most representative value for modeling analysis under the Navy proxy study. The site was located in the Puget Sound. A single 30-second measurement was made for 24-inch piles during the Test Pile Program at NBK, Bangor via vibratory installation, and because these data fit the overall trend of smaller and larger pile sizes, the limited data set for 24-inch steel pipe supported the Navy (2014) representative proxy value of 92 dB re 20 μPa at 15 m (Navy 2014) for vibratory installation. The rms L_{eq} value for 24-inch steel pipe piles was also chosen as the best estimate for 24-inch sheet piles in the Navy study (Navy 2014).

The method used for calculating potential exposures to vibratory pile driving noise for each threshold was estimated using local marine mammal data sets, the Biological Opinion and data from LOA/IHA estimates on similar projects with similar actions. All estimates are conservative and include the following assumptions:

- During construction, each species could be present in the project area each day. The potential for a take is based on a 24-hour period. The model assumes that there can be one potential take (Level B harassment exposure) per individual per 24-hours;
- All pilings installed at each site would have an underwater noise disturbance equal to the piling that causes the greatest noise disturbance (*i.e.,* the piling furthest from shore) installed with the method that has the largest ZOI. The largest underwater disturbance ZOI would be produced by vibratory driving steel piles. The ZOIs for each threshold are not spherical and are truncated by land masses which would dissipate sound pressure waves;
- Exposures were based on estimated work days. Construction and maintenance at the three jetties will result in 49 days of pile driving activity as shown in Table 1. Additionally, six days of pedestrian surveys are planned to occur on South Jetty which may result in pinniped disturbance at haulout sites; and
- In absence of site specific underwater acoustic propagation modeling, the practical spreading loss model was used to determine the ZOI.

Note that pinnipeds that occur near the project sites could be exposed to airborne sounds associated with pile driving that have the potential to cause behavioral harassment, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA. Airborne noise will primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the airborne acoustic criteria. NMFS recognizes that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with heads above water. However, these animals would previously have been taken by exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Multiple incidents of exposure to sound above NMFS' thresholds for behavioral harassment are not believed to result in increased behavioral disturbance, in either nature or intensity of disturbance reaction. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Level B Take ZOI calculations are based on revised PTS isopleths and subsequent revised shutdown zones as well as the revised location of North Jetty barge offloading facility (moved 3,000 ft to the east). The ZOI is calculated by taking the area within the vibratory driving disturbance area established at the 120 dB level (7,356 m radius) and subtracting the shutdown zone radii, land mass and land mass shadow. Revised ZOI are provided in Table 8 below.

TABLE 8—REVISED ZONE OF INFLUENCES

Jetty	Species	Revised shutdown ZOI radius (m)	Area excluding land & jetty masses (km)[2]
Jetty A	Killer Whale, Stellar & California Sea lion and Harbor Seal	20	27.020
	Humpback & Gray Whale	30	27.019
	Harbor Porpoise	40	27.017
North Jetty—(STA 40 + 00)	Killer Whale, Stellar & California Sea lion and Harbor Seal	20	44.336
	Humpback & Gray Whale	30	44.335
	Harbor Porpoise	40	44.335
South Jetty—(STA 270 + 00)	Killer Whale, Stellar & California Sea lion and Harbor Seal	20	56.778
	Humpback & Gray Whale	30	56.777
	Harbor Porpoise	40	56.776
*South Jetty—Clatsop Spit	Killer Whale, Stellar & California Sea lion and Harbor Seal	20	56.506
	Humpback & Gray Whale	30	56.504
	Harbor Porpoise	40	56.502

To determine the total number of days required to calculate take, it is assumed that pile driving installation will take longer than extraction. Therefore, the number of pile driving days for installation is assumed to be 10 while extraction will take up to 7 days, for a total of 41 days [17 + 17 + 7] of vibratory activity. Furthermore, the South Jetty pile installation is anticipated to require maintenance after the installation due to harsher wave conditions during offloading activities that may loosen the 24 inch pile dolphins at that location. As such, we are assuming eight (8) additional days, four days per season, for maintenance activities most likely to occur in the May–June timeframe. Therefore, the total number of days is 41 + 8 = 49 days as is shown in Table 1.

In general, the following equation is used to calculate exposure estimate Level B Take for cetaceans:

$$\text{Take Estimate} = (N_{DensityEstimate} * Area_{ZOI\ Jetty\ A} * 7_{days}) + (N_{DensityEstimate} * Area_{ZOI\ North\ Jetty} * 17_{days}) + (N_{DensityEstimate} * Area_{ZOI\ South\ Jetty\ Channel} * 17_{days})$$

However, because densities vary depending on season, a more expanded equation is necessary to more accurately reflect potential exposure for some species based on the activities expected and described above. Calculations are shown in Table 9.

Take Estimate =

For Jetty A Extraction: $(N_{DensityEstimate\text{-}May/June} * Area_{ZOI\ Jetty\ A} * 7_{days}) +$

For NJ Installation/Extraction: $Area_{ZOI\ North\ Jetty} * [(N_{DensityEstimate\text{-}May/June} * 10_{days}) + (N_{DensityEstimate\text{-}July\text{–}Sep} * 7_{days})] +$

For SJ Installation/Extraction: $Area_{ZOI\ South\ Jetty} * [(N_{DensityEstimate\text{-}May/June} * 10_{days}) + (N_{DensityEstimate\text{-}July\text{–}Sep} * 7_{days})] +$

For SJ Maintenance: $(Area_{ZOI\ South\ Jetty} * N_{DensityEstimate\text{-}May/June} * 8_{days})$

TABLE 9—LEVEL B TAKE CALCULATIONS FOR CETACEANS

Species	Density (May/June)[1]	Density (July/Sept)[1]	SJ ZOI	NJ ZOI	JA ZOI	Days install NJ & SJ each	Days extract NJ & SJ each	SJ maint. days	JA extract days	Takes	Requested takes
Killer whale	0.0051	0.0051	56.778	44.336	[2] n/a	10	7	8	n/a	11.08	20
Humpback whale	0.00015	0.008976	56.777	44.335	27.019	10	7	8	7	6.60	15
Gray whale	0.04857	.000678	56.777	44.335	27.019	10	7	8	7	80.83	81
Harbor Porpoise	0.6935	0.6935	56.776	44.335	27.017	10	7	8	7	1,638.19	1,638

[1] Hanser *et al.* (2015).

[2] Shut-down procedures initiated for killer whales sited within the ZOI between 1 May and 1 July. Jetty A Extraction will occur in May 2017 so no takes associated with Jetty A.

Estimated Take for Cetaceans

Killer Whale

Southern Resident killer whales have been observed offshore near the study area and ZOI. While killer whales do occur in the Columbia River plume, where fresh water from the river intermixes with salt water from the ocean, they are rarely seen in the interior of the Columbia River Jetty system. Because Southern Residents have been known to feed in the area offshore, the Corps has limited its pile installation window in order to avoid peak salmon runs and any overlap with the presence of Southern Residents. To ensure no Level B acoustical harassment of endangered Southern Resident killer whales occurs, the Corps will prohibit pile installation from October 1 until April 30 of each season. The Corps will use vessels to survey and to implement a shut-down procedure if killer whales occur in the ZOI during pile installation/removal/repair activities from May 1 to July 1 to avoid take. After July 1, any animals taken are assumed to be transient killer whales rather than Southern Residents. As such NMFS is not anticipating any acoustic exposure to Southern Residents. Therefore, NMFS has determined that authorization of take for Southern Residents is not warranted.

Western transient killer whales may be traversing offshore over a greater duration of time than the feeding Southern Resident killer whales. While the calculated exposure is 11 (11.08) whales using Navy data (Hanser *et al.,* 2015), NMFS believes that an authorized take of 20 over the 5 year LOA period is warranted because solitary killer whales are rarely observed, and transient whales travel in pods of 6 or less (Dalheim *et al.,* 2008) members. NMFS has conservatively assumed that four pods of five killer whales will exposed to Level B harassment.

Humpback Whale

Humpback whales have been observed on both the ocean side of the Jetty System as well as in the Columbia River. Based on the Hanser *et al.* (2015) data, the calculated take for humpback whales is 7 (6.60). However, these animals also travel in groups although group size may vary. NMFS will assume that a group of three humpbacks will occur in a ZOI each year for which take is authorized under these regulations, resulting in a total of 15 Level B takes.

Gray Whale

Anecdotal evidence indicates gray whales occur near the MCR but are not a common visitor, as they mostly remain in the vicinity of the further offshore shelf-break (Griffith 2015). According to NOAA's Cetacean Mapping classification the waters in the vicinity of the MCR are classified as a Biologically Important Area (BIA) for gray whales. These whales use the area as a migration corridor (Calambokidis *et al.,* 2015). As primarily bottom feeders, gray whales are the most coastal of all great whales. They primarily feed in shallow continental shelf waters and are often observed within a few miles of shore (Barlow *et al.,* 2009). The Pacific Coast Feeding Group (PCFG) or northbound summer migrants would be the most likely gray whales to be in the vicinity of the MCR.

Based on the Navy data (Hanser *et al.,* 2015), NMFS has authorized 81 (80.83) gray whale takes. Because gray whales are known to inhabit nearshore environments in greater numbers than humpback whales, this higher number of gray whales takes would be expected.

Harbor Porpoise

Harbor porpoises are known to occupy shallow, coastal waters and, therefore, are likely to be found in the vicinity of the MCR. They have also been documented within the project area (Griffith 2015). The Navy data (Hanser *et al.,* 2015) indicates that 1,638 (1,638.19) harbor porpoise will be taken during the 5-year period, and NMFS has authorized that number of takes during the 5-year period covered by these regulations.

Pinnipeds

There are haulout sites on the South Jetty used by pinnipeds, especially Steller sea lions. It is likely that pinnipeds that use the haulout area would be exposed to 120 dB threshold acoustic threshold if they enter the water during pile driving activities. The number of exposures would vary based on weather conditions, season, and daily fluctuations in abundance. Based on a survey by the WDFW (2014), the number of affected Steller sea lions could range from 209 to 824 animals per day depending on the particular month. California sea lion numbers could range from 1 to 249 per day and the number of harbor seals could be as low as 1 to as high as 57 per day. Exposure and take estimates, below, are based on past pinniped data from Washington Department of Fish & Wildlife (WDFW) (2000–2014 data), which had a more robust monthly sampling frequency relative to Oregon Department of Fish and Wildlife (ODFW) (2014) counts. The exception to this was for harbor seal counts, for which ODFW (also 2000–2014 data) had more sampling data in certain months. Therefore, ODFW harbor seal data was used for the month of May, which indicated zero harbor seal sightings in May. NMFS will conservatively assume that all pinnipeds both hauled out and in-water would enter the water at some point during a single day of driving and transit into one of the three ensonified zones associated with each offloading facility. Therefore, they would be exposed to noise at or above the Level B thresholds.

To calculate take for pinnipeds the average daily count of each pinniped from the months of May through September was multiplied by 49 pile installation/removal/maintenance days. As was stated previously, the total vibration pile driving days is 49 which includes 17 days each for both North and South Jetties for install and extraction, 7 days for Jetty A extraction and 8 days for South Jetty maintenance. This figure was added to 1 percent of the highest average daily count for months May-August multiplied by six days. Calculations are shown in Table 10.

Pinniped take estimate = (average daily $count_{May–Sept.}$ * 49 pile driving days) + (1 percent highest average daily $count_{May–August}$ * 6 pedestrian survey days)

TABLE 10—LEVEL B TAKE CALCULATIONS FOR PINNIPEDS

Month	Steller sea lion	California sea lion	Harbor seal
	Avg [1] number	Avg [1] number	Avg [1 2] number
May	824	125	0
June	676	202	57
July	358	1	10

TABLE 10—LEVEL B TAKE CALCULATIONS FOR PINNIPEDS—Continued

Month	Steller sea lion	California sea lion	Harbor seal
	Avg [1] number	Avg [1] number	Avg [1 2] number
August	324	115	1
September	209	249	.....
Avg Daily Count (May–Sept) [3]	478	138	17
Total Pile Driving Exposures (49 days)	23,422	6762	833
Pedestrian Survey Exposures—1% of highest monthly Avg. $_{May-August}$ (6 days)	49	12	3
Total Takes (rounded)	23,471	6,774	836

[1] WDFW average daily count per month from 2000–2014.
[2] ODFW average daily count per month for May and July 2000–2014 due to additional available sampling data.
[3] Conservatively assumes each exposure is to new individual, all individuals are new arrivals each month, and no individual is exposed more than one time.

Based on the above equation, NMFS authorizes the Level B take of 23,471 Steller sea lions, 6,774 California sea lions, and 836 harbor seals over the 5-year authorization period.

Analyses and Determinations

Negligible Impact Analysis

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

To avoid repetition, the discussion of our analyses applies to all the species listed in Table 2, with the exception of Southern Resident killer whales and gray whales, given that the anticipated effects of this pile driving project on marine mammals are expected to be relatively similar in nature. There is no information about the size, status, or structure of any species or stock that would lead to a different analysis for this activity. Thus species-specific factors cannot be identified and analyzed.

Pile driving activities associated with the rehabilitation of the Jetty system at the MCR, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the planned activities may result in take, in the form of Level B harassment (behavioral disturbance) only, from underwater sounds generated from pile driving. Potential takes could occur if individuals of these species are present in the ensonified zone when pile driving is happening. No injury, serious injury, or mortality is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for these outcomes is minimized through the construction method and the implementation of the planned mitigation measures. Specifically, vibratory hammers will be the only method of installation utilized. No impact driving is planned. Vibratory driving does not have significant potential to cause injury to marine mammals due to the relatively low source levels produced and the lack of potentially injurious source characteristics. The likelihood of marine mammal detection ability by both land-based and vessel-based observers is high under the environmental conditions described for the rehabilitation of the Jetty System. MMO's ability to readily implement shutdowns as necessary during Jetty System construction activities will result in avoidance of injury, serious injury, or mortality.

The Corps' pile driving activities are localized and of short duration. The entire project area is limited to three jetty offloading facilities and their immediate surroundings. Pile driving activities covered under these regulations would take approximately 5 hours per day for 49 days over a 5-year period. Six days of pedestrian surveys at a single jetty across the five-year period are also planned. The piles would be a maximum diameter of 24 inches and would only be installed by vibratory driving method. The possibility exists that smaller diameter piles may be used, but for this analysis it is conservatively assumed that 24-inch piles will be driven.

These localized and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. Moreover, the mitigation and monitoring measures are expected to reduce potential exposures and behavioral modifications even further. Additionally, no important feeding and/or reproductive areas for marine mammals are known to be near the action areas.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the *Anticipated Effects on Marine Mammal Habitat* section. The project activities would not modify existing marine mammal habitat. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range. However, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,*Thorson and Reyff 2006; Lerma 2014). Most likely, individuals will

simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. In response to vibratory driving, pinnipeds (which may become somewhat habituated to human activity in industrial or urban waterways) have been observed to orient towards and sometimes move towards the sound. The pile driving activities analyzed here are similar to or less impactful than numerous construction activities conducted in other similar locations, which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. Thus, even repeated Level B harassment of some small subset of the overall stocks is unlikely to result in any significant realized decrease in fitness for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. Level B harassment will be reduced to the level of least practicable impact through use of mitigation measures described herein and, if sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the project area while the activity is occurring.

While NMFS is not aware of comparable construction projects near the MCR Jetty system, the pile driving activities analyzed here are similar to other in-water construction activities that have received incidental harassment authorizations previously, including a Unisea dock construction project in neighboring Iliuliuk Harbor, and at Naval Base Kitsap Bangor in Hood Canal, Washington, and at the Port of Friday Harbor in the San Juan Islands. These projects were completed with no reported injuries or mortalities to marine mammals, and no known long-term adverse consequences to marine mammals from behavioral harassment.

Note that NMFS has not authorized take for the endangered Southern Resident killer whales. Take has not been authorized because the Corps will prohibit pile driving from October 1 through April 30, which is considered the primary feeding season for Southern Residents and when their presence in the project areas is likely to be greatest. Additionally, the Corps will shut down all pile driving activities between May 1 and July 1 if any killer whale is observed approaching the ZOI. While unlikely, Southern Residents may occur near the project areas during this time. Because it may be difficult to differentiate between Southern Resident and transient populations, this conservative measure will ensure that no Southern Residents are taken. After July1 it would be highly unlikely for Southern Residents to occur in the project area. Therefore, shut down for Southern Residents will not be necessary, and any killer whales observed in the ZOI during this time are assumed to be transient killer whales.

The area offshore of MCR has been identified as a BIA for migrating gray whales (Calambokidis *et al.,* 2015). Members of the PCFG as well as other animals from both the eastern and western North Pacific populations travel through the area. However, this region has not been identified as one of six distinct PCFG feeding BIAs where PCFG animals are likely to stay for extended periods. Furthermore, anecdotal evidence indicates that while members of the PCFG have been observed near the MCR, they are not a common visitor, as they mostly remain in the vicinity of the offshore shelf-break (Griffith 2015).

In summary, this negligible impact analysis is founded on the following factors: (1) The possibility of injury, serious injury, or mortality may reasonably be considered discountable; (2) the anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior; (3) the absence of any other known areas or features of special significance for reproduction within the project area; and (4) the presumed efficacy of the mitigation measures in reducing the effects of the specified activity to the level of least practicable impact. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the Corps' rehabilitation of the MCR Jetty System will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers Analysis

Table 11 illustrates the number of animals that could be exposed to received noise levels that could cause Level B behavioral harassment for the work associated with the rehabilitation of the Jetty System at MCR. The total number of allowed takes was estimated and then divided equally over five years, which is the length of the LOA.

TABLE 11—ESTIMATED PERCENTAGE OF SPECIES/STOCKS THAT MAY BE EXPOSED TO LEVEL B HARASSMENT

Species	Total authorized takes over 5 years/average annual take (rounded)	Abundance	Percentage of total stock taken annually over 5 year LOA period (%)
Killer whale (Western transient stock)	20/4	243	1.6
Humpback whale (California/Oregon/Washington stock)	15/3	1,918	0.1
Gray whale (Eastern North Pacific Stock)	81/16	18,017	<0.01
Harbor porpoise	1,638/328	21,487	1.5
Steller sea lion	23,471/4,694	63,160–78,198	7.4–6.0
California sea lion	6,774/1,355	296,750	0.5
Harbor seal	836/167	24,732	0.7

Note that the work at the three jetty offloading facilities will not be spread evenly over the five-year authorization period. Because the schedule for pile driving over the five-year period is uncertain and susceptible to change depending on future funding availability, it is not possible for NMFS to estimate exposure and subsequent take for specific years. As such, the actual take per species may be higher or lower than the annual average for a specific year. Because the take numbers generated by NMFS are annualized averages, NMFS will assume that in any one year the actual take will be up to two times greater than the projected average annual take. As such, the greatest percentage of a total stock taken annually is not likely to exceed 14.7 percent (9,388 Steller sea lions). Furthermore, the small numbers analyses of annual averages shown in Table 11 represents between <0.01 and 7.4 percent of the populations of these stocks that could be affected by Level B behavioral harassment. The numbers of animals authorized to be taken for all species would be considered small relative to the relevant stocks or populations even if each estimated taking occurred to a new individual—an extremely unlikely scenario. For pinnipeds occurring in the vicinity of the offloading facilities, especially those hauled out at South Jetty, there will almost certainly be overlap in individuals present day-to-day, and these takes are likely to occur only within some small portion of the overall regional stock.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, which are expected to reduce the number of marine mammals potentially affected by the action, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no subsistence uses of marine mammals in the project area and, thus, no subsistence uses impacted by this action.

Endangered Species Act

NMFS, Permits and Conservation Division (PR1), Office of Protected Resources sent a request for consultation under section 7(a)(2) of the ESA to the West Coast Region (WCR), Protected Resources Division 1 (PR1) on August 12, 2016, for the issuance of an LOA to the Corps. To meet the requirements under section 7(a)(2), the WCR sent a memo to PR1 on August 25, 2016, referencing an existing formal consultation that analyzed the same effects and take as the issuance of the LOA. The WCR previously consulted with the Corps on the major rehabilitation of MCR Jetty System and issued a biological opinion on March 18, 2011. NMFS analyzed the effects of the action and concluded in the biological opinion that the effects of pile driving and pile removal activities at the MCR jetties were likely to adversely affect, but not likely to jeopardize the continued existence of humpback whales.

Since the biological opinion was finalized, NMFS has published a final rule that identified 14 distinct population segments (DPSs) of humpback whales (81 FR 62259; September 8, 2016). Three DPSs could occur in the action area, the Hawaii DPS, the Mexico DPS and the Central America DPS. The Mexico DPS is listed as threatened while the Central America DPS is listed as endangered.

Subsequent to the completion of the 2011 biological opinion, the WCR prepared an Incidental Take Statement (ITS) to be appended to the biological opinion. The WCR compared the ITS, as well as the effects analysis and conclusions in the biological opinion, with the amount of and conditions of take listed in the LOA. The WCR determined that the effects of NMFS' issuing an LOA to the Corps for the taking of humpback whales incidental to construction activities are consistent with those described in the 2011 biological opinion. The extent of the takes analyzed in the biological opinion ranged from 0–19 whales per day, which is more than the 15 individual takes being authorized under the MMPA over the 5-year authorization period. In addition, the short-term potential displacement or deflection around the action area and the small number of takes would also not be expected to have population level impacts or jeopardize any of the DPSs that could occur in the action area. The 2011 biological opinion remains valid and the MMPA authorization provides no new information about the effects of the action, nor does it change the extent of effects of the action. Based on the conclusions in the biological opinion, the takes would not jeopardize the continued existence of the two humpback whale DPSs currently listed under the ESA, and no further consultation was needed.

National Environmental Policy Act (NEPA)

The Corps issued the *Final Environmental Assessment Columbia River at the Mouth, Oregon and Washington Rehabilitation of the Jetty System at the Mouth of the Columbia River* (EA) and *Finding of No Significant Impact* (FONSI) in 2011. The EA and FONSI were revised in 2012 with a FONSI being signed on July 26, 2012. NMFS has reviewed the Corps' application for a rehabilitation of the MCR Jetty System. Based on that review, we have determined that the action closely follows the activities described in the EA and does not present any substantial changes, or significant new circumstances or information relevant to environmental concerns which would require a supplement to the 2012 EA or preparation of a new NEPA document. Therefore, we have determined that a new or supplemental EA or Environmental Impact Statement is unnecessary. After review of public comments, we determined it was appropriate to adopt the existing EA and develop a FONSI, which was signed in December 2016. The 2012 EA and 2016 FONSI are available for review at *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.*

Classification

The Office of Management and Budget has determined that this rule is not significant for purposes of Executive Order 12866. NMFS has considered all provisions of E.O. 12866 and analyzed this action's impact. Based on that review, this action is not expected to have an annual effect on the economy of $100 million or more, or have an adverse effect in a material way on the economy. Furthermore, this action would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; or materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel or policy issues.

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration at the proposed rule stage that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The RFA requires Federal agencies to prepare an analysis of a rule's impact on small entities whenever the agency is required to publish a notice of proposed

rulemaking. However, a Federal agency may certify, pursuant to 5 U.S.C. 605(b), that the action will not have a significant economic impact on a substantial number of small entities. The U.S. Army Corps of Engineers is the only entity that would be subject to the requirements in these regulations. The SBA defines a small entity as one that is independently owned and operated, and not dominant in its field of operation. The U.S. Army Corps of Engineers is not a small governmental jurisdiction, small organization, or small business, as defined by the RFA. Any requirements imposed by an LOA issued pursuant to these regulations, and any monitoring or reporting requirements imposed by these regulations, would be applicable only to the U.S. Army Corp of Engineers. NMFS does not expect the issuance of these regulations or the associated LOAs to result in any impacts to small entities. Because this action, if adopted, would directly affect only the U.S. Army Corps of Engineers and not a small entity, NMFS concludes the action would not result in a significant economic impact on a substantial number of small entities. Thus, a regulatory flexibility analysis is not required and none has been prepared.

This rule does not contain a collection-of-information requirement subject to the provisions of the Paperwork Reduction Act (PRA) because the applicant is a federal agency. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 217

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

Dated: February 7, 2017.

Alan D. Risenhoover,

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

For reasons set forth in the preamble, 50 CFR part 217 is amended as follows:

PART 217—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.,* unless otherwise noted.

■ 2. Add subpart X to part 217 to read as follows:

Subpart X—Taking Marine Mammals Incidental to Rehabilitation of the Jetty System at the Mouth of the Columbia River in Oregon and Washington

Sec.
217.230 Specified activity and specified geographical region.
217.231 Effective dates.
217.232 Permissible methods of taking.
217.233 Prohibitions.
217.234 Mitigation requirements.
217.235 Requirements for monitoring and reporting.
217.236 Letters of Authorization.
217.237 Renewals and modifications of Letters of Authorization.

Subpart X—Taking Marine Mammals Incidental to Rehabilitation of the Jetty System at the Mouth of the Columbia River in Oregon and Washington

§ 217.230 Specified activity and specified geographical region.

(a) Regulations in this subpart apply only to the U.S. Army Corps of Engineers (Corps) and those persons it authorizes to conduct activities on its behalf for the taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to the jetty rehabilitation program.

(b) The taking of marine mammals by the Corps may be authorized in a Letter of Authorization (LOA) only if it occurs within the nearshore marine environment at the Mouth of the Columbia River in Oregon and Washington.

§ 217.231 Effective dates.

Regulations in this subpart are effective May 1, 2017 through April 30, 2022.

§ 217.232 Permissible methods of taking.

Under LOAs issued pursuant to § 216.106 of this chapter and § 217.236, the Holder of the LOA (hereinafter ''Corps'') may incidentally, but not intentionally, take marine mammals within the area described in § 217.230(b), provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA.

§ 217.233 Prohibitions.

(a) Notwithstanding takings contemplated in § 217.230 and authorized by an LOA issued under § 216.106 of this chapter and § 217.236, no person in connection with the activities described in § 217.230 may:

(1) Take any marine mammal not specified in § 217.236;

(2) Take any marine mammal specified in § 217.236(a) other than by incidental Level B harassment;

(3) Take a marine mammal specified in § 217.236 if the National Marine Fisheries Service (NMFS) determines such taking results in more than a negligible impact on the species or stocks of such marine mammal;

(4) Take a marine mammal specified in § 217.236 if NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses; or

(5) Violate, or fail to comply with, the terms, conditions, and requirements of this subpart or an LOA issued under § 216.106 of this chapter and § 217.236.

(b) [Reserved]

§ 217.234 Mitigation requirements.

(a) When conducting the activities identified in § 217.130(a), the mitigation measures contained in any LOA issued under § 216.106 of this chapter and § 217.236 must be implemented. These mitigation measures include, but are not limited to:

(1) General conditions:

(i) The Corps shall conduct briefings as necessary between vessel crews, the marine mammal monitoring team, and other relevant personnel prior to the start of all pile driving and removal activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures;

(ii) Each Marine Mammal Observer (MMO) will maintain a copy of the LOA at their respective monitoring location, as well as a copy in the main construction office;

(iii) Pile activities are limited to the use of a vibratory hammer. Impact hammers are prohibited;

(iv) Pile installation/maintenance/removal activities are limited to the time frame starting May 1 and ending September 30 each season; and

(v) The Corps must notify NMFS' West Coast Regional Office (562–980–3232), at least 24-hours prior to start of activities impacting marine mammals.

(2) [Reserved]

(b) Establishment of Level B harassment zone:

(1) The Corps shall establish Level B behavioral harassment Zone of Influence (ZOI) where received underwater sound pressure levels (SPLs) are higher than 120 dB (rms) re 1 μPa for non-pulse sources (*i.e.,* vibratory hammer). The ZOI delineates where Level B harassment would occur; and

(2) For vibratory driving, the level B harassment area is comprised of a radius

between the shutdown zone for a specified species and 7.35 km from driving operations.

(c) Establishment of shutdown zone:

(1) Under LOAs issued pursuant to § 216.106 of this chapter and § 217.236, the Corps shall establish shutdown zones that are in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA;

(2) For in-water heavy machinery work other than pile driving (using, *e.g.,* standard barges, tug boats, barge-mounted excavators, or clamshell equipment used to place or remove material), operations shall cease if a marine mammal comes within 20 m and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions;

(3) If a marine mammal approaches or enters the shutdown zone during the course of vibratory pile driving operations, the activity will be halted and delayed until the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed with the animal being resighted;

(4) If a marine mammal is seen above water within or approaching a shutdown zone then dives below, the contractor would wait 15 minutes. If no marine mammals are seen by the observer in that time it will be assumed that the animal has moved beyond the exclusion zone;

(5) If the shutdown zone is obscured by fog or poor lighting conditions, pile driving shall not be initiated until the entire shutdown zone is visible;

(6) Disturbance zones shall be established as described in paragraph (b) of this section, and shall encompass the Level B harassment zones established by LOAs issued pursuant to § 216.106 of this chapter and § 217.236 provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the appropriate LOA. These zones shall be monitored to maximum line-of-sight distance from established vessel- and shore-based monitoring locations. If marine mammals other than those listed in § 216.106 and § 217.236 are observed within the disturbance zone, the observation shall be recorded and communicated as necessary to other MMOs responsible for implementing shutdown/power down requirements and any behaviors documented;

(7) Between May 1 and July 1, the observation of any killer whales within the ZOI shall result in immediate shut-down all of pile installation, removal, or maintenance activities. Pile driving shall not resume until all killer whales have moved outside of the ZOI; and

(8) After July 1, no shutdown is required for Level B killer whale take, but animals must be recorded as Level B take in the monitoring forms described below.

(d) If the allowable number of takes for any marine mammal species in § 216.106 of this chapter and § 217.236 is exceeded, or if any marine mammal species not listed in § 216.236 is exposed to SPLs greater than or equal to 120 dB re 1 μPa (rms), the Corps shall immediately shutdown activities involving the use of active sound sources (*e.g.,* vibratory pile driving equipment), record the observation, and notify NMFS Office of Protected Resources.

§ 217.235 Requirements for monitoring and reporting.

(a) *Monitoring.* (1) Qualified Marine Mammal Observers (MMOs) shall be used for both shore and vessel-based monitoring;

(2) All MMOs must be approved by NMFS;

(3) A qualified MMO is a third-party trained biologist with the following minimum qualifications:

(i) Visual acuity in both eyes (correction is permissible) sufficient to discern moving targets at the water's surface with ability to estimate target size and distance. Use of binoculars or spotting scope may be necessary to correctly identify the target;

(ii) Advanced education in biological science, wildlife management, mammalogy or related fields (Bachelor's degree or higher is preferred);

(iii) Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);

(iv) Experience or training in the field identification of marine mammals (cetaceans and pinnipeds);

(v) Sufficient training, orientation or experience with vessel operation and pile driving operations to provide for personal safety during observations;

(vi) Writing skills sufficient to prepare a report of observations; and

(vii) Ability to communicate orally, by radio, or in-person with project personnel to provide real time information on marine mammals observed in the area, as needed.

(4) MMOs must be equipped with the following:

(i) Binoculars (10x42 or similar), laser rangefinder, GPS, big eye binoculars and/or spotting scope 20–60 zoom or equivalent; and

(ii) Camera and video capable of recording any necessary take information, including data required in the event of an unauthorized take; and

(5) MMOs shall conduct monitoring as follows;

(i) During all pile driving and removal activities;

(ii) Only during daylight hours from sunrise to sunset when it is possible to visually monitor mammals;

(iii) Scan the waters for 30 minutes before and during all pile driving. If any species for which take is not authorized are observed within the area of potential sound effects during or 30 minutes before pile driving, the MMO(s) will immediately notify the on-site supervisor or inspector, and require that pile driving either not initiate or temporarily cease until the animals have moved outside of the area of potential sound effects;

(iv) If weather or sea conditions restrict the observer's ability to observe, or become unsafe for the monitoring vessel(s) to operate, pile installation shall not begin or shall cease until conditions allow for monitoring to resume;

(v) Trained land-based observers will be placed at the best vantage points practicable. The observers' position(s) will either be from the top of jetty or adjacent barge at the location of the pile activities and from Cape Disappointment Visitors Center during work at North and South Jetty, and Clatsop Spit for work at Jetty A;

(vi) Vessel-based monitoring for marine mammals must be conducted for all pile-driving activities at the North Jetty and two South Jetty offloading facilities. Two vessels may be utilized as necessary to adequately monitor the offshore ensonified zone;

(vii) Any marine mammals listed in § 217.236 entering into the Level B harassment zone will be recorded as take by the MMO and listed on the appropriate monitoring forms described below;

(viii) During pedestrian surveys, personnel will avoid as much as possible direct approach towards pinnipeds that are hauled out. If it is absolutely necessary to make movements towards pinnipeds, personnel will approach in a slow and steady manner to reduce the behavioral harassment to the animals as much as possible; and

(ix) Hydroacoustic monitoring shall be performed using methodology described in the November 2016 Addendum containing the Hydroacoustic Monitoring Plan.

(b) *Reporting.* (1) MMOs must use NMFS-approved monitoring forms and shall record the following information when a marine mammal is observed:

(i) Date and time that pile removal and/or installation begins and ends;

(ii) Construction activities occurring during each observation period;

(iii) Weather parameters (*e.g.,* percent cover, visibility);

(iv) Water conditions [*e.g.,* sea state, tidal state (incoming, outgoing, slack, low, and high)];

(v) Species, numbers, and, if possible, sex and age class of marine mammals;

(vi) Marine mammal behavior patterns observed, including bearing and direction of travel, and, if possible, the correlation to SPLs;

(vii) Distance from pile removal and/or installation activities to marine mammals and distance from the marine mammal to the observation point;

(viii) Locations of all marine mammal observations; and

(ix) Other human activity in the area.

(2) [Reserved]

(c) *Annual report.* (1) The Corps shall submit a draft annual report to NMFS Office of Protected Resources covering a given calendar year within 90 days of the last day of pile driving operations. The annual report shall include summaries of the information described in paragraph (b)(1) of this section.

(2) The Corps shall submit a final annual report to the Office of Protected Resources, NMFS, within 30 days after receiving comments from NMFS on the draft report.

(d) *Notification of dead or injured marine mammals.* (1) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this Authorization, such as an injury, serious injury, or mortality, The Corps shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS.

(i) The report must include the following information:

(A) Time, date, and location (latitude/longitude) of the incident;

(B) Description of the incident;

(C) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(D) Description of marine mammal observations in the 24 hours preceding the incident;

(E) Species identification or description of the animal(s) involved;

(F) Status of all sound source use in the 24 hours preceding the incident;

(G) Fate of the animal(s); and

(H) Photographs or video footage of the animal(s). Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with the Corps to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Corps may not resume their activities until notified by NMFS.

(ii) In the event that the Corps discovers an injured or dead marine mammal, and the lead MMO determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.,* in less than a moderate state of decomposition), the Corps shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. The report must include the same information identified in this paragraph (d). If the observed marine mammal is dead, activities may continue while NMFS reviews the circumstances of the incident. If the observed marine mammal is injured, measures described in this paragraph (d) must be implemented. NMFS will work with the Corps to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iii) In the event that the Corps discovers an injured or dead marine mammal, and the lead MMO determines that the injury or death is not associated with or related to the activities authorized in the LOA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), the Corps shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. The Corps shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS. If the observed marine mammal is dead, activities may continue while NMFS reviews the circumstances of the incident. If the observed marine mammal is injured, measures described in this paragraph (d) must be implemented. In this case, NMFS will notify the Corps when activities may resume.

§ 217.236 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, the Corps must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) If an LOA expires prior to the expiration date of these regulations, the Corps may apply for and obtain a renewal of the Letter of Authorization.

(d) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, the Corps must apply for and obtain a modification of the Letter of Authorization as described in § 217.237.

(e) The LOA shall set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact (*i.e.,* mitigation) on the species, its habitat, and on the availability of the species for subsistence uses; and

(3) Requirements for monitoring and reporting.

(f) Issuance of the LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(g) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within thirty days of a determination.

§ 217.237 Renewals and modifications of Letters of Authorization.

(a) An LOA issued under § 216.106 of this chapter and § 217.236 for the activity identified in § 217.230(a) shall be renewed or modified upon request by the applicant, provided that:

(1) The specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section); and

(2) NMFS determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented.

(b) For LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in § 217.247(c)(1)) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), NMFS may publish a notice of LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under § 216.106 of this chapter and § 217.236 for the activity identified in § 217.230(a) may be modified by NMFS under the following circumstances:

(1) *Adaptive management*—NMFS may modify (including augment) the existing mitigation, monitoring, or reporting measures (after consulting

with the Corps regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations;

(i) Possible sources of data that could contribute to the decision to modify the mitigation, monitoring, or reporting measures in an LOA:

(A) Results from the Corps' monitoring from the previous year(s);

(B) Results from other marine mammal and/or sound research or studies; and

(C) Any information that reveals marine mammals may have been taken in a manner, extent or number not authorized by these regulations or subsequent LOAs; and

(ii) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, NMFS will publish a notice of LOA in the **Federal Register** and solicit public comment; and

(2) *Emergencies*—If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 217.236, an LOA may be modified without prior notice or opportunity for public comment. Notice will be published in the **Federal Register** within thirty days of the action.

[FR Doc. 2017–02782 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160510416–6999–02]

RIN 0648–BG06

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Yellowtail Snapper Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council). This final rule revises the yellowtail snapper commercial and recreational fishing year and removes the requirement to use circle hooks for the commercial harvest of yellowtail snapper in the Gulf exclusive economic zone (EEZ) south of Cape Sable, Florida. The purpose of this final rule is to increase the operational efficiency of the yellowtail snapper component of the commercial sector of the Gulf reef fish fishery, achieve optimum yield, and decrease the regulatory burden of compliance with differing regulations established by separate regulatory agencies across the adjacent Gulf and South Atlantic jurisdictions.

DATES: This final rule is effective March 13, 2017.

ADDRESSES: Electronic copies of the framework action, which includes an environmental assessment, Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from *www.regulations.gov* or the SERO Web site at *http://sero.nmfs.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Cynthia Meyer, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *cynthia.meyer@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery includes yellowtail snapper and is managed under the FMP. The FMP was prepared by the Gulf Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On October 17, 2016, NMFS published a proposed rule for the framework action and requested public comment (FR 81 71471). The proposed rule and the framework action outline the rationale for the actions contained in this final rule. A summary of the management measures described in the framework action and implemented by this final rule is provided below.

In the southeastern United States, yellowtail snapper are harvested by both commercial and recreational fishers, with landings coming almost exclusively from waters adjacent to Florida. Yellowtail snapper are managed separately in the Gulf and South Atlantic but are a single genetic stock. The 2012 Southeast Data, Assessment, and Review (SEDAR 27) combined the two areas for stock assessment purposes and indicated that yellowtail snapper in the Gulf and South Atlantic were not overfished and not experiencing overfishing.

Management Measures Contained in This Final Rule

This final rule revises the fishing year for Gulf yellowtail snapper and the fishing gear requirements for the Gulf yellowtail snapper commercial sector.

Yellowtail Snapper Fishing Year

Previously, the fishing year for both the commercial and recreational sectors for yellowtail snapper in the Gulf and the South Atlantic was January 1 through December 31. The South Atlantic Fishery Management Council changed the yellowtail snapper fishing year in the South Atlantic to begin on August 1, and end on July 31, for both the commercial and recreational sectors (81 FR 45245, July 13, 2016). This final rule similarly revises the fishing year for Gulf yellowtail snapper for both the commercial and recreational sectors to be August 1 through July 31, each year. Although the harvest of yellowtail snapper in the Gulf has not exceeded the stock ACL since ACLs were implemented in 2011 (76 FR 82044, December 29, 2011), this fishing year revision may more closely align any required ACL closure in the Gulf, if one were to occur, with any ACL closure in the South Atlantic. In addition, having the same fishing year for both the Gulf and South Atlantic would benefit those commercial fishers that harvest yellowtail snapper in both regions by decreasing the compliance burden of different regulations for the same species in adjacent management areas.

Yellowtail Snapper Fishing Gear Requirements

In the Gulf, a person harvesting reef fish, including yellowtail snapper, is required to use non-stainless steel circle hooks when fishing with natural bait (50 CFR 622.30(a)). This measure was put in place to reduce the post-release mortality of Gulf reef fish. This final rule revises this requirement to also allow the use of other non-stainless steel hook types, such as J-hooks, when commercial fishing with natural bait for yellowtail snapper in the area south of a line extending due west from 25°09′ N. lat. off the west coast of Monroe County, Florida, to the Gulf and South Atlantic Councils' shared boundary. The northern boundary of the area for this fishing gear exemption coincides with a state of Florida species management boundary already put in place by the Florida Fish and Wildlife Conservation Commission.

The Gulf Council determined that allowing other hook types for the commercial harvest of yellowtail snapper in Federal waters off south

Florida was appropriate because of the specific fishing method used by commercial fishers that allows for quicker de-hooking when the fish are caught using J-hooks. Yellowtail snapper fishers have stated that J-hooks catch in the mouth of fish upon jerking the rod upward when fishers feel the fish take the bait. Landed fish are then quickly de-hooked using a purpose-built rig by pulling the fishing line across a horizontal bar, on which the hook catches. Allowing the use of non-circle hooks, such as J-hooks, is expected to result in less handling of undersized fish that need to be discarded, thereby increasing efficiency and potentially decreasing post-release mortality. This change makes the fishing gear requirements for the commercial harvest of yellowtail snapper consistent between the Gulf and South Atlantic. In the South Atlantic, snapper-grouper Federal commercial permit holders are not required to use circle hooks when fishing for any species within the snapper-grouper complex south of 28°00′ N. lat.

Comments and Responses

NMFS received a total of seven comments on the proposed rule. One comment supportive of the proposed rule and one comment outside the scope of the proposed rule are not addressed in this final rule. Specific comments related to the framework action and the proposed rule, and NMFS' responses, have been grouped together by topic and are summarized below.

Comment 1: The fishing year for Gulf yellowtail snapper should not be revised. Having the same fishing year of August 1 through July 31 for both the Gulf and South Atlantic limits the opportunity for the stock to spawn and to replenish the respective populations. Additionally, maintaining different fishing years between the Gulf and South Atlantic helps to maintain a more steady opportunity to fish for yellowtail snapper.

Response: NMFS disagrees that the fishing year for Gulf yellowtail snapper should not be revised. Although spawning of yellowtail snapper in southeastern U.S. waters can occur year-round, their peak spawning period is from April to August. By starting the fishing year in August, any closure near the end of the fishing year, as a result of meeting the annual catch limit, would correspond with the species' peak spawning period.

Additionally, establishing identical fishing seasons for the Gulf and South Atlantic is unlikely to affect the opportunity to fish for yellowtail snapper because the Gulf stock ACL has not been exceeded since ACLs were implemented in 2011. However, aligning the fishing years may improve regulatory compliance and reduce the enforcement burden. It can be challenging for fishers to abide by different regulations in the areas where the Gulf and South Atlantic Councils' jurisdictions are adjacent, because a single fishing trip may involve fishing in multiple jurisdictions. The change to the fishing year was also widely supported in comments provided to the Gulf Council during the development of the framework action.

Comment 2: Circle hooks should continue to be required to fish for Gulf yellowtail snapper. Removing the requirement for circle hooks will cause increased harm and mortality to released fish, both yellowtail snapper and any bycatch.

Response: NMFS disagrees that allowing the use of hooks other than circle hooks for the commercial harvest of yellowtail snapper off of the southwest coast of Florida will cause increased harm and mortality to released fish. The change in fishing gear requirements to allow for the use of J-hooks is only for the limited area of the Gulf just south of Cape Sable on the west coast of Florida, where the majority of commercial yellowtail snapper in the Gulf are caught. The requirement for circle hooks will remain in effect for the rest of the Gulf EEZ.

Commercial yellowtail snapper fishers use chum bags on the surface to attract yellowtail snapper to the stern of the fishing vessel, and then use natural bait on small hooks to catch and land the fish. Circle hooks are designed to be swallowed by the fish, come back up the fish's esophagus as the fish swims away, and finally hook the fish in the mouth. This practice requires fishers to allow the fish to swim off with the bait and then become hooked. Directed commercial yellowtail snapper fishing practices do not accommodate allowing a fish to swim off with the bait, which prevents the use of circle hooks as they are designed. Commercial yellowtail snapper fishers also use a fishing method that allows them to release yellowtail snapper which have been caught with J-hooks more easily than those caught with circle hooks, resulting in decreased handling times for fish which are to be discarded. Decreased handling times of yellowtail snapper by fishers may help reduce discard mortality rates. In addition, fishers can proactively prevent other fish species from taking bait at the surface, largely due to the close proximity of the fisher to the bait, which facilitates a direct view of feeding activity and identification of the fish.

Comment 3: The change in hook requirements should apply to both the recreational and commercial harvest of yellowtail snapper because recreational fishers use the same technique as commercial fishers to harvest these fish.

Response: The Council determined, and NMFS agrees, that it is not necessary to change the circle hook requirement for the recreational sector at this time. Landings of yellowtail snapper in the Gulf come almost exclusively from waters adjacent to Florida, with over 97 percent of these landings, on average, by the commercial sector. Some commercial yellowtail snapper fishers reported that the small circle hooks necessary to target yellowtail snapper are more likely to be swallowed completely into the fish's stomach. This makes it more likely that the hook will snag somewhere in the fish's digestive track and makes it more difficult to release fish quickly, which reduces efficiency. The Council did not consider changing the hook requirement for the recreational sector because of the inherent multi-species nature of recreational fishing activities when yellowtail snapper are included, and because there was no expressed need to increase operational efficiency in the recreational fishing sector, which harvests only a small percentage of the total yellowtail snapper landings.

Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is consistent with the framework amendment, the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this final rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No significant issues were received regarding the certification from public comments on the proposed

rule, no changes were made to the final rule in response to such comments, and NMFS has not received any new information that would affect its previous determination. As a result, a final regulatory flexibility analysis is not required and none was prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, South Atlantic, Yellowtail snapper, Gear, Bycatch.

Dated: February 7, 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 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.7, add paragraph (g) to read as follows:

§ 622.7 Fishing years.

* * * * *

(g) *Gulf of Mexico yellowtail snapper*—August 1 through July 31.

■ 3. In § 622.30, revise paragraph (a) to read as follows:

§ 622.30 Required fishing gear.

* * * * *

(a) *Non-stainless steel circle hooks.* Non-stainless steel circle hooks are required when fishing with natural baits, except that other non-stainless steel hook types may be used when commercial fishing for yellowtail snapper with natural baits in an area south of a line extending due west from 25°09′ N. lat. off the west coast of Monroe County, Florida, to the Gulf of Mexico and South Atlantic inter-council boundary, specified in § 600.105(c).

* * * * *

[FR Doc. 2017–02786 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 27
Friday, February 10, 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

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2016–0022]

RIN 0579–AE29

Importation of Hass Avocados From Colombia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We are extending the comment period for a proposed rule to allow the importation of Hass avocados from Colombia into the continental United States. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the proposed rule published on October 27, 2016 (81 FR 74722) is extended. We will consider all comments that we receive on or before March 20, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0022.*
- *Postal Mail/Commercial Delivery:* Send your comments to Docket No. APHIS–2016–0022, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0022* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Lamb, Senior Regulatory Policy Specialist, USDA/APHIS/PPQ, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2103; *David.B.Lamb@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: On October 27, 2016, we published in the **Federal Register** (81 FR 74722–74727, Docket No. APHIS–2016–0022) a proposed rule to authorize the importation of Hass avocados from Colombia into the continental United States.

Comments on the proposed rule were required to be received on or before December 27, 2016. On January 17, 2017, we published in the **Federal Register** (82 FR 4798) a notice of reopening of the comment period for an additional 30 days. Comments were required to be received by February 16, 2017.

We are extending the comment period on Docket No. APHIS–2016–0022 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 6th day of February 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–02781 Filed 2–9–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 340

[Docket No. APHIS–2015–0057]

RIN 0579–AE15

Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: We are extending the comment period for our proposed rule that would revise our regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to update the regulations in response to advances in genetic engineering and understanding of the plant pest and noxious weed risk posed by genetically engineered organisms, thereby reducing burden for regulated entities whose organisms pose no plant pest or noxious weed risks. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the proposed rule published on January 19, 2017 (82 FR 7008) is extended. We will consider all comments that we receive on or before June 19, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0057.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0057, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0057* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Sidney Abel, Assistant Deputy Administrator, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1238; (301) 851–3896.

SUPPLEMENTARY INFORMATION: On January 19, 2017, we published in the **Federal Register** (82 FR 7008–7039, Docket No. APHIS–2015–0057) a proposal to revise our regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms in order to update the regulations in response to advances in genetic engineering and understanding of the plant pest and noxious weed risk posed by genetically engineered

organisms, thereby reducing burden for regulated entities whose organisms pose no plant pest or noxious weed risks.

Comments on the proposed rule were required to be received on or before May 19, 2017. We are extending the comment period on Docket No. APHIS–2015–0057 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 6th day of February 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–02783 Filed 2–9–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9266; Airspace Docket No. 16–ASO–5]

Proposed Amendment of Class E Airspace; Kill Devil Hills, NC: Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM), withdrawal.

SUMMARY: A Notice of proposed rulemaking (NPRM) published in the **Federal Register** on December 12, 2016 amending Class E airspace at First Flight Airport, Kill Devil Hills, NC is being withdrawn. Upon review, the FAA found that this is a duplicate of an NPRM published November 22, 2016.

DATES: Effective 0901 UTC. As of February 10, 2017 the proposed rule published December 12, 2016, at 81 FR 89399, is withdrawn.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On December 12, 2016, the FAA published in the **Federal Register** a NPRM to establish Class E airspace at Devil Hills, NC (81 FR 89399) Docket No. FAA–2016–9266. The document is being withdrawn as it was found to be a duplicate of one published in the **Federal Register** of November 22, 2016 (81 FR 83750)

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the notice of proposed rulemaking, as published in the **Federal Register** on December 12, 2016 (81 FR 89399) (FR Doc. 2016–29630), is hereby withdrawn.

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

Issued in College Park, Georgia, on December 29, 2016.

Debra L. Hogan,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–02490 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2016–0916]

RIN 1625–AA01

Anchorages; Captain of the Port Puget Sound Zone, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes the creation of several new anchorages and holding areas as well as a non-anchorage area, the expansion of one existing general anchorage, and the establishment of new and clarification of existing regulations governing such anchorages and areas in the Puget Sound area. This action is necessary to provide enhanced safety for maritime traffic in the Puget Sound area. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 11, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0916 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Laird Hail, U.S. Coast Guard Sector Puget Sound; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Previous rulemakings defined a number of anchorages and one non-anchorage area throughout the greater Puget Sound area. Since those rulemakings, additional informal anchorages, holding areas, and a non-anchorage area have been utilized to accommodate the wide variety of vessels now calling on Puget Sound ports. Coast Guard Vessel Traffic Service (VTS) Puget Sound, working with shipping agents, pilots, and other stakeholders, identified and started using these anchorages and areas to improve the safety of maritime traffic. Because these anchorages and areas are not formally established, however, they are not included on nautical charts, referenced in the Coast Pilot, or subject to regulations. Accordingly, this proposed rule would formally designate these anchorages and areas. In addition, it would establish new and clarify existing regulations governing the use of all anchorages and areas in the Puget Sound area. The purpose of these actions is to improve the safety of all Puget Sound waterway users. The Coast Guard proposes this rulemaking under the authority established in 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

III. Discussion of Proposed Rule

This rulemaking proposes the creation of several new anchorages, holding areas, and a non-anchorage area as well as the expansion of one existing general anchorage in the Puget Sound area, as detailed in the proposed regulatory text. Graphic depictions of the anchorages, holding areas, and non-anchorage area are included in the docket. In general, they are located in the vicinity of Port Townsend, Commencement Bay, Port Angeles, Vendovi Island, Quartermaster Harbor, and Budd Inlet. The proposed anchorages and areas have been used for many years informally, however, they

are not included on nautical charts, referenced in the Coast Pilot, or subject to anchorage regulations. This rulemaking also proposes new and updated regulations governing anchorages and areas in the Puget Sound area, as detailed in the proposed regulatory text. In general, they clarify the existing regulations establishing rules for the use of anchorages and areas generally and create new anchorage regulations establishing rules for the use of the new anchorages and areas created by this rule. The codification of these anchorages and areas, along with the new and updated regulations, would improve the safety of all Puget Sound waterway users by having the anchorages and areas included on nautical charts, referenced in the Coast Pilot, subject to appropriate regulations, and available to VTS Puget Sound whenever necessary to manage vessel traffic.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders.

A. Regulatory Planning and Review

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

This determination is based on the fact that the affected areas of the Puget Sound have been used historically as informal anchorages and areas in the manner proposed and the new and updated regulations will not impose significant limitations on the current use of the existing or new anchorages or areas.

B. Impact on Small Entities

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

While some of the maritime users intending to use the affected areas of the Puget Sound may be small entities, for the reasons stated in section IV.A. above this proposed rule would not have a significant economic impact on such entities.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Regardless, the Coast Guard consulted with the Indian Tribal Governments having an interest in the affected waters when considering this rule. Their primary concerns were related to potential restriction of access to Usual & Accustomed fishing grounds, and as such, the Coast Guard has included specific provisions in the anchorage regulations created by this rule to accommodate those concerns. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment and changing the size of anchorage grounds. Normally such actions are categorically excluded from further review under paragraph 34(f) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2071, 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 110.230—
■ a. Add paragraph (a)(3)(iii),
■ b. Revise paragraphs (a)(13) and (14),
■ c. Add paragraphs (a)(15) through (17),
■ d. Revise paragraph (b), and
■ e. Add paragraph (c).

The additions and revisions read as follows:

§ 110.230 Anchorages, Captain of the Port Puget Sound Zone, WA.

* * * * *

(a) * * *

(3) * * *

(iii) *General Anchorage.* All waters of Port Townsend shoreward of a line starting at latitude 48°06′33″ N., longitude 122°46′00″ W.; thence to latitude 48°05′52″ N., longitude 122°45′04″ W.; thence to latitude 48°05′22.9″ N., longitude 122°46′00″ W.; thence to Kala Pt., latitude 48°03′29″ N., longitude 122°46′00″ W.

* * * * *

(13) *Commencement Bay Anchorages.*

(i) *Commencement Bay General Anchorage.* All waters of Commencement Bay east of a line starting at latitude 47°16′44″ N., longitude 122°28′20″ W., thence to latitude 47°18′00″ N., longitude 122°26′36.5″ W.

(ii) *Ruston General Anchorage.* All waters of Commencement Bay within an area beginning at latitude 47°18′34.5″ N., longitude 122°30′22.5″ W.; thence to latitude 47°18′48″ N., longitude 122°29′48″ W.; thence to latitude 47°18′11.1″ N., longitude 122°29′03.5″ W.; thence to latitude 47°17′56″ N., longitude 122°29′37″ W.

(14) *Port Angeles Anchorages.*

(i) *Non-anchorage area Port Angeles Harbor.* Beginning at a point on the shore at latitude 48°07′03.83″ N., longitude 123°24′20.67″ W.; thence to latitude 48°07′38.43″ N., longitude 123°24′04.67″ W.; thence to latitude 48°07′36.03″ N., longitude 123°23′50.67″ W.; thence to a point on the shoreline at latitude 48°06′56.73″ N., longitude 123°24′08.67″ W.

(A) No vessel may anchor in this non-anchorage area at any time.

(B) Dragging, seining, fishing, or other activities which may foul underwater installations within this non-anchorage area are prohibited.

(C) Vessels may transit this non-anchorage area, but must proceed by the most direct route and without unnecessary delay.

(D) The city of Port Angeles will mark this area with signs on the shoreline visible (during normal daylight) 1 mile to seaward reading, ''Do not Anchor in This Area.''

(ii) *Port Angeles General Anchorage.* All waters in Port Angeles Harbor that lie west of a line drawn from Ediz Hook, latitude 48°08′23″ N., longitude 123°24′02″ W.; to latitude 48°08′23″ N., longitude 123°22′07″ W.; thence to latitude 48°07′42″ N., longitude 123°22′07″ W.; thence to latitude 48°07′42″ N., longitude 123°24′08″ W.; thence to latitude 48°07′14.9″ N., longitude 123°24′28.2″ W.

(iii) *Port Angeles Tug and Barge Holding Area West.* All waters in Port Angeles Harbor that lie west of the line of longitude 123°27′17″ W.

(iv) *Port Angeles Tug and Barge Holding Area South.* All waters in Port Angeles Harbor inside the area beginning at latitude 48°07′42″ N., longitude 123°24′08.0″ W.; thence to latitude 48°07′16.2″ N., longitude 123°25′37.1″ W.; thence to latitude 48°07′14.9″ N., longitude 123°24′28.2″ W.; thence back to the point of origin.

(v) *Port Angeles Tug and Barge Holding Area East.* All waters in Port Angeles Harbor inside the area beginning at latitude 48°07′42″ N., longitude 123°23′45.7″ W.; thence to latitude 48°07′13.8″ N., longitude 123°23′54.7″ W.; thence to latitude 48°07′34.4″ N., longitude 123°22′55.8″ W.; thence to latitude 48°07′42″ N., longitude 123°22′55.8″ W. thence back to the point of origin.

(15) *Vendovi Anchorages.*

(i) *Vendovi South General Anchorage.* All waters shoreward of a line beginning at latitude 48°36′40″ N., longitude 122°36′51″ W.; thence to latitude 48°35′34″ N., longitude 122°36′51″ W.; thence to latitude 48°35′34″ N., longitude 122°35′53.62″ W.; thence to latitude 48°36′31.38″ N., longitude 122°35′53.62″ W.

(ii) *Vendovi East General Anchorage.* All waters in an area beginning at latitude 48°37′43″ N., longitude 122°34′45.5″ W.; thence to latitude 48°37′43″ N., longitude 122°31′44″ W.; thence to latitude 48°35′43″ N., longitude 122°31′44″ W.; thence to latitude 48°35′43″ N., longitude 122°34′45.5″ W.; thence to point of origin.

(iii) *Jack Island North Tug and Barge Holding Area.* All waters within a circular area centered at latitude 48°35′22″ N., longitude 122°37′20″ W., with a radius of six hundred yards.

(iv) *Jack Island South Tug and Barge Holding Area.* All waters within a circular area centered at latitude 48°34′24″ N., longitude 122°36′13.5″ W., with a radius of six hundred yards.

(v) *William Point Articulated Tug and Barge Anchorage.* All waters within an area beginning at latitude 48°35′00″ N., longitude 122°33′07″ W.; thence to latitude 48°35′00″ N., longitude 122°31′20″ W.; thence to latitude 48°35′28″ N., longitude 122°31′20″ W., thence to latitude 48°35′28″ N., longitude 122°33′00″ W., thence to latitude 48°35′15.5″ N., longitude 122°33′12″ W.

(16) *Quartermaster Harbor General Anchorage.* All waters of Quartermaster Harbor south of latitude 47°20′54″ N. and north of a line beginning at latitude

47°19′53″ N., longitude 122°29′28″ W. and ending at latitude 47°20′37″ N., longitude 122°27′18″ W.

(17) *Budd Inlet Anchorages.*

(i) *Budd Inlet General Anchorage.* All waters of Budd Inlet north of latitude 47°06′00″ N., and south of latitude 47°08′00″ N.

(ii) *Budd Inlet North General Anchorage.* All waters of Budd Inlet within an area beginning at Dofflemyer Point, at latitude 47°08′25.87″ N., longitude 122°54′26″ W.; thence to latitude 47°08′25.87″ N., longitude 122°55′34.5″ W.; thence to latitude 47°08′51″ N., longitude 122°55′32″ W.; thence to latitude 47°09′24″ N., longitude 122°55′32″ W., thence to latitude 47°10′00″ N., longitude 122°55′11″ W.; thence to latitude 47°10′00″ N., longitude 122°54′00″ W.; thence to latitude 47°09′31.1″ N., longitude 122°54′00″ W., thence to latitude 47°09′00.8″ N., longitude 122°54′26″ W., thence to the point of origin at Dofflemyer Point.

(b) *General regulations.* (1) Deep-draft vessels, including articulated tug and barge combinations, over 200 feet in length and any vessel carrying explosives, operating in the COTP Puget Sound Zone must anchor only in a designated anchorage described in paragraph (a) of this section except as may be necessary for safety or security reasons. Such vessels must obtain permission from the Captain of the Port (COTP) Puget Sound to use a designated anchorage and should request permission at least 48 hours prior to arrival by contacting Vessel Traffic Service (VTS) Puget Sound.

(2) Any vessel not covered in paragraph (b)(1) of this section may anchor and/or operate in a designated anchorage described in paragraph (a) of this section at any time so long as such anchorage or operations do not interfere with the anchorage or operation of a vessel covered in paragraph (b)(1) of this section that is utilizing the designated anchorage.

(3) All vessels anchoring or operating in a designated anchorage described in paragraph (a) of this section must follow any lawful direction given to them by the COTP Puget Sound or VTS Puget Sound regarding the movement, operation, or anchorage of their vessel, to include any order to depart the designated anchorage.

(4) Any vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the anchorage or operation of other vessels is prohibited from anchoring or operating in a designated anchorage described in paragraph (a) of this section except as may be necessary for safety or security reasons, unless otherwise authorized by the COTP Puget Sound.

(5) Any vessel greater than 1600 gross tons anchored in a designated anchorage described in paragraph (a) of this section must maintain the capability to get underway within 30 minutes, unless otherwise authorized by the COTP Puget Sound.

(6) No vessel may anchor in a ''dead ship'' status (propulsion or control unavailable for normal operations) in a designated anchorage described in paragraph (a) of this section, unless otherwise authorized by the COTP Puget Sound.

(7) Within the Anacortes Anchorages described in paragraph (a)(10) of this section, lightering operations must only be conducted in the Anacortes West and Anacortes Center anchorages, unless otherwise authorized by the COTP Puget Sound.

(8) Tug and barge holding areas are for the use of tug and barge combinations and fishing vessels less than 200 feet, for a period not to exceed 10 days. Other vessels may anchor or operate in such areas at any time so long as such anchorage or operations do not interfere with the anchorage or operation of a tug and barge combination or fishing vessel less than 200 feet utilizing the area.

(9) Within the Cap Sante and Hat Island Tug and Barge Anchorages, described in paragraphs (a)(11) and (12) of this section, tugs and barges are required to ensure their vessels and barges do not project beyond the holding area's boundaries, unless otherwise authorized by the COTP Puget Sound.

(10) Within any tug and barge holding area, a tug must be manned, remain in attendance with the barge, and maintain a communications guard with VTS on an appropriate VTS VHF working frequency as defined in 33 CFR 161.12(c) at all times.

(11) The COTP Puget Sound and VTS Puget Sound will, to the maximum extent possible, manage the use of the designated anchorages described in paragraph (a) of this section to avoid or minimize any impact of the use of such anchorages on Indian tribal fisheries. In so doing, the COTP and VTS Puget Sound will maintain close liaison with the Indian tribes that could be affected to ensure Coast Guard awareness of such fisheries.

(c) *Explosives anchorages.* In addition to the general regulations in paragraph (b) of this section, the following regulations apply to each explosives anchorage described paragraph (a) of this section.

(1) Explosives anchorages are reserved for vessels carrying explosives. Other vessels may anchor or operate in such anchorages only when no vessel anchored in the explosive anchorage is displaying by day a red flag at least 16 square feet in area at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag, unless otherwise authorized by the COTP.

(2) All vessels carrying explosives in the COTP Puget Sound Zone must be within an explosives anchorage when anchored, except as may be necessary for safety or security reasons or otherwise authorized by the COTP, and must at all time have a competent watchman on board the vessel or a tug in attendance.

(3) Whenever any vessel carrying explosives not fitted with mechanical power anchors is anchored in the COTP Puget Sound Zone, the COTP may require the attendance of a tug upon such vessel, when, in his or her judgment, such action is necessary.

(4) Any vessel carrying explosives at anchor in an explosives anchorage must display by day a red flag at least 16 square feet in area at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag. These signals shall be in addition to day signals and lights required to be shown by all vessels when at anchor.

(5) No explosives handling in any explosives anchorage will be undertaken by any vessel unless COTP personnel are on board to supervise the handling operations.

Dated: January 18, 2017.

M.E. Butt,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2017–02683 Filed 2–9–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2016–0136; FF09M21200–167–FXMB1231099BPP0]

RIN 1018–BB71

Migratory Bird Subsistence Harvest in Alaska During the 2017 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service or we) is proposing migratory bird subsistence harvest regulations in Alaska for the 2017 season. These proposed regulations would allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These proposed regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The rulemaking is necessary because the regulations governing the subsistence harvest of migratory birds in Alaska are subject to annual review. This rulemaking would establish region-specific regulations that would go into effect on April 2, 2017, and expire on August 31, 2017.

DATES: We will accept comments received or postmarked on or before March 13, 2017. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by February 27, 2017.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R7–MB–2016–0136.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R7–MB–2016–0136; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Place, MS: BPHC; Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comment Procedures section, below, for more information).

FOR FURTHER INFORMATION CONTACT: Donna Dewhurst, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 786–3499.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

To ensure that any action resulting from this proposed rule will be as accurate and as effective as possible, we request that you send relevant information for our consideration. The comments that will be most useful and likely to influence our decisions are those that you support by quantitative information or studies and those that include citations to, and analyses of, the applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

You must submit your comments and materials concerning this proposed rule by one of the methods listed above in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information, such as your address, telephone number, or email address—will be posted on the Web site. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission.

If you mail or hand-carry a hardcopy comment directly to us that includes personal information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. To ensure that the electronic docket for this rulemaking is complete and all comments we receive are publicly available, we will post all hardcopy comments on *http://www.regulations.gov.*

In addition, comments and materials we receive, as well as supporting documentation used in preparing this proposed rule, will be available for public inspection in two ways:

(1) You can view them on *http://www.regulations.gov.* Search for FWS–R7–MB–2016–0136, which is the docket number for this rulemaking.

(2) You can make an appointment, during normal business hours, to view the comments and materials in person at the Division of Migratory Bird Management, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1714.

Public Availability of Comments

As stated above in more detail, before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Length of Comment Period

Implementation of the Service's 2013 supplemental environmental impact statement on the hunting of migratory birds has resulted in changes to the overall timing of the annual regulatory schedule for the establishment of migratory bird hunting regulations and the Alaska migratory bird subsistence-harvest regulations. That is, moving the annual Service Regulations Committee meeting from July to October has greatly shortened our period to publish the proposed regulations and solicit comments. We are further bounded by a subsistence-harvest start date of April 2, 2017, making a 60-day comment period problematic and increasing the risk of not having regulations established before the start of the subsistence season. Thus, we have established a 30-day comment period for this proposed rule (see **DATES**, above), and we will be conducting tribal consultations within Alaska simultaneously. A 30-day comment period gives the public adequate time to provide meaningful comments.

Why is this rulemaking necessary?

This rulemaking is necessary because, by law, the migratory bird harvest season is closed unless opened by the Secretary of the Interior, and the regulations governing subsistence harvest of migratory birds in Alaska are subject to public review and annual approval. This proposed rule would establish regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer of 2017. This proposed rule also sets forth a list of migratory bird season openings and closures in Alaska by region.

How do I find the history of these regulations?

Background information, including past events leading to this rulemaking, accomplishments since the Migratory Bird Treaties with Canada and Mexico were amended, and a history, were originally addressed in the **Federal Register** on August 16, 2002 (67 FR 53511) and most recently on April 1, 2016 (81 FR 18781).

Recent **Federal Register** documents and all final rules setting forth the annual harvest regulations are available at *http://www.fws.gov/alaska/ambcc/regulations.htm* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

What is the process for issuing regulations for the subsistence harvest of migratory birds in Alaska?

The U.S. Fish and Wildlife Service is proposing migratory bird subsistence-

harvest regulations in Alaska for the 2017 season. These proposed regulations would allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These proposed regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives.

The Alaska Migratory Bird Co-management Council (Co-management Council) held meetings on April 6–7, 2016, to develop recommendations for changes that would take effect during the 2017 harvest season. The Co-management Council also amended the consent agenda package of carry-over regulations to request a limited emperor goose harvest for 2017; these recommended changes were presented first to the Pacific Flyway Council and then to the Service Regulations Committee (SRC) for approval at the SRC meeting on July 31, 2015.

Who is eligible to hunt under these regulations?

Eligibility to harvest under the regulations established in 2003 was limited to permanent residents, regardless of race, in villages located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, and in areas north and west of the Alaska Range (50 CFR 92.5). These geographical restrictions opened the initial migratory bird subsistence harvest to about 13 percent of Alaska residents. High-populated, roaded areas such as Anchorage, the Matanuska-Susitna and Fairbanks North Star boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, and Southeast Alaska were excluded from eligible subsistence harvest areas.

In response to petitions requesting inclusion in the harvest in 2004, we added 13 additional communities consistent with the criteria set forth at 50 CFR 92.5(c). These communities were Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina, Tatitlek, Chenega, Port Graham, Nanwalek, Tyonek, and Hoonah, with a combined population of 2,766. In 2005, we added three additional communities for glaucous-winged gull egg gathering only in response to petitions requesting inclusion. These southeastern communities were Craig, Hydaburg, and Yakutat, with a combined population of 2,459, according to the latest census information at that time.

In 2007, we enacted the Alaska Department of Fish and Game's request to expand the Fairbanks North Star Borough excluded area to include the Central Interior area. This action excluded the following communities from participation in this harvest: Big Delta/Fort Greely, Healy, McKinley Park/Village, and Ferry, with a combined population of 2,812.

In 2012, we received a request from the Native Village of Eyak to include Cordova, Alaska, for a limited season that would legalize the traditional gathering of gull eggs and the hunting of waterfowl during spring. This request resulted in a new, limited harvest of spring waterfowl and gull eggs starting in 2014.

What is different in the regulations for 2017?

Subpart C

Under subpart C, General Regulations Governing Subsistence Harvest, we are proposing to amend § 92.22, the list of birds open to subsistence harvest, by adding emperor goose (*Chen canagica*) and by amending cackling goose to allow egg gathering.

The Co-management Council proposed a new emperor goose limited subsistence hunt for the 2016 season. Since 2012, the Co-management Council has received regulatory proposals from the Sun'aq Tribe of Kodiak, the Kodiak-Aleutians Subsistence Regional Advisory Council, the Yaquillrit Keutisti Council (Bristol Bay), and the Bering Strait/Norton Sound Migratory Bird Council (Kawerak) to open the harvest of emperor geese for the subsistence season. Since the hunting season has been closed since 1987 for emperor geese, the Co-management Council created a subcommittee to address these proposals. The emperor goose harvest was guided by the 2006 Pacific Flyway Management Plan and the 2005–2006 Yukon-Kuskokwim Delta Goose Management Plan. Between 80 and 90 percent of the emperor goose population breeds on the Yukon-Kuskokwim Delta of Alaska, and most emperor geese winter in remote western Alaska, with the remainder wintering in Russia.

Two studies were conducted concurrently by the Service and the Alaska Department of Fish and Game. The first study provided a comprehensive evaluation of all available emperor goose survey data and assessed harvest potential of the population. The second study developed a Bayesian state space population model to improve estimates of population size by integrating current population assessment methods using all available data sets. The model provides a framework from which to make inferences about survival rates, age structure, and population size. The results of these studies will assist in amending the management plans.

The 2016 spring emperor goose survey was conducted April 21–24, 2016. The spring index was 79,348 birds, which represented a 19.2 percent decrease from the previous count in 2015. The current 3-year (2014–2016) average count of 85,795 is 4.8 percent above the previous 3-year (2012–2015 [no survey in 2013]) average of 81,875. Further, it is above the threshold for consideration of an open hunting season on emperor geese as specified in the Yukon-Kuskokwim Delta Goose Management Plan and the Pacific Flyway Council Management Plan for emperor geese.

As a result of this new information, the Co-management Council amended their motion of the consent agenda to add an allowance for a limited emperor goose harvest in 2016. The Pacific Flyway Council met in July 2015, and supported the Co-management Council's recommendation to work with the State of Alaska and the Service to develop harvest regulations and monitoring for a limited emperor goose harvest in 2016. On July 31, 2015, the SRC supported the Co-management Council's proposed limited harvest of emperor geese for the 2016 Alaska spring and summer subsistence season. However, the approval was provisional based upon the following:

(1) A limited harvest of 3,500 emperor geese to ensure that population growth continues toward the Flyway management plan objective;

(2) A harvest allocation (*e.g.,* an individual, family, or Village quota or permit hunt) that ensures harvest does not exceed 3,500;

(3) Agreement on a monitoring program to index abundance of the emperor goose population; and

(4) A revised Pacific Flyway Emperor Goose Management Plan, including harvest allocation among all parties (including spring/summer and fall/winter), population objective, population monitoring, and thresholds for season restriction or closure.

The harvest allocation design and harvest monitoring plan were to be completed by November 1, 2016. Additionally, there was an explicit statement that the limited, legalized harvest of 3,500 birds was not in addition to existing subsistence harvest (approximately 3,200 emperor geese). The 3,500-bird allowable harvest was to be allocated to subsistence users during

the spring and summer subsistence season. The SRC suggested that the allowable harvest should be monitored to ensure it does not exceed 3,500 birds.

On August 13–14, and September 21, 2015, the Co-management Council Native Caucus met separately and with all partners to discuss options available to limit and monitor the harvest, as well as options to allocate the 3,500 birds across the six regions where emperor geese occur. Given the limited time provided to address the four conditions placed on this new harvest by the SRC, all partners agreed that the best course of action would be to spend additional time working together to develop a culturally sensitive framework tailored to each participating region that conserves the population and adequately addresses the data needs of all partners. In support of this recommendation, the Co-management Council took action to: Postpone an emperor goose harvest until 2017; work with all partners to develop the harvest framework; and work with their Emperor Goose Subcommittee and the Pacific Flyway Council on updating the Pacific Flyway Emperor Goose Management Plan.

In 2016, work continued on the Alaska Migratory Bird Co-management Council draft Management Plan for emperor geese. The Co-management Council's Management Plan was the first of its kind developed cooperatively for managing the emperor goose population of Alaska and was signed by the Co-management Council on September 1, 2016. Adoption of the Co-management Council's Emperor Goose Management Plan was contingent on the adoption of the Pacific Flyway Emperor Goose Management Plan by the Pacific Flyway Council. The Pacific Flyway Council adopted the 2016 Pacific Flyway Emperor Goose Management Plan on September 30, 2016. The Co-management Council's Management Plan specifies regulations for the spring/summer subsistence hunt period and will serve as a companion to the 2016 revision of the Pacific Flyway Management Plan for the Emperor Goose, which specifies regulations for the fall/winter harvest of emperor geese. The Co-management Council's Management Plan supersedes the Yukon-Kuskokwim Delta Goose Management Plan for emperor goose management. In both management plans, the spring survey index was been replaced by a summer survey index of indicated total birds (total bird index) derived from aerial surveys of emperor goose abundance on the Yukon-Kuskokwim Delta (YKD Coastal Zone Survey). The total bird index is less biased and more precise than the spring survey index and is based on statistical sampling theory. The 2016 survey index was 34,109 (SE = 2,490) emperor geese, which equates to a total range-wide population of about 177,000 geese. The most recent three-year (2014–2016) average population index is 30,965 emperor geese; representing a total range-wide population of about 161,000 geese. The Co-management Council's Plan for the emperor goose establishes a population objective consistent with the abundance achieved in 2016 (*i.e.,* abundance index = 34,109) after about 30 years of hunting season closures.

The total bird index and population objective are viewed as interim strategies that will be reevaluated after 3 years of the Co-management Council's Management Plan implementation, while other population-assessment models are further evaluated, refined and an agreement developed on the most appropriate short- and long-term survey protocols. The Co-management Council's Management Plan outlines an emperor goose harvest strategy based on using a total bird index from the YKD Coastal Zone Survey to assess population status relative to a regulatory harvest threshold. The total bird index is a relative measure of population size based on the number of geese detected from aerial surveys on the Yukon-Kuskokwim Delta during the early nesting period. The Co-management Council's Plan allows for an open subsistence harvest when the YKD Coastal Zone Survey index equals or exceeds 28,000 geese, which equates to a total range-wide population size of about 146,000 geese based on current model-based estimates. A more restrictive harvest quota will be considered if the population index declines below 28,000 geese to help reduce the probability for a subsequent closed season. The harvest season will be closed if the population index declines below 23,000 emperor geese, which equates to a total range-wide population size of about 120,000 geese. The decision to restrict the harvest quota when the population is between 23,000 and 28,000 geese depends on Co-management Council recommendations to the Service after review of current year population status relative to the objective, trends, and other information. The Service maintains authority to establish a more conservative quota for allowable take if determined appropriate.

The population thresholds for consideration of hunting season restrictions and closure represent about 80% and 70% of the population objective (*i.e.,* abundance level achieved in 2016; 34,109 geese). Selection of these thresholds by the Council and AMBCC where informed by an analysis conducted by the Service. The analysis derived the optimal hunting season closure threshold given conservation and harvest objectives, uncertainty in abundance and harvest estimation, and a predictive demographic model (E. Osnas and C. Frost, U.S. Fish and Wildlife Service, unpublished report).

The term of this harvest strategy is 5 years. However, during the 3-year period (2017–2019) following implementation, the Subcommittee will annually review available data (*e.g.,* harvest survey data, population status and trend, and other relevant information) and consider the need for conservation measures. After the 3-year period, the Subcommittee will conduct a thorough analysis of the available data to determine efficacy of the harvest strategy and will consider alternative strategies if warranted. Alternatives will be considered as amendments to the management plan and be effective for the remainder of the 5-year term. The spring/summer subsistence harvest-strategy is complementary to the fall/winter harvest strategy included in the Pacific Flyway Emperor Goose Management Plan. In recognition that emperor geese are a shared resource, the Co-Management Council has established the following spring/summer subsistence-harvest guidelines:

(1) The harvest strategy seeks to maintain a population of emperor geese above an index of 23,000 birds based on the total bird index from the most recent YKD Coastal Zone Survey;

(2) If the total bird index from the previous year is greater than 23,000 birds, then spring/summer subsistence harvest of emperor geese will be open to customary and traditional practices;

(3) If the total bird index from the previous year drops below 28,000 birds, the Co-management Council will consider implementing conservation measures that include: increased outreach and education programs, reduced season length (*e.g.,* 2-week harvest season), extension of the 30-day closure, cessation of egg collection, limiting hunting to elder and ceremonial harvest only, or other measures as identified by the parties to the management plan; and

(4) If the total bird index from the previous year is less than 23,000 birds, then emperor goose hunting will be closed.

The Service finds that this proposal will provide for the preservation and maintenance of emperor geese in Alaska. See 16 U.S.C. 712(1).

The Association of Village Council Presidents' Waterfowl Conservation Committee submitted a proposal to open egg gathering of the cackling goose subspecies of Canada goose (*Branta canadensis*) in the Yukon/Kuskokwim Delta Region of Alaska. Currently all of the cackling geese nest on the Yukon/Kuskokwim Delta. The 2016 fall cackling Canada goose population index is 327,453 ± 21,104 (SE) birds and the 3-year (2014–2016) average is 320,658 birds. These estimates are 5.7 percent below and 0.9 percent above, respectively, those reported in 2015, and above the population objective threshold of 250,000 birds. The Co-management Council voted in April 2016 to support the proposal with the modification that the dates for egg collecting would be lumped with the existing harvest season that is announced annually by the Service's Regional Director or his designee, after consultation with field biologists and the Association of Village Council Presidents' Waterfowl Conservation Committee. This season would include a 30-day closure to protect nesting birds. Likewise, we find that this proposal will provide for the preservation and maintenance of the subspecies population of cackling geese.

Subpart D

The regulations we are proposing for subpart D, Annual Regulations Governing Subsistence Harvest, include changes from our 2016 regulations for the Prince William Sound East and Northwest Arctic regions as discussed below.

The Chugach Regional Resource Commission submitted a proposal to open the Cordova subsistence harvest, in the barriers islands of Prince William Sound, to include residents of Tatitlek and Chenega Bay. This would allow residents of these two small communities to also be able to take advantage of this limited harvest opportunity in their area. The number of participants from Cordova is much smaller than originally anticipated; thus, it is likely that added eligibility for these two small communities would not pose a significant increase in harvest. The Co-management Council supported this proposal with the provision that registration would be available in each community, and outreach on the regulations.

The Northwest Arctic Regional Council submitted a proposal to amend hunting season dates to reflect a trend for earlier spring migration and to be able to hunt molting geese that stage in their area. In subsequent meetings between the Service and the Regional Council, dates were adjusted and clarified to have waterfowl harvest, including hunting and egg gathering, from April 2 through June 14, which would resume July 16, after the required 30-day nesting closure. The harvest of nonbreeding, molting geese would run July 1 through July 15. The Co-management Council unanimously supported the amended dates at their Statewide meeting in April 2016.

How will the service ensure that the subsistence migratory bird harvest complies with the Migratory Bird Treaty Act, and will not threaten the conservation of endangered and threatened species?

We have monitored subsistence harvest for the past 25 years through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon–Kuskokwim Delta. In recent years, more intensive surveys combined with outreach efforts focused on species identification have been added to improve the accuracy of information gathered from regions still reporting some subsistence harvest of listed or candidate species.

Based on our monitoring of the migratory bird species and populations taken for subsistence, we find that this proposed regulation will provide for the preservation and maintenance of migratory bird stocks as required by the Migratory Bird Treaty Act. The Act's 16 U.S.C. 712(1) provision states that Service ''is authorized to issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.'' Communication and coordination between the Service, the Co-management Council, and the Pacific Flyway Council have allowed us to set harvest regulations to ensure the long-term viability of the migratory bird stocks. In addition, Alaska migratory bird subsistence harvest rates have continued to decline since the inception of the subsistence-harvest program, reducing concerns about the program's consistency with the preservation and maintenance of stocks of migratory birds.

As for the ensuring the conservation of Endangered Species Act-listed species, Spectacled eiders *(Somateria fischeri)* and the Alaska-breeding population of Steller's eiders *(Polysticta stelleri)* are listed as threatened species. Their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird hunt is open in Alaska. Both species are closed to hunting, although harvest surveys and Service documentation indicate both species are taken in several regions of Alaska.

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that (1) regulations continue to protect threatened species, (2) measures to address documented threats are implemented, and (3) the subsistence community and other conservation partners commit to working together. With these dual objectives in mind, the Service, working with North Slope partners, developed measures in 2009 to further reduce the potential for shooting mortality or injury of closed species. These conservation measures included: (1) Increased waterfowl hunter outreach and community awareness through partnering with the North Slope Migratory Bird Task Force; and (2) continued enforcement of the migratory bird regulations that are protective of listed eiders.

This proposed rule continues to focus on the North Slope from Barrow to Point Hope because Steller's eiders from the listed Alaska breeding population are known to breed and migrate there, and harvest survey data and direct observations indicate take during subsistence harvest has occurred there. These proposed regulations are designed to address several ongoing eider-management needs by clarifying for subsistence users that (1) Service law enforcement personnel have authority to verify species of birds possessed by hunters, and (2) it is illegal to possess any species of bird closed to harvest. This proposed rule also describes how the Service's existing authority of emergency closure would be implemented, if necessary, to protect Steller's eiders. We are always willing to discuss regulations with our partners on the North Slope to ensure protection of closed species while providing subsistence hunters an opportunity to maintain the culture and traditional migratory bird harvest of the community. The proposed regulations pertaining to bag checks and possession of illegal birds are deemed necessary to monitor take of closed eider species during the subsistence hunt.

In collaboration with North Slope partners, a number of conservation efforts have been implemented to raise awareness and educate hunters on

Steller's eider conservation via the bird fair, meetings, radio shows, signs, school visits, and one-on-one contacts. Limited intermittent monitoring on the North Slope, focused primarily at Barrow, found no evidence that listed eiders were shot in 2009 through 2012; one Steller's eider and one spectacled eider were found shot during the summer of 2013; one Steller's eider was found shot in 2014; and no listed eiders were found shot in 2015 or 2016. Elsewhere in Alaska, one spectacled eider that appeared to have been shot was found dead on the Yukon-Kuskokwim Delta in 2015. The Service acknowledges progress made with the other eider conservation measures, including partnering with the North Slope Migratory Bird Task Force, for increased waterfowl-hunter awareness, continued enforcement of the regulations, and in-season verification of the harvest. To reduce the threat of shooting mortality of threatened eiders, we continue to work with North Slope partners to conduct education and outreach. In addition, the emergency-closure authority provides another level of assurance if an unexpected number of Steller's eiders are killed by shooting (50 CFR 92.21 and 50 CFR 92.32).

In-season harvest-monitoring information will be used to evaluate the efficacy of regulations, conservation measures, and outreach efforts. Conservation measures are being continued by the Service, with the amount of effort and emphasis being based on regulatory adherence.

The longstanding general emergency-closure provision at 50 CFR 92.21 specifies that the harvest may be closed or temporarily suspended upon finding that a continuation of the regulation allowing the harvest would pose an imminent threat to the conservation of any migratory bird population. With regard to Steller's eiders, the proposed regulations at 50 CFR 92.32, carried over from the past 6 years, clarify that we will take action under 50 CFR 92.21 as is necessary to prevent further take of Steller's eiders, and that action could include temporary or long-term closures of the harvest in all or a portion of the geographic area open to harvest. When and if mortality of threatened eiders is documented, we will evaluate each mortality event by criteria such as cause, quantity, sex, age, location, and date. We will consult with the Co-management Council when we are considering an emergency closure. If we determine that an emergency closure is necessary, we will design it to minimize its impact on the subsistence harvest.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act (16 U.S.C. 1536) requires the Secretary of the Interior to ''review other programs administered by him (or her) and utilize such programs in furtherance of the purposes of the Act'' and to ''insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat . . . .'' Prior to issuance of annual spring and summer subsistence regulations, we would consult under section 7 of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), to ensure that the 2017 subsistence harvest is not likely to jeopardize the continued existence of any species designated as endangered or threatened, or modify or destroy its critical habitat, and that the regulations are consistent with conservation programs for those species. Consultation under section 7 of the Act for the annual subsistence take regulations may cause us to change these regulations. Our biological opinion resulting from the section 7 consultation is a public document available from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Statutory Authority

We derive our authority to issue these regulations from the Migratory Bird Treaty Act of 1918, at 16 U.S.C. 712(1), which authorizes the Secretary of the Interior, in accordance with the treaties with Canada, Mexico, Japan, and Russia, to ''issue such regulations as may be necessary to assure that the taking of migratory birds and the collection of their eggs, by the indigenous inhabitants of the State of Alaska, shall be permitted for their own nutritional and other essential needs, as determined by the Secretary of the Interior, during seasons established so as to provide for the preservation and maintenance of stocks of migratory birds.''

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that, if adopted, this proposed rule would not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This proposed rule would legalize a pre-existing subsistence activity, and the resources harvested will be consumed.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Would not have an annual effect on the economy of $100 million or more. It would legalize and regulate a traditional subsistence activity. It would not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that would be regulated under this proposed rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this proposed rule would derive from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this proposed rule would lead to a disproportionate distribution of benefits.

(b) Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule does not deal with traded commodities and, therefore, would not have an impact on prices for consumers.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule deals with the harvesting of wildlife for personal consumption. It would not regulate the marketplace in any way to generate substantial effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this proposed rule would not impose a cost of $100 million or more in any given year on local, State, or tribal governments or private entities. The proposed rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Co-management Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. In a notice of decision (65 FR 16405; March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The Alaska Department of Fish and Game also incurs expenses for travel to Co-management Council and regional management body meetings. In addition, the State of Alaska will be required to provide technical staff support to each of the regional management bodies and to the Co-management Council. Expenses for the State's involvement may exceed $100,000 per year, but should not exceed $150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the Alaska Department of Fish and Game to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this proposed rule would not have significant takings implications. This proposed rule is not specific to particular land ownership, but applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this proposed rule on the State of Alaska in the *Unfunded* these *Mandates Reform Act* section, above. We worked with the State of Alaska to develop proposed regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this proposed rule, has determined that it will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 6, 2000), ''Consultation and Coordination with Indian Tribal Governments'', and Department of Interior policy on Consultation with Indian Tribes (December 1, 2011), we will send letters via electronic mail to all 229 Alaska Federally recognized Indian tribes. Consistent with Congressional direction (Pub. L. 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Pub. L. 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267), we also send letters to approximately 200 Alaska Native corporations and other tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the 2017 migratory bird subsistence-harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: Seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the Statewide body.

Paperwork Reduction Act of 1995 (PRA)

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved our collection of information associated with:

- Voluntary annual household surveys that we use to determine levels of subsistence take (OMB Control Number 1018–0124, expires October 31, 2019).
- Permits associated with subsistence hunting (OMB Control Number 1018–0075, expires June 30, 2019).

National Environmental Policy Act Consideration (42 U.S.C. 4321 et seq.)

The annual regulations and options are considered in a November 2016 environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2017 Spring/Summer Harvest.'' Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at *http://www.regulations.gov.*

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This is not a significant regulatory action under this Executive Order; it would allow only for traditional subsistence harvest and improve conservation of migratory birds by allowing effective regulation of this harvest. Further, this proposed rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and a Statement of Energy Effects is not required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, we amend title 50, chapter I, subchapter G, of the Code of Federal Regulations as follows:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

Subpart C—General Regulations Governing Subsistence Harvest

■ 2. Amend § 92.22 by:
■ a. Redesignating paragraph (a)(3) as paragraph (a)(4);
■ b. Adding a new paragraph (a)(3); and
■ c. Revising paragraph (a)(6).

The addition and revision to read as follows:

§ 92.22 Subsistence migratory bird species.

* * * * *

(a)(3) Emperor goose (*Chen canagica*).

* * * * *

(a)(6) Canada goose, subspecies cackling goose.

* * * * *

Subpart D—Annual Regulations Governing Subsistence Harvest

■ 3. Amend subpart D by adding § 92.31 to read as follows:

§ 92.31 Region-specific regulations.

The 2017 season dates for the eligible subsistence-harvest areas are as follows:

(a) *Aleutian/Pribilof Islands Region.* (1) Northern Unit (Pribilof Islands):

(i) Season: April 2–June 30.

(ii) Closure: July 1–August 31.

(2) Central Unit (Aleutian Region's eastern boundary on the Alaska Peninsula westward to and including Unalaska Island):

(i) Season: April 2–June 15 and July 16–August 31.

(ii) Closure: June 16–July 15.

(iii) Special Black Brant Season Closure: August 16–August 31, only in Izembek and Moffet lagoons.

(iv) Special Tundra Swan Closure: All hunting and egg gathering closed in Game Management Units 9(D) and 10.

(3) Western Unit (Umnak Island west to and including Attu Island):

(i) Season: April 2–July 15 and August 16–August 31.

(ii) Closure: July 16–August 15.

(b) *Yukon/Kuskokwim Delta Region.* (1) Season: April 2–August 31.

(2) Closure: 30-day closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. This 30-day period will occur between June 1 and August 15 of each year. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(3) Special Black Brant and Cackling Canada Goose Season Hunting Closure: From the period when egg laying begins until young birds are fledged. Closure dates to be announced by the Service's Alaska Regional Director or his designee, after consultation with field biologists and the Association of Village Council President's Waterfowl Conservation Committee. A press release announcing the actual closure dates will be forwarded to regional newspapers and radio and television stations.

(c) *Bristol Bay Region.* (1) Season: April 2–June 14 and July 16–August 31 (general season); April 2–July 15 for seabird egg gathering only.

(2) Closure: June 15–July 15 (general season); July 16–August 31 (seabird egg gathering).

(d) *Bering Strait/Norton Sound Region.* (1) Stebbins/St. Michael Area (Point Romanof to Canal Point):

(i) Season: April 15–June 14 and July 16–August 31.

(ii) Closure: June 15–July 15.

(2) Remainder of the region:

(i) Season: April 2–June 14 and July 16–August 31 for waterfowl; April 2–July 19 and August 21–August 31 for all other birds.

(ii) Closure: June 15–July 15 for waterfowl; July 20–August 20 for all other birds.

(e) *Kodiak Archipelago Region,* except for the Kodiak Island roaded area, which is closed to the harvesting of migratory birds and their eggs. The closed area consists of all lands and waters (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest.

(1) Season: April 2–June 30 and July 31–August 31 for seabirds; April 2–June 20 and July 22–August 31 for all other birds.

(2) Closure: July 1–July 30 for seabirds; June 21–July 21 for all other birds.

(f) *Northwest Arctic Region.* (1) Season: April 2–June 14 and July 16–August 31 (hunting in general); waterfowl egg gathering April 2–June 14 only; seabird egg gathering May 20–July 12 only; hunting molting/non-nesting waterfowl July 1–July 15 only.

(2) Closure: June 15–July 15, except for the taking of seabird eggs and molting/non-nesting waterfowl as provided in paragraph (f)(1) of this section.

(g) *North Slope Region.* (1) Southern Unit (Southwestern North Slope regional boundary east to Peard Bay, everything west of the longitude line 158°30′ W. and south of the latitude line 70°45′ N. to the west bank of the Ikpikpuk River, and everything south of the latitude line 69°45′ N. between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 29 and July 30–August 31 for seabirds; April 2–June 19 and July 20–August 31 for all other birds.

(ii) Closure: June 30–July 29 for seabirds; June 20–July 19 for all other birds.

(iii) Special Black Brant Hunting Opening: From June 20–July 5. The open area consists of the coastline, from mean high water line outward to include open water, from Nokotlek Point east to longitude line 158°30′ W. This includes Peard Bay, Kugrua Bay, and Wainwright Inlet, but not the Kuk and Kugrua river drainages.

(2) Northern Unit (At Peard Bay, everything east of the longitude line 158°30′ W. and north of the latitude line 70°45′ N. to west bank of the Ikpikpuk River, and everything north of the latitude line 69°45′ N. between the west bank of the Ikpikpuk River to the east bank of Sagavinirktok River):

(i) Season: April 2–June 6 and July 7–August 31 for king and common eiders; April 2–June 15 and July 16–August 31 for all other birds.

(ii) Closure: June 7–July 6 for king and common eiders; June 16–July 15 for all other birds.

(3) Eastern Unit (East of eastern bank of the Sagavanirktok River):

(i) Season: April 2–June 19 and July 20–August 31.

(ii) Closure: June 20–July 19.

(4) All Units: yellow-billed loons. Annually, up to 20 yellow-billed loons total for the region inadvertently entangled in subsistence fishing nets in the North Slope Region may be kept for subsistence use.

(5) North Coastal Zone (Cape Thompson north to Point Hope and east along the Arctic Ocean coastline around Point Barrow to Ross Point, including Iko Bay, and 5 miles inland).

(i) No person may at any time, by any means, or in any manner, possess or have in custody any migratory bird or

part thereof, taken in violation of subparts C and D of this part.

(ii) Upon request from a Service law enforcement officer, hunters taking, attempting to take, or transporting migratory birds taken during the subsistence harvest season must present them to the officer for species identification.

(h) *Interior Region.* (1) Season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only.

(2) Closure: June 15–July 15.

(i) *Upper Copper River Region* (Harvest Area: Game Management Units 11 and 13) (Eligible communities: Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina and Cantwell).

(1) Season: April 15–May 26 and June 27–August 31.

(2) Closure: May 27–June 26.

(3) The Copper River Basin communities listed above also documented traditional use harvesting birds in Game Management Unit 12, making them eligible to hunt in this unit using the seasons specified in paragraph (h) of this section.

(j) *Gulf of Alaska Region.* (1) Prince William Sound Area West (Harvest area: Game Management Unit 6[D]), (Eligible Chugach communities: Chenega Bay, Tatitlek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(2) Prince William Sound Area East (Harvest area: Game Management Units 6[B]and [C]—Barrier Islands between Strawberry Channel and Softtuk Bar), (Eligible Chugach communities: Cordova, Tatitlek, and Chenega Bay):

(i) Season: April 2–April 30 (hunting); May 1–May 31 (gull egg gathering).

(ii) Closure: May 1–August 31 (hunting); April 2–30 and June 1–August 31 (gull egg gathering).

(iii) Species Open for Hunting: Greater white-fronted goose; snow goose; gadwall; Eurasian and American wigeon; blue-winged and green-winged teal; mallard; northern shoveler; northern pintail; canvasback; redhead; ring-necked duck; greater and lesser scaup; king and common eider; harlequin duck; surf, white-winged, and black scoter; long-tailed duck; bufflehead; common and Barrow's goldeneye; hooded, common, and red-breasted merganser; and sandhill crane. Species open for egg gathering: glaucous-winged, herring, and mew gulls.

(iv) Use of Boats/All-Terrain Vehicles: No hunting from motorized vehicles or any form of watercraft.

(v) Special Registration: All hunters or egg gatherers must possess an annual permit, which is available from the Cordova offices of the Native Village of Eyak and the U. S. Forest Service.

(3) Kachemak Bay Area (Harvest area: Game Management Unit 15[C] South of a line connecting the tip of Homer Spit to the mouth of Fox River) (Eligible Chugach Communities: Port Graham, Nanwalek):

(i) Season: April 2–May 31 and July 1–August 31.

(ii) Closure: June 1–30.

(k) *Cook Inlet* (Harvest area: Portions of Game Management Unit 16[B] as specified below) (Eligible communities: Tyonek only):

(1) Season: April 2–May 31—That portion of Game Management Unit 16(B) south of the Skwentna River and west of the Yentna River, and August 1–31—That portion of Game Management Unit 16(B) south of the Beluga River, Beluga Lake, and the Triumvirate Glacier.

(2) Closure: June 1–July 31.

(l) *Southeast Alaska.* (1) Community of Hoonah (Harvest area: National Forest lands in Icy Strait and Cross Sound, including Middle Pass Rock near the Inian Islands, Table Rock in Cross Sound, and other traditional locations on the coast of Yakobi Island. The land and waters of Glacier Bay National Park remain closed to all subsistence harvesting (50 CFR part 100.3(a)):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(2) Communities of Craig and Hydaburg (Harvest area: small islands and adjacent shoreline of western Prince of Wales Island from Point Baker to Cape Chacon, but also including Coronation and Warren islands):

(i) Season: Glaucous-winged gull egg gathering only: May 15–June 30.

(ii) Closure: July 1–August 31.

(3) Community of Yakutat (Harvest area: Icy Bay (Icy Cape to Point Riou), and coastal lands and islands bordering the Gulf of Alaska from Point Manby southeast to and including Dry Bay):

(i) Season: Glaucous-winged gull egg gathering: May 15–June 30.

(ii) Closure: July 1–August 31.

■ 4. Amend subpart D by adding § 92.32 to read as follows:

§ 92.32 Emergency regulations to protect Steller's eiders.

Upon finding that continuation of these subsistence regulations would pose an imminent threat to the conservation of threatened Steller's eiders *(Polysticta stelleri),* the U.S. Fish and Wildlife Service Alaska Regional Director, in consultation with the Co-management Council, will immediately under § 92.21 take action as is necessary to prevent further take. Regulation changes implemented could range from a temporary closure of duck hunting in a small geographic area to large-scale regional or Statewide long-term closures of all subsistence migratory bird hunting. These closures or temporary suspensions will remain in effect until the Regional Director, in consultation with the Co-management Council, determines that the potential for additional Steller's eiders to be taken no longer exists.

Dated: February 1, 2017.

Maureen D. Foster,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2017–02688 Filed 2–9–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 160810719–7041–01]

RIN 0648–BG29

Amendments to the Reef Fish, Spiny Lobster, and Corals and Reef Associated Plants and Invertebrates Fishery Management Plans of Puerto Rico and the U.S. Virgin Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement measures described in Amendment 8 to the Fishery Management Plan (FMP) for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (USVI) (Reef Fish FMP), Amendment 7 to the FMP for the Spiny Lobster Fishery of Puerto Rico and the USVI (Spiny Lobster FMP), and Amendment 6 to the FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the USVI (Coral FMP), as prepared and submitted by the Caribbean Fishery Management Council (Council). This proposed rule refers to these amendments, in combination, as the Accountability Measure (AM) Timing Amendment. This proposed rule to implement the AM Timing Amendment would modify the date for the implementation of AM-based closures for all species and species groups managed by the Council under the subject FMPs. The purpose of the AM Timing Amendment and this proposed rule is to minimize, to the extent practicable, the adverse socio-

economic impacts of AM-based closures, while constraining catch levels to the applicable annual catch limits (ACLs) and preventing overfishing.

DATES: Written comments must be received on or before March 13, 2017.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2016–0013'' by either of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0013,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to María del Mar López, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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, etc.), 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).

Electronic copies of the AM Timing Amendment, which includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/caribbean/index.html.*

FOR FURTHER INFORMATION CONTACT: María del Mar López, telephone: 727–824–5305; email: *maria.lopez@noaa.gov.*

SUPPLEMENTARY INFORMATION: In the U.S. Caribbean exclusive economic zone (EEZ), the reef fish, spiny lobster, and corals and reef associated plants and invertebrates (corals) fisheries are managed under their respective FMPs. The FMPs were prepared by the Council and are implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

Background

The current AMs in the U.S. Caribbean EEZ for reef fish, spiny lobster, and corals require NMFS to reduce the length of the Federal fishing season in the year following a determination that the landings for a species or species group exceeded the applicable ACL. As specified in the FMPs, the landings determination is based on the applicable 3-year landings average. However, if NMFS determines the ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts, instead of an increase in total catch, NMFS will not reduce the length of the fishing season the following fishing year. The fishing year for Council-managed species in Caribbean Federal waters is the calendar year of January 1 through December 31. If an AM-based closure is required, the closure period currently extends from December 31 backward into the fishing year of the closure (closure year), for the number of days necessary to constrain harvest to the applicable ACL. Fishers in the USVI and Puerto Rico have stated that implementing AM-based closures at the end of the fishing year results in negative socio-economic impacts, for example, by resulting in multiple and potentially overlapping closures during the important December holiday season. Additionally, fishers in Puerto Rico have stated that timing AM-based closures with a September 30 end date would be expected to reduce adverse socio-economic impacts.

Management Measure Contained in This Proposed Rule

This proposed rule would modify the date for implementation of an AM-based closure in the event of an ACL overage for a species or species group managed by the Council in Puerto Rico, St. Thomas/St. John, and St. Croix under the Reef Fish, Coral, and Spiny Lobster FMPs. Specifically, an AM-based closure would be implemented from September 30 of the closure year backward, toward the beginning of the fishing year, for the number of days necessary to achieve the reduction in landings required to ensure landings do not exceed the applicable ACL. If the length of the required fishing season reduction exceeds the period of January 1 through September 30, any additional fishing season reduction would be applied from October 1 forward, toward the end of the fishing year (December 31). Caribbean fishers have indicated that this approach to implementing AM-based closures is desirable, because it would be expected to reduce the likelihood that these fishers would lose market access during periods of high demand for fish. Modifying the date for the implementation of AM-based closures through this proposed rule would not change the level of harvest reduction if an AM-based closure were required. This proposed rule to implement the AM Timing Amendment is thus expected to minimize adverse socio-economic effects from the implementation of AMs, while still helping to ensure that AM-based closures constrain harvest to the ACL and prevent overfishing. NMFS notes that the method for calculating the landings determination using the 3-years landings average for a species or species group will not change through this proposed rule.

The FMP for the Queen Conch Resources of Puerto Rico and the USVI is not included in the AM Timing Amendment because queen conch are managed with an in-season closure when the ACL is reached or projected to be reached, rather than a post-season reduction in the fishing year.

Additional Action Contained in the AM Timing Amendment But Not Codified Through This Proposed Rule

In addition to the measure discussed above, the AM Timing Amendment requires that the Council revisit the practice of using September 30 as the end date for AM-based closures no longer than 2 years from the implementation of the AM Timing Amendment and no longer than every 2 years thereafter. Any associated formal review would allow NMFS and the Council to consider changing the implementation date for AM-based closures based on new information, and would be expected to result in additional positive social and economic effects.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMPs, the AM Timing Amendment, the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small

entities. The factual basis for this determination follows.

In approving the AM Timing Amendment, the Council determined that AM-based closures need to be better timed so that they successfully achieve their conservation objective and, to the extent practicable, minimize adverse social and economic impacts to fishers and fishing communities. The purpose of this proposed rule is to change the end date from which AM-based closures are calculated, so that adverse social and economic effects are minimized to the extent practicable, while still ensuring that harvest does not exceed the applicable ACLs required under the Magnuson-Stevens Act and implementing regulations.

This proposed rule, if implemented, would directly affect all entities that commercially harvest federally managed species under the Reef Fish, Coral, and Spiny Lobster FMPs in the U.S. Caribbean EEZ. This proposed rule would be expected to directly affect approximately 1,000–1,200 commercial fishermen in Puerto Rico, 200–250 commercial fishermen in St. Croix, and 70 commercial fishermen in St. Thomas and St. John, resulting in a total of 1,270–1,520 fishermen. The average annual revenue from commercial fishing for 2012–2014 is estimated to be approximately $7,250–$8,700 for Puerto Rico fishermen, $10,500–$13,100 for St. Croix fishermen, and $29,600 for St. Thomas and St. John fishermen (2014 dollars). Total average annual revenue (2014 dollars) for all fishermen for 2012–2014 was approximately $8.7 million for Puerto Rico, $2.6 million for St. Croix, and $2.1 million for St. Thomas and St. John. More recent information is not available.

For Regulatory Flexibility Act purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are believed to be small entities.

NMFS has not identified any other small entities that would be expected to be directly affected by this proposed rule. Although this proposed rule would also directly affect recreational anglers, recreational anglers are not small entities under the RFA. Changes in angler demand for for-hire services (charter vessels and headboats, as applicable) as a result of this proposed rule could affect for-hire businesses; however, these changes would be indirect effects of this proposed rule and, therefore, are outside the scope of the RFA.

The AM Timing Amendment contains two actions. The first action would modify the implementation date for any AM-based closure implemented under the subject FMPs, and the second action would require the Council to periodically reconsider its proposed approach. Changing the end date for required AM-based closures to September 30 would be expected to result in unquantifiable economic benefits to the directly affected commercial fishing businesses. An AM-based closure is required in the year following the determination that the ACL is exceeded. The fishing year for Caribbean fisheries is the calendar year of January 1 through December 31, and the current date for determining the AM-based closure period is December 31. If an AM-based closure is required, the closure period extends from December 31 backward into the fishing year until a sufficient number of days are closed to constrain harvest to the applicable ACL and prevent another ACL overage. Fishermen have reported that AM-based closures extending from December 31 backward into the closure year conflict with periods of high consumer demand. Because the end of the year is a period of high consumer demand, AM-based closures during this period result in reduced revenue and profits to affected fishermen. This proposed rule would change the time period of any necessary AM-based closure. The intent of the closure would be to allow the ACL to be harvested, but not exceeded, regardless of the timing or duration of the AM-based closure. AM closures would be applied from September 30 of the closure year and extend backward into the fishing year, in order to better time the closure and reduce or avoid conflict with economically and socially important seasons. Although the amount of harvest reduction during an AM-based closure would be unaffected by changing the implementation date, avoiding closures during periods of increased demand would be expected to enable fishermen to better meet market demand and maintain product flow, and to receive higher prices and associated profits. Available data are insufficient to document seasonal price variability or to demonstrate the benefits of allowing the possibility of keeping fisheries open, and thus supplying fish during these periods of high demand. Quantitative documentation of demand-driven price increases during the end-of-year and special seasons is not currently available. Additionally, any future ACL overages and associated closures cannot be reasonably predicted. Therefore, it is not feasible to provide quantitative estimates of the potential expected economic benefits of changing the timing of these closures. Nevertheless, the Council selected the proposed action based on extensive input from fishers and expects that the action would result in increases in revenue and associated profits, even if these predicted increases cannot be quantified.

The second action in the AM Timing Amendment would specify when the Council must revisit and possibly review the practice of using September 30 as the end date for AM-based closures. This is an administrative action because it would establish a procedural requirement as part of the Council's management process. This second action would not be expected to have any direct economic effects on any small entities. Although the review could lead to the Council's subsequent consideration of management changes that may have economic effects on fishing businesses, these would be indirect effects of this action to establish the timing for the Council's review and deliberation, and indirect economic effects are outside the scope of the RFA.

Based on the discussion above, NMFS determines that this proposed rule, if implemented, would not have a significant adverse economic effect on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Accountability measures, Annual catch limits, Caribbean, Fisheries, Fishing.

Dated: February 7, 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 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.12, revise paragraph (a) introductory text to read as follows:

§ 622.12 Annual catch limits (ACLs) and accountability measures (AMs) for Caribbean island management areas/ Caribbean EEZ.

(a) If landings from a Caribbean island management area, as specified in Appendix E to this part, except for landings of queen conch (see § 622.491(b)), or landings from the Caribbean EEZ for tilefish and aquarium trade species, are estimated by the SRD to have exceeded the applicable ACL, as specified in paragraph (a)(1) of this section for Puerto Rico management area species or species groups, paragraph (a)(2) of this section for St. Croix management area species or species groups, paragraph (a)(3) of this section for St. Thomas/St. John management area species or species groups, or paragraph (a)(4) of this section for the Caribbean EEZ, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season for the applicable species or species groups that year by the amount necessary to ensure landings do not exceed the applicable ACL. As described in the respective FMPs, for each species or species group in this paragraph, any required fishing season reduction will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. If NMFS determines the ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMPs. With the exceptions of Caribbean queen conch in the Puerto Rico and St. Thomas/St. John management areas, goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for each management area. The ACLs specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section are given in round weight.

* * * * *

[FR Doc. 2017–02787 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 82, No. 27

Friday, February 10, 2017

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

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kansas Advisory Committee To Discuss the Committee's Draft Report Regarding Voting Rights in the State, as Well as Other Civil Rights Issues for Future Inquiry

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Wednesday, February 22, 2017, at 12:00 p.m. CST. The meeting will include a discussion of a draft report on voting rights in the state, and a discussion of other current civil rights concerns in Kansas for future study.

DATES: The meeting will take place on Wednesday, February 22, 2017, at 12:00 p.m. CST.

Public Call Information: Dial: 888–601–3869, Conference ID: 6588019.

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

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–601–3869, conference ID: 6588019. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

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

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Kansas Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=249*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call

Discussion of Committee Report: Voting Rights in Kansas

Civil Rights in Kansas: 2017 Project Concepts

Future Plans and Actions

Public Comment

Adjournment

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02715 Filed 2–9–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Delaware Advisory Committee for a Meeting To Discuss and Vote on Project Proposal

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Delaware Advisory Committee (Committee) will hold a meeting on Monday, February 24, 2017, at 10:00 a.m. EST for the purpose of discussing and voting on a project proposal regarding policing in Delaware's communities of color.

DATES: The meeting will be held on Friday, February 24, 2017, at 10:00 a.m. EST.

ADDRESSES: Public call information: Dial: 888–601–3861, Conference ID: 636552.

FOR FURTHER INFORMATION CONTACT: Ivy Davis, DFO, at *ero@usccr.gov* or 202–376–7533.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–601–3861, conference ID: 636552. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Ave NW., Suite 1150, Washington, DC 20425. They may also be faxed to the Commission at (202) 376–7548, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link (*http://facadatabase.gov/committee/meetings.aspx?cid=240*). Select ''meeting details'' and ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Rollcall
Discussion of project proposals
Other business
Public Comment
Adjournment

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02734 Filed 2–9–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee for a Meeting To Discuss Approval and Publication of a Report Regarding Civil Rights and Hate Crime in the State, and To Begin Discussion of the Committee's Next Topic of Civil Rights Study

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a meeting on Monday, February 27, 2017, at 4:00 p.m. EST for the purpose of discussing completion of a draft report regarding civil rights and human trafficking in the state. The Committee will also discuss a proposal for their next topic of civil rights study: Barriers to equal access to education in Ohio.

DATES: The meeting will be held on Monday, February 27, 2017, at 4:00 p.m. EST.

Public Call Information: Dial: 888–708–5689, Conference ID: 3923908.

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

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–708–5689, conference ID: 3923908. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

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

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=268*). Select ''meeting details'' and ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Discussion of Report Revisions:
  ''Human Trafficking in Ohio''
Project Proposal: ''Barriers to Equal Access to Education in Ohio''
Public Comment
Future Plans and Actions
Adjournment

Dated: February 6, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–02716 Filed 2–9–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[1/28/2017 through 2/3/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Flint Cliffs Manufacturing Corporation.	1600 Bluff Road, Burlington, IA 52601.	1/30/2017	The firm manufactures metal Fabrication and painting of base metals into various shapes and forms.
Noble Plastics, Inc.	318 Burleigh Lane, Grand Coteau, LA 70541.	2/1/2017	The firm manufactures injection molded products.
Applied Robotics, Inc	648 Saratoga Road, Glenville, NY 12302.	2/2/2017	The firm manufactures robotic end-of-arm tooling, grippers, tool changers, collision sensors and docking modules.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Miriam Kearse,

Lead Program Analyst.

[FR Doc. 2017–02809 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839, A–583–833]

Certain Polyester Staple Fiber From the Republic of Korea and Taiwan: Continuation of Antidumping Duty Orders

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

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) orders on certain polyester staple fiber from the Republic of Korea (Korea) and Taiwan would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing this notice of continuation of the AD orders.

DATES: Effective February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1785.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, the Department published the *AD Orders* on polyester staple fiber from Korea and Taiwan.[1] On August 1, 2016, the Department published the notice of initiation of the third sunset review of the *AD Orders* on polyester staple fiber from Korea and Taiwan, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] As a result of its review, the Department determined that revocation of the *AD Orders* would likely lead to a continuation or recurrence of dumping.[3] The Department, therefore, notified the ITC of the magnitude of the margins likely to prevail should the *AD Orders* be revoked. On January 18, 2017, the ITC determined that revoking the *AD Orders* on polyester staple fiber from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury with a reasonably foreseeable time.[4]

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan,* 65 FR 33807, 33808 (May 25, 2000); *see also Certain Polyester Staple Fiber from Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision,* 68 FR 74552, 74553 (December, 24, 2003) (*AD Orders*).

[2] *See Initiation of Five-Year (''Sunset'') Review,* 81 FR 50462 (August 1, 2016).

[3] *See Certain Polyester Staple Fiber from the Republic of Korea and Taiwan: Final Results of Expedited Sunset Review of the Antidumping Duty Orders,* 81 FR 92783 (December 20, 2016), and accompanying Issues and Decision Memorandum.

[4] *See Polyester Staple Fiber from Korea and Taiwan,* Inv. Nos. 731–TA–825–826 (Third Review), USITC Publication 4668, January 2017.

Scope of the Orders

Polyester staple fiber covered by the orders is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to the orders may be coated, usually with a silicon, or other finish, or not coated. Polyester staple fiber is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 5503.20.00.25 is specifically excluded from the orders. Also, specifically excluded from the orders are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt polyester staple fiber is excluded from the orders. Low-melt polyester staple fiber is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core. The merchandise subject to the orders is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the merchandise covered by the scope of the orders is dispositive.

Continuation of the Orders

As a result of the determinations by the Department and the ITC that revocation of the *AD Orders* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the *AD Orders* on polyester staple fiber from Korea and Taiwan. U.S. Customs and Border Protection will continue to

collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *AD Orders* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the *AD Orders* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: February 7, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–02790 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

DATES: Effective February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230, telephone: (202) 482–3692.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish quarterly updates to the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the periods July 1, 2016, through September 30, 2016.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies, as defined in section 702(h) of the Act, being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: February 3, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [1] subsidy ($/lb)	Net [2] subsidy ($/lb)
28 European Union Member States [3]	European Union Restitution Payments	$0.00	$0.00
Canada	Export Assistance on Certain Types of Cheese	0.46	0.46
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).
[3] The 28 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

[FR Doc. 2017–02788 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Correction to the Final Results of Antidumping Duty Administrative Review, Rescission of Review, in Part

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

SUMMARY: The Department of Commerce (''Department'') is amending the final results of the third administrative review of the antidumping duty (''AD'') order on Multilayered Wood Flooring (''MLWF'') from the People's Republic of China (''PRC'') to correct a ministerial error. The Department has reviewed Linyi Anying's allegation and determined that there was an error in the review of Linyi Anying's No Shipment Certification.

DATES: *Effective Date:* July 19, 2016.

FOR FURTHER INFORMATION CONTACT: William Horn, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2615.

SUPPLEMENTARY INFORMATION:

Background

On July 19, 2016, the Department published the final results of the third administrative review of the AD order on MLWF from the PRC.[1] On August 11, 2016, the Department published a correction to the *Final Results* to include a list of PRC-wide entity companies omitted from the *Final Results*.[2] Linyi Anying Wood Co., Ltd. (''Anying'') was included within the PRC-wide entity. The period of review (''POR'') is December 1, 2013, through November 30, 2014. On August 12, 2016, the Department received a ministerial error allegation on behalf of Anying.

Scope of the Order

The merchandise covered by the order includes MLWF, subject to certain exceptions.[3] 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.

Ministerial Error

The Department will, if appropriate, correct any ministerial errors by amending the final results of review. Section 751(h) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.''

On August 12, 2016, Anying submitted a ministerial error allegation. On August 18, 2016, Anying filed a complaint with the U.S. Court of International Trade (''CIT'') contesting the application of the PRC-entity rate on the same grounds as the ministerial error allegation.[4] On November 10, 2016, the CIT granted the Department leave to consider the ministerial error allegation filed by Anying and, if necessary, to publish amended final results.[5]

Anying alleges that, although the it submitted a ''no shipments'' certificate in the third administrative review, the Department failed to rescind the administrative review for Anying. As a result, it was incorrectly included within the PRC-entity and subject to the PRC-wide rate. We have determined that we made a ministerial error and we have determined that Anying had no shipments during the POR.[6]

Amended Final Results

Because the Department has determined that Anying had no shipments during the POR, we hereby rescind the review with respect to Anying. As a result, Anying will maintain its cash deposit rate from the most recently completed review in which it participated. This correction to the final results of administrative review is issued and published in accordance with sections 751(h) and 777(i)(2)(i) of the Act.

Instructions to U.S. Customs and Border Protection

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), the Department determines, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise, where applicable, in

[1] *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2013–2014,* 81 FR 46899 (July 19, 2016).

[2] *Multilayered Wood Flooring from the People's Republic of China: Correction to the Final Results of the Antidumping Duty Administrative Review,* 81 FR 53120 (August 11, 2016).

[3] See Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, regarding ''Issues and Decision Memorandum for the Final Results of the 2013–2014 Antidumping Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China,'' (''Final Results IDM''), dated July 12, 2016 for a complete description of the Scope of the Order.

[4] *See Linyi Anying Wood Co., Ltd and Lumber Liquidators Services, LLC vs. United States,* Court No. 16–00159 (ECF Dkt. No. 6).

[5] *See id.* (ECF Dkt. No. 25, dated November 10, 2016).

[6] For a full discussion 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 re: Third Antidumping Administrative Review of Multilayered Wood Flooring from the People's Republic of China: Ministerial Error Memorandum (''Ministerial Error Memo'') dated concurrently with this notice.

accordance with the amended final results of this review. If the Department determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.[7] The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

Cash Deposit Requirements

The following cash deposit requirement will be effective July 19, 2016, for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after that date, as provided for by section 751(a)(2)(C) of the Act. For Anying, which had no reviewable transactions during the POR, the cash deposit rate will remain unchanged from the rate assigned in the most recently completed review of the company.

Notifications to Importers

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

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 35 1.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This correction to the final results of administrative review is issued and published in accordance with sections 751(h) and 777(i)(2)(i) of the Act, and 19 CFR 351.224(e) of the Department's regulations.

Dated: February 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–02789 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–DS–P

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

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results

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

SUMMARY: The Court of International Trade (CIT or Court) sustained the Department of Commerce's (the Department's) second remand results pertaining to the sixth administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (PRC) covering the period of April 1, 2012, through March 31, 2013. The Department is notifying the public that the final judgment in this case is not in harmony with the final results of the administrative review, and that the Department is amending the final results.

DATES: *Effective Date:* February 6, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Palmer, AD/CVD Operations Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–9068.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 2014, the Department issued *AR6 Final Results.*[1] The petitioners [2] and Carbon Activated Corporation (Carbon Activated), a U.S. importer of subject merchandise, challenged certain aspects of *AR6 Final Results.* The petitioners challenged the Department's final results regarding the surrogate value (SV) used to value the mandatory respondents' [3] anthracite coal. Carbon Activated challenged several aspects of the Department's final results as they pertained to Shanxi DMD Corporation (Shanxi DMD), which supplied Carbon Activated's imports of subject merchandise and was found to be part of the PRC-wide entity in *AR6 Final Results.* On January 20, 2016, the Court in *Calgon I* remanded the Department's *AR6 Final Results* and instructed the Department to reconsider its selection of the anthracite coal SV, and directed the Department to ''assign Shanxi DMD the all-others rate.'' [4]

On May 25, 2016, the Department filed Remand I with the Court.[5] Based on *Calgon I,* which had ordered the Department to ''reconsider its selection of an SV for anthracite coal'' in *AR6 Final Results,* and based on the Department's finding that there were multiple SVs of equal reliability for anthracite coal on the record, the Department determined to select the anthracite coal SV based on which secondary surrogate country was the most significant producer of comparable merchandise.[6] As a result of relying on significant production of comparable merchandise in Remand I, the Department valued anthracite coal using contemporaneous SV data from Thailand.[7] Accordingly, the margins for Cherishmet and Jacobi (the mandatory respondents) were revised to $0.52/kilogram (kg) and to $0.51/kg, respectively.[8]

Additionally, we recalculated the margin for those separate rate companies whose entries were subject to this litigation using the same method we used in *AR6 Final Results.*[9] Thus, we calculated a weighted-average margin of $0.51/kg based on the publicly ranged U.S. sales quantities of the mandatory respondents.[10] The

[1] Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013, 79 FR 70163 (November 25, 2014) (*AR6 Final Results*) and accompanying Issues and Decisions Memorandum (IDM).

[2] Calgon Carbon Corporation and Cabot Norit Americas (collectively, the petitioners).

[3] The mandatory respondents are Jacobi Carbons AB (Jacobi) and Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. (Cherishmet).

[4] *See Calgon Carbon Corp.* v. *United States,* 145 F. Supp. 3d 1312, 1322–23, 1326–29 (CIT 2016) (*Calgon I*).

[5] *See Calgon Carbon Corp. et al.* v. *United States,* Consol. Court No. 14–00326, Slip Op. 16–4, Final Results Of Redetermination Pursuant To Court Remand, dated May 25, 2016, (Remand I).

[6] *See* Remand I at 15–17, 31–36.

[7] *Id.* at 15–17, 31–35.

[8] *Id.* at 49.

[9] *Id.* at 50–51. Specifically, in *AR6 Final Results,* we calculated the separate rate by using the ranged total sales quantities reported by the mandatory respondents from the public versions of their submissions to calculate a weighted-average margin because we found that methodology is more appropriate than calculating a simple average of the mandatory respondents' margins. *See AR6 Final Results,* 79 FR at 70164.

[10] *See* Remand I at 50–51.

separate rate companies that received this revised rate in Remand I were: (1) Calgon Carbon (Tianjin) Co., Ltd. (Calgon Tianjin); (2) Datong Juqiang Activated Carbon Co., Ltd. (Juqiang); (3) Datong Municipal Yunguang Activated Carbon Co., Ltd. (Yunguang); (4) Jilin Bright Future Chemicals Company, Ltd. (Jilin Bright); (5) Ningxia Huahui Activated Carbon Co., Ltd. (Huahui); (6) Ningxia Mineral and Chemical Limited (Ningxia Mineral); (7) Shanxi Sincere Industrial Co., Ltd. (Sincere); and (8) Tianjin Channel Filters Co., Ltd. (Tianjin Channel).[11] Finally, in Remand I, and under protest, the Department assigned Shanxi DMD the separate rate of $0.51/kg, which the Department explained ''will pertain to entries during the period of review that were exported from the PRC to the United States by Shanxi DMD and imported by Carbon Activated.'' [12]

On November 18, 2016, the Court in *Calgon II* sustained the Department's assignment of a separate rate to Shanxi DMD, but again remanded to the Department its SV selection for anthracite coal.[13] Although the Court in *Calgon II* held that the Department's ''finding that the Thai SV is reliable {,} is reasonable and supported by substantial evidence,'' [14] the Court nonetheless found that the Department's determination to select significant production over import volumes as the methodology for selecting the anthracite coal SV was not supported by substantial evidence. As a result, the Court remanded the matter and ordered the Department ''to reconsider its selection of an SV for anthracite coal, . . . by either further explaining its selection methodology and basing that explanation on the record evidence or by choosing its other selection methodology based on import volume.'' [15]

On January 3, 2017, the Department filed Remand II with the Court.[16] The Department relied on the quantity of imports of anthracite coal to select a SV among the potential SV sources for that input that are equally reliable. As a result, the Department revised its SV choice and relied on a SV from South Africa to value the mandatory respondents' anthracite coal factor of production.[17] Consequently, Cherishmet's [18] and Jacobi's [19] final margins were revised to $0.28/kg and $0.18/kg, respectively.[20] The separate rate was revised to $0.22/kg for: (1) Calgon Tianjin; (2) Juqiang; (3) Yunguang; (4) Jilin Bright; (5) Huahui; (6) Ningxia Mineral; (7) Sincere; and (8) Tianjin Channel.[21] The Department used the same methodology for calculating the separate rate that was used in *AR6 Final Results* and Remand I, discussed above. Finally, because the Court held in *Calgon II* that ''any resulting changes to the value of the separate rate should be reflected in the rate ultimately assigned to Shanxi DMD,'' [22] the Department assigned Shanxi DMD the revised separate rate of $0.22/kg, ''which will only pertain to entries during the period of review that were exported from the People's Republic of China ('PRC') to the United States by Shanxi DMD and imported by Carbon Activated.'' [23] On January 27, 2017, the Court sustained Remand II in *Calgon III.*[24]

Timken Notice

In its decision in *Timken,*[25] as clarified by *Diamond Sawblades,*[26] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's January 27, 2017, judgment in *Calgon III* constitutes a final decision of the Court that is not in harmony with the Department's *AR6 Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise at issue pending expiration of the period to appeal or, if appealed, a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, the Department amends *AR6 Final Results* with respect to the companies identified below. Based on Remand II, as affirmed by the Court in *Calgon III,* the revised weighted-average dumping margins for the companies listed below during the period April 1, 2012, through March 31, 2013, are as follows:

[11] Id.

[12] *Id.* at 17–20, 49–50, 51. The Department also explained that, although the Court ordered the Department to assign Shanxi DMD the ''all-others rate,'' the Department assigned Shanxi DMD the separate rate because ''the Department understands the Court as ordering the assignment of the separate rate to Shanxi DMD.'' *Id.* at 19–20.

[13] *See Calgon Carbon Corp.* v. *United States,* Consol. Court No. 14–00326, Slip Op. 16–107 (CIT November 18, 2016) (*Calgon II*).

[14] *Id.* at 23.

[15] *Id.* at 24–32.

[16] *See Calgon Carbon Corp. et al.* v. *United States,* Consol. Court No. 14–00326, Slip Op. 16–107, Final Results of Redetermination Pursuant to Court Remand, dated December 29, 2016 (Remand II).

[17] *Id.* at 5–6.

[18] In the first administrative review, the Department found that Beijing Pacific Activated Carbon Products Co., Ltd., Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd., and Ningxia Guanghua Activated Carbon Co., Ltd. should be treated as a single entity pursuant to 19 CFR 351.401(f), and, because there were no changes to the facts which supported that decision, we continued to find these companies to be part of a single entity in subsequent reviews. Because there have been no changes to the facts that supported that decision in *AR6 Final Results,* we continued to treat the companies as a single entity in Remand II as well, as we did in Remand I. *See Certain Activated Carbon from the People's Republic of China: Notice of Preliminary Results of the Antidumping Duty Administrative Review and Extension of Time Limits for the Final Results,* 74 FR 21317, 21319 (May 7, 2009), unchanged in *First Administrative Review of Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 74 FR 57995, 57998 (November 10, 2009).

[19] In the third administrative review, the Department found that Jacobi, Tianjin Jacobi International Trading Co. Ltd., and Jacobi Carbons Industry (Tianjin) should be treated as a single entity pursuant to 19 CFR 351.401(f), and, because there were no changes to the facts which supported that decision, we continued to find these companies part of a single entity in the fourth and fifth administrative reviews. Because there have been no changes to the facts that supported that decision in *AR6 Final Results,* we continued to treat the companies as a single entity in Remand II as well, as we did in Remand I. *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Third Antidumping Duty Administrative Review,* 76 FR 67142, 67145 n.25 (October 31, 2011); *see also Certain Activated Carbon from the People's Republic of China; 2010–2011; Final Results of Antidumping Duty Administrative Review,* 77 FR 67337, 67338 n.22 (November 9, 2012).

[20] *See* Remand II at 6–7.

[21] *See* Remand II at 8.

[22] See Calgon II at 8–9.

[23] *See* Remand II at 8–9.

[24] *See Calgon Carbon Corp.* v. *United States,* Consol. Court No. 14–00326, Slip Op. 17–6 (CIT January 27, 2017) (*Calgon III*).

[25] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[26] See *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (Diamond Sawblades).

Exporter	Weighted-average dumping margins (dollars per kilogram)[27]
Jacobi Carbons AB	0.18
Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd	0.28
Calgon Carbon (Tianjin) Co., Ltd	0.22
Datong Juqiang Activated Carbon Co., Ltd	0.22
Datong Municipal Yunguang Activated Carbon Co., Ltd	0.22
Jilin Bright Future Chemicals Company, Ltd	0.22
Ningxia Huahui Activated Carbon Co., Ltd	0.22
Ningxia Mineral and Chemical Limited	0.22
Shanxi DMD Corporation[28]	0.22
Shanxi Sincere Industrial Co., Ltd	0.22
Tianjin Channel Filters Co., Ltd	0.22

In the event that the CIT's rulings are not appealed or, if appealed, are upheld by a final and conclusive court decision, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise based on the revised dumping margins listed above.

Cash Deposit Requirements

Because there have been subsequent administrative reviews for the companies identified above, the cash deposit rates will remain the rates established in the most recently-completed *AR8 Final Results,* which are $1.76/kg and $0.02 for Jacobi and Juqiang, respectively, and $1.36/kg for Calgon Tianjin, Cherishmet, Yunguang, Jilin Bright, Huahui, Ningxia Mineral, Sincere, Shanxi DMD, and Tianjin Channel.[29]

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: February 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–02791 Filed 2–9–17; 8:45 am]

BILLING CODE 3510–DS–P

[27] In the second administrative review, the Department determined that it would calculate per-unit assessment and cash deposit rates for all future reviews. *See Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review,* 75 FR 70208, 70211 (November 17, 2010); *see also AR6 Final Results,* 79 FR at 70165 n.29.

[28] As discussed above, this rate ''will only pertain to entries during the period of review that were exported from the People's Republic of China ('PRC') to the United States by Shanxi DMD and imported by Carbon Activated.'' *See* Remand II at 8–9.

[29] See Certain Activated Carbon from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2014–2015, 81 FR 62088, 62089 (September 8, 2016).

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 3/12/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 11/28/2016 (81 FR 85538–85540) and 12/30/2016 (81 FR 96442–96443), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.
2. The action will result in authorizing small entities to furnish the products and service to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

NSN(s)—Product Name(s):

9905–00–NIB–0376—Flag, Marking, 2–1/2″ x 3–1/2″, 21″ Staff, Fluorescent Orange
9905–00–NIB–0377—Flag, Marking, 2–1/2″ x 3–1/2″, 21″ Staff, Fluorescent Pink
9905–00–NIB–0378—Flag, Marking, 2–1/2″ x 3–1/2″, 21″ Staff, Orange
9905–00–NIB–0379—Flag, Marking, 2–1/2″ x 3–1/2″, 21″ Staff, Red
9905–00–NIB–0380—Flag, Marking, 2–1/2″ x 3–1/2″, 21″ Staff, Yellow
9905–00–NIB–0384—Flag, Marking, 2–1/2″ x 3–1/2″, 15″ Staff, Yellow
9905–00–NIB–0386—Flag, Marking, 2–1/2″ x 3–1/2″, 15″ Staff, Red
9905–00–NIB–0387—Flag, Marking, 2–1/2″ x 3–1/2″, 15″ Staff, Orange
9905–00–NIB–0389—Flag, Marking, 4″ x 5″, 21″ Staff, Fluorescent Orange
9905–00–NIB–0390—Flag, Marking, 4″ x 5″ 21″ Staff, Fluorescent Pink
9905–00–NIB–0391—Flag, Marking, 4″ x 5″, 21″ Staff, Orange
9905–00–NIB–0392—Flag, Marking, 4″ x 5″, 21″ Staff, Red
9905–00–NIB–0393—Flag, Marking, 4″ x 5″ 21″ Staff, Yellow

Mandatory for: Total Government Requirement
Mandatory Source(s) of Supply: West Texas Lighthouse for the Blind, San Angelo, TX
Contracting Activity: General Services Administration, Fort Worth, TX
Distribution: B-List

Service

Service Type: Administrative Support Service
Mandatory for: Federal Aviation Administration, Regional Offices, (Except Burlington, MA), Fort Worth, TX, 10101 Hillwood Parkway, Fort Worth, TX
Mandatory Source(s) of Supply: ServiceSource, Inc., Oakton, VA, 15000 Aviation Blvd., Lawndale, CA
Mandatory Source(s) of Supply: Goodwill Industries of Southern California, Panarama City, CA, 901 Locust Street, Kansas City, MO
Mandatory Source(s) of Supply: JobOne, Independence, MO, 2300 East Devon Avenue, Des Plaines, IL
Mandatory Source(s) of Supply: Jewish Vocational Service and Employment Center, Chicago, IL
Contracting Activity: Dept of Transportation, Federal Aviation Administration

Deletions

On 12/23/2016 (81 FR 94340) and 12/30/2016 (81 FR 96442–96443), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the products to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
2510–00–535–6797—Side Rack, Vehicle
2510–00–571–6968—Side Rack, Vehicle
2510–00–860–0517—Side Rack, Vehicle
2510–00–860–0523—Side Rack, Vehicle
2510–01–180–1099—Stake, Vehicle Body
Mandatory Source(s) of Supply: UNKNOWN
Contracting Activity: Defense Logistics Agency Land and Maritime
NSN(s)—Product Name(s):
7520–00–162–6153—Stand, Calendar Pad, for 3″ x 3–3/4″ refill, Gray
7520–00–139–4341—Stand, Calendar Pad, for 3″ x 3–3/4″ refill, Beige
Mandatory Source(s) of Supply: LC Industries, Inc., Durham, NC
Contracting Activity: General Services Administration, New York, NY
NSN(s)—Product Name(s):
7195–01–567–9523—Bulletin Board, Fabric, 36″ x 24″, Plastic Frame
Mandatory Source(s) of Supply: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activities: Department of Veterans Affairs, Strategic Acquisition Center General Services Administration, Philadelphia, PA
NSN(s)—Product Name(s):
6515–00–NIB–0480—Glove Powdered, Perry Orthopaedic
Mandatory Source(s) of Supply: Bosma Industries for the Blind, Inc., Indianapolis, IN
Contracting Activity: Department of Veterans Affairs
NSN(s)—Product Name(s):
8410–01–415–2906—Slacks, Serge, Army, Women's, Green, 4MR
8410–01–415–2909—Slacks, Serge, Army, Women's, Green, 6WR
8410–01–415–2911—Slacks, Serge, Army, Women's, Green, 6MR
8410–01–415–5138—Slacks, Serge, Army, Women's, Green, 6MT
8410–01–415–5139—Slacks, Serge, Army, Women's, Green, 6WT
8410–01–415–5140—Slacks, Serge, Army, Women's, Green, 8WR
8410–01–415–5141—Slacks, Serge, Army, Women's, Green, 8MR
8410–01–415–5142—Slacks, Serge, Army, Women's, Green, 8WP
8410–01–415–5143—Slacks, Serge, Army, Women's, Green, 10MT
8410–01–415–5144—Slacks, Serge, Army, Women's, Green, 8MT
8410–01–415–5145—Slacks, Serge, Army, Women's, Green, 10JR
8410–01–415–6989—Slacks, Serge, Army, Women's, Green, 10WR
8410–01–415–6990—Slacks, Serge, Army, Women's, Green, 10MR
8410–01–415–6991—Slacks, Serge, Army, Women's, Green, 12MP
8410–01–415–6992—Slacks, Serge, Army, Women's, Green, 10JT
8410–01–415–6993—Slacks, Serge, Army, Women's, Green, 10MT
8410–01–415–6994—Slacks, Serge, Army, Women's, Green, 12WP
8410–01–415–6995—Slacks, Serge, Army, Women's, Green, 12JT
8410–01–415–6996—Slacks, Serge, Army, Women's, Green, 14WP
8410–01–415–6997—Slacks, Serge, Army, Women's, Green, 14JR
8410–01–415–6998—Slacks, Serge, Army, Women's, Green, 14JP
8410–01–415–6999—Slacks, Serge, Army, Women's, Green, 14MR
8410–01–415–7000—Slacks, Serge, Army, Women's, Green, 14WR
8410–01–415–7001—Slacks, Serge, Army, Women's, Green, 14WT
8410–01–415–7007—Slacks, Serge, Army, Women's, Green, 16JP
8410–01–415–7008—Slacks, Serge, Army, Women's, Green, 16WR
8410–01–415–7009—Slacks, Serge, Army, Women's, Green, 16MR
8410–01–415–7010—Slacks, Serge, Army, Women's, Green, 18WR
8410–01–415–7011—Slacks, Serge, Army, Women's, Green, 18MR
8410–01–415–7012—Slacks, Serge, Army, Women's, Green, 14MT
8410–01–415–7013—Slacks, Serge, Army, Women's, Green, 16WT
8410–01–415–7014—Slacks, Serge, Army, Women's, Green, 16MP
8410–01–415–7015—Slacks, Serge, Army, Women's, Green, 16MT
8410–01–415–7016—Slacks, Serge, Army, Women's, Green, 20MR
8410–01–415–7017—Slacks, Serge, Army, Women's, Green, 14JT
8410–01–415–7018—Slacks, Serge, Army, Women's, Green, 26MR
8410–01–415–7019—Slacks, Serge, Army, Women's, Green, 18MT
8410–01–415–7021—Slacks, Serge, Army, Women's, Green, 12MR
8410–01–415–7022—Slacks, Serge, Army, Women's, Green, 16JR
8410–01–415–7024—Slacks, Serge, Army, Women's, Green, 16JR
8410–01–415–7025—Slacks, Serge, Army, Women's, Green, 22MR
8410–01–415–7026—Slacks, Serge, Army, Women's, Green, 24MR
8410–01–415–7028—Slacks, Serge, Army, Women's, Green, 12JR
8410–01–415–7029—Slacks, Serge, Army, Women's, Green, 12WR
8410–01–415–7030—Slacks, Serge, Army, Women's, Green, 16JT
8410–01–415–8446—Slacks, Serge, Army, Women's, Green, 10WT
8410–01–415–8450—Slacks, Serge, Army, Women's, Green, 12JP
8410–01–415–8453—Slacks, Serge, Army, Women's, Green, 12MT
8410–01–415–8455—Slacks, Serge, Army, Women's, Green, 12WT
8410–01–415–8457—Slacks, Serge, Army, Women's, Green, 14MP
8410–01–415–8460—Slacks, Serge, Army, Women's, Green, 16WP
8410–01–415–8572—Slacks, Serge, Army, Women's, Green, 10JP
8410–01–415–8573—Slacks, Serge, Army, Women's, Green, 10WP
8410–01–455–5486—Slacks, Serge, Army, Women's, Green, 4MP
8410–01–455–5488—Slacks, Serge, Army, Women's, Green, 6MP
8410–01–455–5490—Slacks, Serge, Army, Women's, Green, 6WP
8410–01–455–5494—Slacks, Serge, Army, Women's, Green, 8MP
8410–01–455–5496—Slacks, Serge, Army, Women's, Green, 8WP

8410–01–455–5500—Slacks, Serge, Army, Women's, Green, 20WR
Mandatory Source(s) of Supply: VGS, Inc., Cleveland, OH
Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,
Director, Business Operations.

[FR Doc. 2017–02801 Filed 2–9–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete products previously furnished by such agencies.

DATES: *Comments Must Be Received On Or Before:* 3/12/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT OR TO SUBMIT COMMENTS CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from the nonprofit agency employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agency listed:

Products

NSN(s)—Product Name(s):
MR 11301—Cooler, Styrofoam, Handled, 12 Qt.
MR 11302—Cooler, Styrofoam, Handled, 22 Qt.
Mandatory for: The requirements of military commissaries and exchanges in accordance with the Code of Federal Regulations, Chapter 51, 51–6.4
Mandatory Source(s) of Supply: Winston Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Defense Commissary Agency
Distribution: C-List

Service

Service Type: Custodial Service
Mandatory for: Consumer Financial Protection Bureau (CFPB), CFPB Headquarter Buildings, 1700 G Street NW., 1990 K Street NW., Washington, DC
Mandatory Source(s) of Supply: Didlake, Inc., Manassas, VA
Contracting Activity: Consumer Financial Protection Bureau

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):
8415–01–576–0094—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, XS
8415–01–576–0100—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, ML
8415–01–576–0104—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, LR
8415–01–576–0111—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, LL
8415–01–576–0116—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, XLR
8415–01–576–0122—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, XLL
8415–01–576–0152—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, XXLL
8415–01–576–0157—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, XXXLR
8415–01–576–0165—Jacket, Wet Weather Level 6, PCU, Army, Men's, Desert Camouflage, XXXLL
8415–01–576–0234—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XS
8415–01–576–0237—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, SR
8415–01–576–0238—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, MR
8415–01–576–0243—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, ML
8415–01–576–1966—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, LR
8415–01–576–1967—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, LL
8415–01–576–1970—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XL
8415–01–576–1974—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XLL
8415–01–576–1977—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XXL
8415–01–576–1980—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XXLL
8415–01–576–1982—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XXXL
8415–01–576–1985—Jacket, Wet Weather Level 6, PCU, Army, Men's, Woodland Camouflage, XXXLL
8415–01–576–5763—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XS
8415–01–576–5957—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, SR
8415–01–576–5962—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, MR
8415–01–576–5967—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, ML
8415–01–576–7101—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, LR
8415–01–576–7169—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, LL
8415–01–576–7515—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XL
8415–01–576–7517—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XLL
8415–01–576–7692—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XXL
8415–01–576–7695—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XXLL
8415–01–576–7697—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XXXL
8415–01–576–7714—Pants, Wet Weather Level 6, PCU, Army, Desert Camouflage, XXXLL
8415–01–576–7827—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XS
8415–01–576–7845—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, SR
8415–01–576–8002—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, MR
8415–01–576–8003—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, ML
8415–01–576–8024—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, LR
8415–01–576–8026—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, LL
8415–01–576–8083—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XL
8415–01–576–8091—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XLL

8415–01–576–8101—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XXL
8415–01–576–8107—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XXLL
8415–01–576–8109—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XXXL
8415–01–576–8114—Pants, Wet Weather Level 6, PCU, Army, Woodland Camouflage, XXLLL
NPA: ReadyOne Industries, Inc., El Paso, TX
Contracting Activity: W6QK ACC–APG NATICK
8415–01–543–0375—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XS
8415–01–543–0378—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, S
8415–01–543–0380—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, M
8415–01–543–0385—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, L–L
8415–01–543–0389—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XL
8415–01–543–0390—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XL–L
8415–01–543–0395—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XXLL
8415–01–543–0398—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XXLL
8415–01–543–0400—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XXXL
8415–01–543–0402—Trousers, Lightweight ECWCS Level 6, PCU, Army, Green, XXXLL
8415–01–543–0416—Trousers, Lightweight Level 6, ECWCS, PCU, Army, Green, L
8415–01–543–7004—Trousers, Wet Weather Level 6 ECWCS, PCU, Army, Green, M–L
8415–01–543–0417—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XS
8415–01–543–0421—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, S
8415–01–543–0422—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, M
8415–01–543–0424—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, L–L
8415–01–543–0428—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, L
8415–01–543–0430—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XL–L
8415–01–543–0431—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XL
8415–01–543–0434—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XXLL
8415–01–543–0437—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XXL
8415–01–543–0439—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XXXL
8415–01–543–0440—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, XXXLL
8415–01–543–7038—Jacket, Parka, Lightweight Extreme Cold Wet Weather Level 6, PCU, Army, Green, M–L
NPA: ReadyOne Industries, Inc., El Paso, TX
Contracting Activity: W40M NORTHEREGION CONTRACT OFC

Amy B. Jensen,
Director, Business Operations.

[FR Doc. 2017–02806 Filed 2–9–17; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Board on Coastal Engineering Research (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The charter and contact information for the Board's Designated Federal Officer (DFO) can be obtained at *http://www.facadatabase.gov/*.

The Board provides the Coastal and Hydraulics Laboratory, which includes the Coastal Engineering Research Center, through the Chief of Engineers/Commander (''the Chief of Engineers''), U.S. Army Corps of Engineers (''the Corps of Engineers''), independent advice and recommendations on coastal engineering research priorities and additional functions as assigned by the Chief of Engineers. The Board, pursuant to 33 U.S.C. 426–2, shall be composed of seven members who are appointed by the Secretary of Defense or the Deputy Secretary of Defense. Pursuant to legislation, the DoD shall appoint four officers of the Corps of Engineers as ex-officio appointments, with one position being occupied by the Deputy Commanding General for Civil and Emergency Operations, U.S. Army Corps of Engineers, and the remaining positions occupied by three of the eight coastal division commanders. The three civilian Board members shall be civilian engineers with expertise in the field of beach erosion, shore protection, and coastal processes and infrastructure. Members who are not full-time or permanent part-time Federal officers or employees are appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. Members who are full-time or permanent part-time Federal officers or employees are appointed pursuant to 41 CFR 102–3.130(a) to serve as regular government employee members. Each member is appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Pursuant to section 105 of Public Law 91–611, Board members, who are not full-time or permanent part-time Federal officers or employees, may be paid at rates not to exceed the daily equivalent of the rate for a GS–15, step 10, for each day of attendance at Board meetings, not to exceed 30 days per year, in addition to travel and other necessary expenses connected with their official duties on the Board, in accordance with the provisions of 5 U.S.C. 5703(b), (d), and 5707. RGE members may be reimbursed for official Board-related travel and per diem. The DoD, as necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board, and all subcommittees must operate under the provisions of FACA and the Government in the Sunshine Act. Subcommittees will not work independently of the Board and must report all recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, directly to the DoD or any Federal officers or employees. The Board's DFO, pursuant to DoD policy, must be a full-time or permanent part-time DoD employee, and must be in attendance for the duration of each and every Board/subcommittee meeting. The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Such statements may be submitted at any time or in response to the stated agenda of planned Board meetings. All written statements must be submitted to the Board's DFO who

will ensure the written statements are provided to the membership for their consideration.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–02750 Filed 2–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–78]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–78 with attached Policy Justification and Sensitivity of Technology.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 23 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-78, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance for the Kingdom of Saudi Arabia for defense articles and services estimated to cost $525 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 16–78

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Saudi Arabia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$525 million
TOTAL	$525 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE): None

Non-MDE includes:

Ten (10) 74K Persistent Threat Detection System (PTDS) Aerostats

Fourteen (14) Ground Moving Target Indicator (GMTI) Radars

Twenty-six (26) MX–20 Electro-Optic Infrared (EO/IR) Cameras

Ten (10) Communications Intelligence (COMINT) Sensors

Also included are the Mooring systems with powered tether with embedded fiber optics; Ground Control Systems (GCS); associated installation hardware; special tools and test equipment; Basic Issue Items (BII); program management support; verification testing; systems technical support; transportation; spare and repair parts; communications equipment;

operators and maintenance manuals; personnel training and training equipment; tool and test equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); U.S. Government and contractor engineering, technical and logistics support services; in-country Field Service Representatives (FSR); and other related elements of logistics and program support.

(iv) *Military Department:* Army (ZAJ)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex Attached

(viii) *Date Report Delivered to Congress:* January 23, 2017

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Saudi Arabia—74K Persistent Threat Detection System (PTDS) Aerostats

The Government of the Kingdom of Saudi Arabia has requested a possible sale of ten (10) 74K Persistent Threat Detection System (PTDS) Aerostats; fourteen (14) Ground Moving Target Indicator (GMTI) Radars; twenty-six (26) MX–20 Electro-Optic Infrared (EO/IR) Cameras; and ten (10) Communications Intelligence (COMINT) Sensors. Also included are the Mooring systems with powered tether with embedded fiber optics; Ground Control Systems (GCS); associated installation hardware; special tools and test equipment; Basic Issue Items (BII); program management support; verification testing; systems technical support; transportation; spare and repair parts; communications equipment; operators and maintenance manuals; personnel training and training equipment; tool and test equipment; repair and return; publications and technical documentation; Quality Assurance Team (QAT); U.S. Government and contractor engineering, technical and logistics support services; in-country Field Service Representatives (FSR); and other related elements of logistics and program support. Total estimated program cost is $525 million.

This proposed sale will enhance the foreign policy and national security objectives of the United State by helping to improve the security of an important ally which has been and continues to be a leading contributor of political stability and economic progress in the Middle East. This sale will increase the Royal Saudi Land Force's interoperability with U.S. forces and conveys U.S. commitment to Saudi Arabia's security and armed forces.

The proposed sale will improve Saudi Arabia's capability to meet current and future threats and provide greater security for its critical infrastructure. Saudi Arabia will have no difficulty absorbing these systems into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor is unknown at this time. There are no known offset agreements in connect with this potential sale.

Implementation of this proposed sale will require the U.S. Government or contractor representative to travel to the Kingdom of Sadia Arabia for a period of six (6) years for de-processing/fielding, system checkout and new equipment training, as well as provide the support of in-country FSRs and operators.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–78

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. This sale will involve the release of sensitive technology to the Kingdom of Saudi Arabia. The Persistent Threat Detection System (PTDS) is a tethered aerostat system capable of supporting a variety of surveillance payloads. The PTDS is a 74K tethered aerostat with a relocatable mooring system capable of supporting payloads up to 500 kg at altitudes of 1,500m, providing surveillance systems with line of site up to 140km. In addition to the aerostat, each system includes a mobile mooring system, ground control and maintenance shelters, electrical generators and power distribution panel, forklift and man lift, supply of helium and spare parts. The program will also include system training, maintenance and in-country support services. Each of the ten (10) aerostats will carry a payload consisting of one (1) radar system and two (2) Electro-Optical/Infrared (EO/IR) systems or one (1) radar system, one (1) EO/IR system and one (1) communications Intelligence (COMINT) system.

a. Radar System. The Telephonics APS–143G Intelligence, Surveillance, and Reconnaissance Radar is a multi-function radar capable of providing long-range detection of land based or maritime targets that are static or in motion. The system can operate in overland, maritime, and air-to-air modes. It displays Ground Moving Target Indicator (GMTI) tracks overlaid on a Doppler Beam Sharpened (DBS) image. The system can switch between vertically and horizontally-orientated antennas and incorporates an optional Identify Friend or Foe (IFF) capability. The hardware and software are UNCLASSIFIED.

b. Communications Intelligence (COMINT) System. The Raytheon Applied Signal Technology, Inc. Model 1240 Titan Reconfigurable Multichannel Receiver is a modular, scalable software-defined radio (SDR) designed for airborne COMINT missions. The system can search, intercept, collect, geo-locate, analyze, store, and distribute wireless signals. The hardware and software are UNCLASSIFIED.

c. Electro-Optical/Infrared (EO/IR) System. The L3 WESCAM MX–20 is suite of up to seven (7) long-range camera and imaging sensors mounted within a gimbaled pod. Sensors include either a thermal image or high definition infrared imager; a daylight continuous zoom color TV camera, either a daylight spotter color TV camera or lowlight spotter TV camera; a laser rangefinder; and a laser illuminator. The hardware and software are UNCLASSIFIED.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Saudi Arabia.

[FR Doc. 2017–02753 Filed 2–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Medicare-Eligible Retiree Health Care Board of Actuaries; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Meeting notice.

SUMMARY: The Department of Defense announces that the following Federal Advisory Committee meeting of the DoD Medicare-Eligible Retiree Health Care Board of Actuaries will take place. This meeting is open to the public.

DATES: Friday, July 28, 2017, from 10:00 a.m. to 12:00 p.m.

ADDRESSES: 4800 Mark Center Drive, Conference Room 3, Level B1, Alexandria, VA 22350.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathleen Ludwig at the Defense Human Resource Activity, DoD Office of the Actuary, 4800 Mark Center Drive, STE 05E22, Alexandria, VA 22350–7000. Phone: 571–372–1993. Email: *Kathleen.A.Ludwig.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the meeting: The purpose of the meeting is to execute the provisions of 10 U.S.C. chapter 56 (10 U.S.C. 1114 *et seq.*). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of benefits under DoD retiree health care programs for Medicare-eligible beneficiaries.

Agenda

1. Meeting Objective.
   Approve actuarial assumptions and methods needed for calculating:
   i. FY 2019 per capita full-time and part-time normal cost amounts.
   ii. September 30, 2016, unfunded liability (UFL).
   iii. October 1, 2017, Treasury UFL amortization and normal cost payments.
2. Trust Fund Update—Investment Experience.
3. Medicare-Eligible Retiree Health Care Fund Update.
4. September 30, 2015, Actuarial Valuation Results.
5. September 30, 2016, Actuarial Valuation Proposals.
6. Decisions.

Actuarial assumptions and methods needed for calculating items specified in agenda item 1.

Public's accessibility to the meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and the availability of space, this meeting is open to the public. Seating is on a first come basis. The Mark Center is an annex of the Pentagon. Those without a valid DoD Common Access Card must contact Kathleen Ludwig at 571–372–1993 no later than June 29, 2017. Failure to make the necessary arrangements will result in building access being denied. It is strongly recommended that attendees plan to arrive at the Mark Center at least 30 minutes prior to the start of the meeting.

Committee's Designated Federal Officer or Point of Contact: The Designated Federal Officer is Ms. Inger Pettygrove, 571–372–1998, *inger.m.pettygrove.civ@mail.mil.* Persons desiring to attend the DoD Medicare-Eligible Retiree Health Care Board of Actuaries meeting or make an oral presentation or submit a written statement for consideration at the meeting, must notify Kathleen Ludwig at 571–372–1993, or *Kathleen.A.Ludwig.civ@mail.mil,* by June 29, 2017. For further information contact Mrs. Ludwig at the Defense Human Resource Activity, DoD Office of the Actuary, 4800 Mark Center Drive, STE 05E22, Alexandria, VA 22350–7000.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–02755 Filed 2–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Board of Actuaries; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Meeting notice.

SUMMARY: The Department of Defense announces that the following Federal Advisory Committee meeting of the DoD Board of Actuaries will take place. This meeting is open to the public.

DATES: Thursday, July 13, 2017, from 1:00 p.m. to 4:00 p.m. and Friday, July 14, 2017, from 10:00 a.m. to 1:00 p.m.

ADDRESSES: 4800 Mark Center Drive, Conference Room 3, Level B1, Alexandria, VA 22350.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathleen Ludwig at the Defense Human Resources Activity, DoD Office of the Actuary, 4800 Mark Center Drive, STE 05E22, Alexandria, VA 22350–7000. Phone: 571–372–1993. Email: *Kathleen.A.Ludwig.civ@mail.mil.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b as amended), and 41 CFR 102–3.150.

Purpose of the meeting: The purpose of the meeting is for the Board to review DoD actuarial methods and assumptions to be used in the valuations of the Education Benefits Fund, the Military Retirement Fund, and the Voluntary Separation Incentive Fund, in accordance with the provisions of Section 183, Section 2006, Chapter 74 (10 U.S.C. 1464 *et seq.*), and 10 U.S.C. 1175.

Agenda

Education Benefits Fund (July 13, from 1:00 p.m. to 4:00 p.m.)
1. Fund Overview and Data Issues
2. Recent and Proposed Legislation
3. Briefing on Investment Experience
4. September 30, 2016, Valuation Proposed Economic Assumptions*
5. September 30, 2016, Valuation Proposed Methods and Assumptions—Reserve Programs*
6. September 30, 2016, Valuation Proposed Methods and Assumptions—Active Duty Programs*

Military Retirement Fund/Voluntary Separation Incentive Fund (July 14, from 10:00 a.m. to 1:00 p.m.)
1. Recent and Proposed Legislation
2. Briefing on Investment Experience
3. September 30, 2016, Valuation of the Military Retirement Fund*
4. Proposed Methods and Assumptions for September 30, 2017, Valuation of the Military Retirement Fund*
5. Proposed Methods and Assumptions for September 30, 2016, Voluntary Separation Incentive (VSI) Fund Valuation*

* Board approval required

Public's accessibility to the meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first come basis. The Mark Center is an annex of the Pentagon. Those without a valid DoD Common Access Card must contact Kathleen Ludwig at 571–372–1993 no later than June 15, 2017. Failure to make the necessary arrangements will result in building access being denied. It is strongly recommended that attendees plan to arrive at the Mark Center at least 30 minutes prior to the start of the meeting.

Committee's Designated Federal Officer or Point of Contact: The Designated Federal Officer is Mrs. Inger Pettygrove, 571–372–1998, *inger.m.pettygrove.civ@mail.mil.* Persons desiring to attend the DoD Board of Actuaries meeting or make an oral presentation or submit a written statement for consideration at the meeting must notify Kathleen Ludwig at 571–372–1993, or *Kathleen.A.Ludwig.civ@mail.mil,* by June 15, 2017. For further information contact Mrs. Ludwig at the Defense Human Resources Activity, DoD Office of the Actuary, 4800 Mark Center Drive, STE 05E22, Alexandria, VA 22350–7000.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–02754 Filed 2–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Defense Science Board (DSB) will meet in closed session on Thursday, February 16, 2017, from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. in the Nunn-Lugar conference room 3E863 at the Pentagon, Washington, DC.

DATES: Thursday, February 16, 2017, from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m.

ADDRESSES: Nunn-Lugar conference room 3E863 at the Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Debra Rose, Executive Officer, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140, via email at *debra.a.rose20.civ@mail.mil,* or via phone at (703) 571–0084 or the Defense Science Board Designated Federal Officer (DFO) Karen D.H. Saunders, Executive Director, Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301, via email at *karen.d.saunders.civ@mail.mil,* or via phone at (703) 571–0079.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Defense Science Board was unable to provide public notification concerning it meeting of February 16, 2017, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

The mission of the DSB is to provide independent advice and recommendations on matters relating to the DoD's scientific and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. DSB membership will meet with DoD Leadership to discuss current and future national security challenges within the Department. This meeting will focus on the new administration's guidance and directives related to nuclear deterrence, countering anti-access systems with longer range and standoff capabilities, and survivable logistics. The DSB will host guest speakers from across the Department of Defense who will provide their perspective on the future of National Security under the new administration. The invited speakers are the Honorable Jim Mattis, Secretary of Defense; Honorable Robert Work, Deputy Secretary of Defense; General Paul Selva, Vice Chairman of the Joint Chiefs of Staff; LtGen J. Kevin McLaughlin, Deputy Commander, U.S. Cyber Command; and Vice Admiral James Syring, Director, Missile Defense Agency. Additionally, Mr. Michael Walker from the Defense Advanced Research Projects Agency (DARPA) will present an overview of the 2016 DARPA Cyber Grand Challenge competition.

In accordance with section 10(d) of the FACA and 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense (Acquisition, Technology, and Logistics), in consultation with the DoD Office of General Counsel, has determined in writing that all sessions will be closed to the public because they will consider matters covered by 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified information that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meeting. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the USD(AT&L).

In accordance with section 10(a)(3)of the FACA and 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided in this notice at any point; however, if a written statement is not received at least 3 calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until the next meeting of the DSB. The DFO will review all submissions with the DSB Chair and ensure they are provided to members of the DSB before its final deliberations on February 16, 2017.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–02731 Filed 2–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 16–79]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Pamela Young, DSCA/SA&E–RAN, (703) 697–9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16–79 with attached Policy Justification and Sensitivity of Technology.

Dated: February 6, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JAN 18 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-79, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kenya for defense articles and services estimated to cost $418 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 16–79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kenya

(ii) *Total Estimated Value:*

Major Defense Equipment	$ 53.6 million
Other	$364.4 million
Total	$418.0 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Components for Paveway II (GBU–12/58) (includes spares):

Two hundred and twenty-two (222) MXU–1006/B Airfoil Groups for GBU–58

One hundred and fourteen (114) MXU–650 Airfoil Groups for GBU–12

Three hundred and twenty-four (324) MAU–169 L/B or MAU–209 C/B CCGs for GBU–12/58

Three hundred and twenty-four (324) FMU–152 Fuzes for GBU–12/58

Two hundred and sixteen (216) MK–81 Bomb Bodies for GBU–58

One hundred and eight (108) MK–82/BLU–111 Bomb Bodies for GBU–12

Components for Advanced Precision Kill Weapon System (APKWS) (includes spares):

Seven hundred and fourteen (714) WGU–59/B APKWS Guidance Sections

Non-MDE includes:

Twelve (12) Air Tractor AT–802L aircraft; two (2) Air Tractor AT–504 trainer aircraft; twelve (12) FMU–152 A (D–2/D–5)/B Fuzes (for Training/Inert); six (6) Mk–81 Trainer/Inert Bomb Bodies; six (6) Mk–82 Trainer/Inert Bomb Bodies; Seven hundred and fourteen (714) MK–66 MOD 4 2.75″ Rocket Motors; Seven hundred and fourteen (714) M152 HE Warheads (2.75″ Airborne Rocket); 505,000 rounds .50 cal ammunition; FN HMP400 LLC Herstal 50 cal guns; MX–15HDi electro-optical/infrared (EO/IR) full motion video cameras with laser designation; VHF/UHF radios; LAU–131 Launchers; AAR–47 Warning Systems; electro countermeasure display systems AN/ALE–47; HGU–55/P Helmet Mounted Cueing Systems; spare engines; initial spare parts; support equipment; studies; contract logistics support and technical services; publications; aircraft ferry and support; life support equipment; maintenance training; pilot training; follow-on training; alternate mission equipment; U.S. Government manpower services and travel; modifications and engineering change proposals; ground based training system; operational flight trainer and spares; and aircraft modification, integration, and support.

(iv) *Military Department:* Air Force (SAA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.*

(viii) *Date Report Delivered to Congress:* January 18, 2017

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of Kenya—Air Tractor Aircraft with Weapons and Related Support

The Government of Kenya has requested a possible sale of up to twelve (12) Air Tractor AT–802L and two (2) AT–504 trainer aircraft, weapons package, technical support and program management. The total estimated program cost is $418 million.

This proposed sale contributes to the foreign policy and national security of the United States by improving the security of a strong regional partner who is a regional security leader undertaking critical operations against al-Shabaab and troop contributor to the African Union Mission in Somalia (AMISOM).

The proposed sale provides a needed capability in the ongoing efforts to counter al-Shabaab. The platform maximizes the Kenyan Defense Force's Close Air Support (CAS) ability because it is a short-field aircraft capable of using precision munitions and cost effective logistics and maintenance.

The proposed sale supplements Kenya's aging F–5 aircraft as it will be more fiscally efficient and able to be pre-positioned much closer to the conflict area than the F–5 fleet. The Kenyan Defense force is committed to modernizing its air fleet and is capable of absorbing these aircraft. The proposed sale of this equipment and support does not alter the basic military balance in the region.

The prime contractor will be L–3 Communications, Platform Integration Division, Waco, Texas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale requires the assignment of at least five contractor representatives in Kenya.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 16–79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(l) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. This sale involves the release of sensitive technology to Kenya. The AT–802L weapons system is classified up to Secret. The AT–802L aircraft uses the AT–802 airframe and features avionics and other technologically sensitive systems. The AT–802L contains an MX–15HDi electro-optical/infrared (EO/IR) full motion video (FMV) cameras with laser designation; internal and external self-protection equipment; a modified HGU–55/P helmet that incorporates a reticle-projected HeadsUp Display to cue weapons and aircraft sensors to ground targets; and software computer programs.

2. Sensitive and classified (up to SECRET) elements of the proposed AT–802L include the hardware, accessories, components, and associated software associated with the: MX–15HDi EO/IR FMV turret, Stores Management System (SMS), Missile Warning System (MWS), HGU–55/P Helmet Mounted Cueing System (HMCS), and air-to-ground weapons. Additional sensitive areas include operating manuals and maintenance technical orders containing performance information, operating and test procedures, and other information related to support operations and repair. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters, and other similar critical information.

3. The MX–15HDi is an EO/IR FMV camera that includes a laser designator which creates the ability to designate ground targets for use with laser guided weapons. The commercially developed system software and hardware are UNCLASSIFIED.

4. The SMS provides basic flight path guidance to release zone, mission recording and diagnostics, and continuous stores status and inventory management. It is an internally mounted suite. The commercially developed system software and hardware are UNCLASSIFIED.

5. The AN/AAR–47 is an electronic warfare system used to protect against IR guided missile threats, laser-guided/laser-aided threats, and unguided munitions. The system, hardware components and software are SECRET.

6. The AN/ALE–47 system uses information from missile warning sensors to determine the correct response to defeat IR and other guided missiles. The AN/ALE–47 is SECRET.

7. HMCS is a modified HGU–55/P helmet that incorporates a reticle-projected Heads-Up Display to assist with cueing weapons to ground targets. This system projects visual targeting information, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy. This provides improvement for close combat targeting and engagement. Hardware is UNCLASSIFIED.

8. The following munitions are part of the AT–802L configuration:

a. The Advanced Precision Kill Weapon System (APKWS) is a low cost semi- active laser guidance kit developed by BAE Systems which is added to current unguided 70 mm rocket motors and warheads similar to and including the HYDRA 70 rocket. It is a low collateral damage weapon that can effectively strike both soft and lightly armored targets. APKWS turns a standard unguided 2.75 inch (70 mm) rocket into a precision laser-guided rocket, classification up to SECRET.

b. The LAU–131 launcher is tube shaped, 59.8 inches in length, and 10.125 inches in diameter. It weighs 65 pounds and is capable of carrying seven rockets (2.75 in or 70mm). Hardware is UNCLASSIFIED. Technical data and documentation provided are UNCLASSIFIED.

c. GBU–12/58 Paveway II (PW–II): 500-lb (GBU–12) and 250-lb (GBU–58) are laser-guided ballistic bombs (LGBs) developed by Raytheon and Lockheed Martin. The LGB is a maneuverable, free-fall weapon that guides to a spot of laser energy reflected off of the target. The LGB is delivered like a normal general purpose (GP) warhead and the semi-active guidance corrects for many of the normal errors inherent in any delivery system. Laser designation for the weapon can be provided by a variety of laser target markers or designators. The LGB consists of a computer control group (CCG) that is not warhead specific (MAU–169UB or MAU–209C/B) and a warhead specific Air Foil Group (AFG), that attach to the nose and tail of MK 81 and MK 82 or BLU–111 and BLU–110 General Purpose (GP) bomb bodies. The overall weapon is CONFIDENTIAL.

d. The FN HMP400 LCC is a self-contained airborne weapon system that includes a Herstal .50 cal M3P machine gun and 250-round ammunition box. This system is UNCLASSIFIED.

9. Kenya has expressed a willingness to protect United States classified military information equivalent to US Government standards. Kenya is firmly committed to its relationship with the United States and to its promise to protect classified information and prevent its transfer to a third party. This sale is needed in furtherance of USG foreign policy and national security interests by helping to improve the security of a vital partner in the AFRICOM AOR.

10. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software source code in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of systems with similar or advance capabilities. The benefits to be derived from this sale in the furtherance of the US foreign policy and national security objectives, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

11. All defense articles and services listed in this transmittal have been authorized for release and export to Kenya.

[FR Doc. 2017–02728 Filed 2–9–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Notice of Availability of a Draft Detailed Project Report With Integrated Environmental Assessment and Draft Finding of No Significant Impact for the Pier 70 Central Basin Continuing Authorities Program Section 107 Navigation Improvement Project at the Port of San Francisco, San Francisco, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability; request for comments.

SUMMARY: The United States Army Corps of Engineers (USACE) San Francisco District announces the availability of a Draft Detailed Project Report with Integrated Environmental Assessment (DPR/EA) and draft Finding of No Significant Impact (FONSI) for review and comment for the proposed Pier 70 Central Basin Continuing Authorities Program (CAP) Section 107 Navigation Improvement Project in San Francisco, California. Pursuant to 33 CFR 230.11 (b) U.S. Army Corps of Engineers—Procedures for Implementing [the National Environmental Policy Act] NEPA, notice of the availability of this DPR/EA and draft FONSI for review and comment is being provided to agencies, organizations, and the interested public.

DATES: Comments on the Draft DPR/EA and draft FONSI may be submitted starting February 13, 2017 through 5:00 p.m. (PDT), February 28, 2017. If comments are provided by mail, they must be received at the address below no later than February 28, 2017.

ADDRESSES: The Draft DPR/EA can be viewed online starting February 13, 2017 at: *http://www.spn.usace.army.mil/Portals/68/docs/Environmental/2017_0213_Central_Basin_Sec107_DraftDPR-EA.pdf.*

Comments may be submitted on the Draft DPR/EA using any of the following methods:

- *Mail:* U.S. Army Corps of Engineers, San Francisco District, ATTN: Roxanne Grillo, 1455 Market Street, San Francisco, CA 94103–1398.
- *Email: CESPN–ET–PA@usace.army.mil.*

Comment letters should include the commenter's physical mailing address and the project title in the subject line.

FOR FURTHER INFORMATION CONTACT: Roxanne Grillo, U.S. Army Corps of Engineers, San Francisco District, 1455 Market Street, San Francisco, CA 94103–1398. Telephone: (415) 503–6859. Email: *CESPN-ET-PA@usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. *Project Site and Background Information.* The project area consists of a turning and maneuvering basin within the waters of the San Francisco Bay called the Central Basin Approach Area (Central Basin) at the Port of San Francisco's Pier 70 Shipyard located along the eastern shore of the City of San Francisco, approximately 1.5 miles south of the San Francisco-Oakland Bay Bridge. The Pier 70 Shipyard features two dry docks, full pier-side facilities, and an available labor force in excess of 1,300, as well as a number of machine shops and engineering firms. The Port of San Francisco owns the real property and primary equipment for ship repair, such as the dry docks and cranes, offering full-service ship repair for commercial and government vessels. The facility can accommodate post-Panamax class ships, including cruise ships, tankers, container ships, and more.

The USACE proposes to dredge the Central Basin to an increased depth and place the dredged material at a permitted site. The purpose of the Proposed Action is to reduce the negative impacts of shoaling in the Central Basin to allow vessels to safely and efficiently access the Pier 70 Shipyard without the use of high tide. The Proposed Action is necessary to reduce transportation costs and user delays for use of the repair and service facilities at the Pier 70 Shipyard, increase access to the specialized repair and service facilities at the Pier 70 Shipyard, and improve safety and decrease risk to vessels and operators in approaching the Central Basin and Pier 70 Shipyard.

Pursuant to NEPA, USACE has prepared a Draft DPR/EA analyzing the potential environmental impacts of planning, designing, constructing, and maintaining a commercial navigation project at the Central Basin. The primary action areas for this analysis include the proposed Central Basin approach area dredge footprint, the dredged material placement site (the San Francisco Deep Ocean Disposal Site as well as the alternative placement sites evaluated), and waterways used for vessel transit between the dredge and placement sites. The Port of San Francisco is the Non-Federal Sponsor (NFS).

2. *Alternatives.* The study considers both non-structural and structural measures. Non-structural measures include: Lightering, light loading, the

use of favorable tides, and daylight transit only. Structural measures proposed include dredging to various depths in combination with dredged material placement at a range of sites. Three sets of alternative deepening plans were evaluated based on three different depths (30 feet mean lower low water [MLLW], 32 feet MLLW, and 35 feet MLLW) and three alternative sediment placement locations (beneficial use, deep ocean disposal at the San Francisco Deep Ocean Disposal Site, and an in-bay site), which resulted in a total of 16 alternatives considered including the no-action plan. The final array of four alternatives (including the No Action Alternative) from the alternative formulation process were carried forward for analysis in the EA.

The recommended plan (Proposed Action, Agency-Preferred Alternative) is the National Economic Development Plan (Alternative 6) to dredge the Central Basin to 32 feet MLLW plus two feet of overdepth and place all of the material at the San Francisco Deep Ocean Disposal Site. Approximately 237,700 cubic yards of material (including the two feet of overdepth) would be dredged.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–02780 Filed 2–9–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Army Corps of Engineers

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Centennial Reservoir Project, Nevada and Placer Counties, CA, Corps Permit Application Number SPK–2016–00030

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps), Sacramento District, as the lead Federal agency under the National Environmental Policy Act (NEPA) will prepare an Environmental Impact Statement (EIS) for the proposed Centennial Reservoir Project (Proposed Action). On April 25, 2016, the Nevada Irrigation District (NID) (applicant) submitted a Department of the Army (DA) permit application under Section 404 of the Clean Water Act, to discharge dredged and/or fill material into waters of the United States (WOUS) for the construction of a new 110,000 acre-foot water supply reservoir. The Proposed Action is located on the Bear River, downstream of Rollins Reservoir and upstream of Combie Reservoir, west of the Town of Colfax, Nevada and Placer Counties, California. NID's stated purpose for the Proposed Action is to provide drought and climate change-mitigation, meet projected future water supply needs, and improve water supply reliability for NID's customers.

DATES: Interested parties are invited to submit written comments on or before April 10, 2017. Written comments can be submitted at any time prior to publication of the Draft EIS.

ADDRESSES: Submit comments by email at *CESPKCentennialReser@usace.army.mil,* or by mail at 1325 J Street, Room 1350, Sacramento, CA 95814–2922.

FOR FURTHER INFORMATION CONTACT: Ms. Kara Hellige by telephone at 970–259–1604, or email at *CESPKCentennialReser@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Two public scoping meetings will be held to present an overview of the Proposed Action and the Draft EIS process, and to afford all interested parties with an opportunity to provide comments. The first meeting will be held on March 1, 2017, from 4:30 p.m. to 7:00 p.m. at the Holiday Inn Auburn Hotel, 120 Grass Valley Highway, Auburn, CA 95603. The second public scoping meeting will be held on March 2, 2017, from 4:30 p.m. to 7:00 p.m. at Gold Miners Inn/Holiday Inn Express & Suites, 121 Bank Street, Grass Valley, CA 95945. Project information will also be posted periodically on the internet at *http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/Environmental-Impact-Statements/.* Parties interested in being added to the Corps' electronic mail notification list for the Proposed Action can obtain a request form at *http://www.spk.usace.army.mil/Media/Regulatory-Public-Notices/.* Please refer to Department of the Army number SPK–2016–00030 in any correspondence.

The proposed Centennial Reservoir project involves the construction of a new 110,000 acre-foot reservoir on the Bear River between the existing Rollins and Combie Reservoirs. The Proposed Action would extend upriver from just above the existing Combie Reservoir for slightly over six miles to a point west of the Town of Colfax, approximately two miles downstream of the existing Rollins Dam. The Proposed Action would include construction of a new dam and associated facilities and infrastructure. The anticipated water depth at the dam would be approximately 255 feet and the height of the dam would be approximately 275 feet. NID anticipates that low impact public recreational opportunities (*e.g.,* 5 mile per hour maximum speed on the reservoir, pedestrian trails, swimming, and kayaking) would also be included with the Proposed Action. Approximately 2,200 acres of land would be affected through inundation and construction activities related to the project, which includes over 6 miles of river channel. The Proposed Action would permanently impact approximately 0.97 acre of WOUS for the construction of the dam and would permanently inundate approximately 190 acres of WOUS. Temporary impacts associated with the project have not yet been determined. Additional indirect impacts to WOUS may occur as a result of the Proposed Action. The Proposed Action will also require rerouting of Dog Bar Road along with other smaller roadways to maintain traffic flow within and between Nevada and Placer Counties. The Corps, as the lead agency responsible for compliance with NEPA, determined that the Proposed Action may result in significant direct, indirect, and cumulative impacts to the environment and that the preparation of an EIS is required. The Corps identified six Federal, state, and local agencies that may have jurisdiction by law over the Proposed Action and on June 10, 2016, invited these agencies as cooperating agencies on the EIS per 40 CFR 1501.6. To date, the US Environmental Protection Agency and the Bureau of Land Management have agreed to be cooperating agencies.

The Draft EIS will include alternatives to the Proposed Action that will meet NEPA requirements for a reasonable range of alternatives, and will also meet the requirements of the CWA Section 404(b)(1) Guidelines. A number of water supply operation alternatives, as well as alternative dam sites and types have been/are being considered. Additional alternatives include but may not be limited to: (1) Alternative storage sites within NID's service area (including expansion of existing storage reservoirs); and (2) water supply operations alternatives to improve the efficiency of existing water supply and conveyance infrastructure which may include but are not be limited to lining of existing water supply canals and rehabilitating aged infrastructure. The specific alternatives to be evaluated within the Draft EIS have not yet been developed, but will, at a minimum, include the No Action Alternative and the Proposed Action Alternative.

The Corps' public involvement program includes several opportunities

to provide verbal and written comments on the Proposed Action through the EIS process. Affected federal, state, and local agencies, Native American tribes, other interested private organizations and parties, and the general public are invited to participate. Potentially significant issues to be analyzed in depth in the Draft EIS include the loss of WOUS (including wetlands) and impacts related to: Aesthetics, air quality, agriculture and forestry resources, terrestrial and aquatic biological resources, cultural resources, environmental justice, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, socioeconomics, transportation and traffic, and utilities and service systems. The EIS will also evaluate the cumulative and indirect effects of the Proposed Action, other developed alternatives, and other related projects in the study area.

The Corps will consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service under Section 7 of the Endangered Species Act for proposed impacts to listed species. The Corps will also consult with Native American tribes and with the State Historic Preservation Officer to comply with the National Historic Preservation Act for proposed impacts to properties listed or potentially eligible for listing on the National Register of Historic Places, as appropriate.

A 45-day public review period will be provided for interested parties, individuals, and agencies to review and comment on the draft EIS. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS circulation.

The Draft EIS is expected to be available for public review and comment by January 2018.

Dated: January 31, 2017.

Michael S. Jewell,

Chief, Regulatory Division.

[FR Doc. 2017–02779 Filed 2–9–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive License; Superior Armor Systems, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Superior Armor Systems, Inc. a revocable, nonassignable, exclusive license to practice in all fields of use, the Government-owned invention described in U.S. Patent Application No. 12/312,150 A1: Body Armor of Ceramic Ball Embedded Polymer and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than February 27, 2017.

ADDRESSES: Written objections are to be filed with the Naval Surface Warfare Center, Dahlgren Division, Technical Partnering Office, Code 00T1, 17632 Dahlgren Road, Suite 201, Dahlgren, Virginia 22448–5154.

FOR FURTHER INFORMATION CONTACT: Lorraine Harting, Domestic Partnering Outreach Lead, Technical Partnering Office, 17632 Dahlgren Road, Suite 201, Dahlgren, Virginia 22448–5154. Due to U.S. Postal delays, please fax 540–653–6416, email: *lorraine.harting@navy.mil* or use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: February 3, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–02767 Filed 2–9–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Upward Bound Math and Science Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Upward Bound Math and Science Program.

Notice Inviting Applications for New Awards for Fiscal Year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.047M.

DATES:

Applications Available: February 10, 2017.

Deadline for Transmittal of Applications: March 22, 2017.

Deadline for Intergovernmental Review: May 22, 2017.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Upward Bound (UB) Program is one of the seven programs known as the Federal TRIO Programs. The UB Program is a discretionary grant program that supports projects designed to provide students with the skills and motivation necessary to complete a program of secondary education and to enter into, and succeed in, a program of postsecondary education. There are three types of grants under the UB Program: UB; Veterans UB; and UB Math and Science (UBMS) grants.

In this notice we invite applications for UBMS grants only. The invitation to apply for UB grants has been announced and we will invite applications for Veterans UB grants in a forthcoming notice.

The UBMS Program supports projects designed to prepare high school students for postsecondary education programs that lead to careers in the fields of math and science.

UBMS grantees are required to provide the services listed in sections 402C(b) and (c) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070a-13). Grantees may also provide the permissible services in section 402C(d) of the HEA. UBMS Program grantees must also provide the services listed in 34 CFR 645.14(a) and may provide the services listed in 34 CFR 645.14(b).

Background

The Federal TRIO programs, including the UBMS Program, represent a national commitment to education for all students regardless of race, ethnic background, disability status, or economic circumstances. The Department has a strong interest in ensuring that groups traditionally underrepresented in postsecondary education, such as low-income students, first-generation college students, students with limited English proficiency, students with disabilities, homeless students, students who are in foster care or aging out of foster care, and other disconnected students, receive services provided by the UBMS Program.

The UBMS Program is a critical component of the Department's efforts to improve college readiness, access and completion for students who have been traditionally underrepresented in postsecondary education. To more strategically align UBMS grants with broader reform strategies intended to improve postsecondary access and completion, this notice includes a competitive preference priority that encourages applicants to propose activities that are supported by moderate evidence of effectiveness (as defined in this notice). The Department

is particularly interested in receiving applications that include plans to provide services for students, supported by evidence, that increase the likelihood that students will complete high school and enroll in and complete a program of postsecondary education. The Department is not specifying a particular service, such as tutoring or mentoring, that is tied to evidence, but is providing an opportunity for the applicant to decide which statutorily authorized service the project will implement based on available evidence of effectiveness.

Additionally, this notice includes an invitational priority encouraging applicants to focus on increasing opportunities for students to earn postsecondary credits while in high school. Some of these opportunities for postsecondary coursework may be available through dual enrollment programs. Dual enrollment programs allow high school students to enroll in credit-bearing college courses while enrolled in high school. In various forms and under different names, dual enrollment programs exist in all 50 States and the District of Columbia.[1]

Recent research [2] suggests that participation in dual enrollment programs can lead to improved academic outcomes, especially for students from low-income households and first generation college students. Such participation can lead to better grades in high school, increased enrollment in college following high school, greater college credit accumulation, and higher rates of persistence in college.

Priorities: This notice contains one competitive preference priority and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(ii), the competitive preference priority is from 34 CFR 75.226. Applicants must include in the one-page abstract submitted with the application a statement indicating if they addressed the competitive preference priority and/or the invitational priority.

Competitive Preference Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award three additional points to an application that meets this priority.

This priority is:

Moderate Evidence of Effectiveness (3 points).

Applications supported by evidence of effectiveness that meets the conditions set out in the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1(c).

Invitational Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications for this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

The Secretary encourages applicants to propose projects designed to increase opportunities for participants to earn postsecondary credits in high school, such as through providing connections to dual enrollment programs.

Definitions: These definitions are from 34 CFR 77.1.

Moderate evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse (WWC) Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the WWC), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the WWC Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the WWC), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multisite sample.

Note: Multiple studies can cumulatively meet the large and multisite sample requirements as long as each study meets the other requirements in this paragraph.

Multisite sample means more than one site, where site can be defined as a local educational agency, locality, or State.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

What Works Clearinghouse Evidence Standards means the standards set forth in the WWC Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: 20 U.S.C. 1070a–11 and 1070a–13.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75 (except for 75.215 through 75.221), 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 645.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $900,000,000 for the Federal TRIO Program for FY 2017, of which we intend to use an estimated $44,000,000 for UBMS awards. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Estimated Range of Awards: $257,500–$382,896.

[1] Education Commission of the States, ''Individual State Profile,'' *http://ecs.force.com/mbdata/mbprofallRT?Rep=DE15A.*

[2] An, B.P. (2012). ''The Impact of Dual Enrollment on College Degree Attainment: Do Low-SES Students Benefit?'' Educational Evaluation and Policy Analysis, 35, 57–75.

Estimated Average Size of Awards: $266,511.

Maximum Award: We will reject any application that proposes a budget exceeding the applicable maximum award amount listed immediately following this paragraph for a single budget period of 12 months. We will also reject any application for new applicants that proposes a budget to serve fewer than 60 participants or, for applicants that are current grantees, any application with a proposed budget to serve fewer than the number of participants the applicant was approved to serve in FY 2016.

- For an applicant that is not currently receiving a UBMS Program grant, the maximum award amount is $257,500, to serve a minimum of 60 participants.
- For an applicant that is currently receiving a UBMS Program grant, the maximum award amount is an amount equal to the applicant's base award amount for FY 2016.

Estimated Number of Awards: 162.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* Institutions of higher education, public and private agencies, and organizations including community-based organizations with experience in serving disadvantaged youth, combinations of such institutions, agencies and organizations, and secondary schools.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other:* An applicant may submit more than one application for a UBMS Program grant so long as each application describes a project that serves a different target area or target school (34 CFR 645.20(a)). The Secretary is not designating any additional populations for which an applicant may submit a separate application under this competition (34 CFR 645.20(b)).

IV. Application and Submission Information

1. *Address to Request Application Package:* Sharon Easterling, U.S. Department of Education, 400 Maryland Avenue SW., Room 5E235, Washington, DC 20202. Telephone: (202) 453–7425 or by email: *Sharon.Easterling@ed.gov.*

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content and form of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative, which includes the budget narrative, to no more than 65 pages using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides. Page numbers and an identifier may be within the 1″ margin.
- Each page on which there is text or graphics will be counted as one full page.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including charts, tables, figures, and graphs. Titles, headings, footnotes, quotations, references, and captions may be single spaced.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance Face Sheet (SF 424); Part II, the Budget Information Summary form (ED Form 524); Part III, the UBMS Program Profile form; Part III, the one-page Project Abstract form; and Part IV, the Assurances and Certifications. The page limit also does not apply to a table of contents, which you should include in the application narrative. If you include any attachments or appendices, these items will be counted as part of Part III, the application narrative, for purpose of the page-limit requirement. You must include your complete response to the selection criteria in Part III, the application narrative.

Any application addressing the competitive preference priority may include up to four additional pages for the priority. These additional pages must be used to discuss how the application meets the competitive preference priority. Any application addressing the invitational priority may include up to two additional pages for the priority. These additional pages must be used to discuss how the application meets the invitational priority. The additional pages allotted to address the competitive preference priority and the invitational priority cannot be used for or transferred to the application narrative or any other section of the application.

We will reject your application if—

- You do not apply these standards; or
- You exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: February 10, 2017.

Deadline for Transmittal of Applications: March 22, 2017.

Applications for grants under this program must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: May 22, 2017.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We specify unallowable costs in 34 CFR 645.41. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov.*

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the UBMS Program, CFDA number 84.047M, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the UBMS Program at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.047, not 84.047M).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department

will not convert material from other formats to PDF.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department then will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through *Grants.gov* because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Gaby Watts, U.S. Department of Education, 400 Maryland Avenue SW., Room 5E119, Washington, DC 20202. Fax: (202) 260–7464.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.047M), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.047M), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are in 34 CFR 645.31 and listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For this competition, a panel of non-Federal reviewers will review each application in accordance with the selection criteria in 34 CFR 645.31 and the competitive preference priority. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the average peer reviewer score received in the review process. Additionally, in accordance with 34 CFR 645.32, the Secretary will award prior experience points to applicants that conducted a UBMS Program project during budget periods 2013–14, 2014–15, and 2015–16, based on their documented experience. Prior experience points, if any, will be added to the application's average reader score to determine the total score for each application.

If there are insufficient funds for all applications with the same total scores, the Secretary will choose among the tied applications so as to serve geographic areas and eligible populations that have been underserved by the UBMS Program.

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* The success of the UBMS Program will be measured by the percentage of UBMS participants who enroll in and complete postsecondary education. The following performance measures have been developed to track progress toward achieving program success:

(a) The percentage of UBMS students who took two years of mathematics beyond Algebra I by the 12th grade;

(b) The percentage of UBMS students who graduated from secondary school with a regular secondary school diploma;

(c) The percentage of UBMS students who enrolled in postsecondary education;

(d) The percentage of UBMS students who enrolled in a program of postsecondary education by the fall term following graduation from high school and who in the first year of postsecondary education placed into college-level math and English without need for remediation;

(e) The percentage of former UBMS students who enrolled in a program of

postsecondary education and graduated on time—within four years for the bachelor's degree and within two years for the associate's degree;

(f) The percentage of UBMS participants who enrolled in a program of postsecondary education and attained either an associate's degree within three years or a bachelor's degree within six years of enrollment;

(g) The percentage of UBMS students expected to graduate high school in the reporting year who complete a Free Application for Federal Student Aid (FAFSA); and

(h) The cost per successful participant.

Grant recipients must collect and report data on steps they have taken toward achieving these goals. Accordingly, we request that applicants include these performance measures in conceptualizing the design, implementation, and evaluation of their proposed projects.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance management requirements, the performance targets in the grantee's approved application.

In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Sharon Easterling, U.S. Department of Education, 400 Maryland Avenue SW., Room 5E235, Washington, DC 20202. Telephone: (202) 453–7425 or by email: *Sharon.Eastering@ed.gov*.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

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

Dated: February 6, 2017.

Linda Byrd-Johnson,

Acting Deputy Assistant Secretary, Higher Education Programs, and Senior Director, Student Service.

[FR Doc. 2017–02714 Filed 2–9–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2239–007.
Applicants: NextEra Energy Transmission West, LLC.
Description: Compliance filing: NextEra Energy Transmission West, LLC Compliance Filing Regarding EL16–97–000 to be effective 8/11/2016.
Filed Date: 2/3/17.
Accession Number: 20170203–5229.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: ER15–2418–003.
Applicants: Pacific Gas and Electric Company.
Description: Compliance filing: Cancel of Tariff Records pursuant to BART v PG&E Settlement EL15–30, ER15–2418 to be effective 3/12/2016.
Filed Date: 2/3/17.
Accession Number: 20170203–5228.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: ER17–935–000.
Applicants: ITC Midwest LLC.
Description: § 205(d) Rate Filing: Filing of De-Energization Agreement to be effective 4/3/2017.
Filed Date: 1/31/17.
Accession Number: 20170131–5483.
Comments Due: 5 p.m. ET 2/21/17.

Docket Numbers: ER17–936–000.
Applicants: New York State Electric & Gas Corporation.
Description: Tariff Cancellation: Notice of Cancellation of E&P Agreement with Black Oak Wind Farm, LLC to be effective 4/5/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5225.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: ER17–937–000.
Applicants: Central Maine Power Company.
Description: § 205(d) Rate Filing: Executed Small Generator Interconnection Agreement (SGIA) with Stony Brook Hydro to be effective 2/1/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5226.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: ER17–938–000.
Applicants: Central Maine Power Company.
Description: § 205(d) Rate Filing: Executed Small Generator Interconnection Agreement (SGIA) with Wight Brook Hydro to be effective 2/1/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5227.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: ER17–939–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Filing of Second Revised Rate Schedule FERC No. 402 to be effective 2/6/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5231.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: ER17–940–000.
Applicants: Wisconsin Electric Power Company.
Description: Initial rate filing: Wisconsin Electric FERC Electric Rate Schedule No. 137 to be effective 4/5/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5232.
Comments Due: 5 p.m. ET 2/24/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing

requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–02775 Filed 2–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–76–000.
Applicants: Green Mountain Power Corporation..
Description: Application for Authorization Pursuant to Section 203 of the Federal Power Act, et al. of Green Mountain Power Corporation.
Filed Date: 2/3/17.
Accession Number: 20170203–5302.
Comments Due: 5 p.m. ET 2/24/17.

Docket Numbers: EC17–77–000.
Applicants: Pattern Energy Group LP, Pattern Energy Group Inc., Broadview Energy KW, LLC, Broadview Energy JN, LLC, Western Interconnect LLC.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Requests for Waivers, Confidential Treatment, and Expedited Consideration of Pattern Energy Group LP, et al.
Filed Date: 2/3/17.
Accession Number: 20170203–5304.
Comments Due: 5 p.m. ET 2/24/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–750–005; ER16–2659–003; ER15–2191–004; ER15–647–005
Applicants: Bethel Wind Farm LLC, Grant Plains Wind, LLC, Grant Wind, LLC, Kay Wind, LLC.
Description: Notification of Non-Material Change in Status of Bethel Wind Farm LLC, et al.
Filed Date: 2/6/17.
Accession Number: 20170206–5155.
Comments Due: 5 p.m. ET 2/27/17.

Docket Numbers: ER17–335–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance Filing Pursuant to the January 6 Order RE Release of Capacity to be effective 1/9/2017.
Filed Date: 2/6/17.
Accession Number: 20170206–5188.
Comments Due: 5 p.m. ET 2/27/17.

Docket Numbers: ER17–446–001.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance—remove one-year transition mechanism for capacity exports to be effective 1/29/2017.
Filed Date: 2/6/17.
Accession Number: 20170206–5167.
Comments Due: 5 p.m. ET 2/27/17.

Docket Numbers: ER17–941–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NYISO filing re: pivotal supplier status in a mitigated capacity zone to be effective 4/7/2017.
Filed Date: 2/6/17.
Accession Number: 20170206–5098.
Comments Due: 5 p.m. ET 2/27/17.

Docket Numbers: ER17–942–000.
Applicants: Lazarus Energy Holdings, LLC.
Description: Compliance filing: Refile Baseline for Name Revision for Lazarus Energy MBR Tariff to be effective 1/23/2017.
Filed Date: 2/6/17.
Accession Number: 20170206–5163.
Comments Due: 5 p.m. ET 2/27/17.

Docket Numbers: ER17–943–000.
Applicants: Arizona Public Service Company.
Description: Tariff Cancellation: Cancellation of Service Agreement Nos. 306 and 307 to be effective 4/8/2017.
Filed Date: 2/6/17.
Accession Number: 20170206–5169.
Comments Due: 5 p.m. ET 2/27/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–02776 Filed 2–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

February 6, 2017.

Wolf Hollow II Power, LLC	EG17–19–000
Colorado Bend II Power, LLC	EG17–20–000
Portal Ridge Solar C, LLC	EG17–21–000
Pima Energy Storage System, LLC	EG17–23–000
Portal Ridge Solar A, LLC	EG17–24–000
Three Peaks Power, LLC	EG17–25–000
Fluvanna Wind Energy, LLC	EG17–26–000
American Falls Solar, LLC	EG17–27–000
American Falls Solar II, LLC	EG17–28–000
Rocksprings Val Verde Wind LLC	EG17–29–000
Niles Valley Energy LLC	EG17–30–000
IMG Midstream LLC	EG17–31–000
SR South Loving LLC	EG17–32–000
Footprint Power Salem Harbor Development LP	EG17–33–000

Take notice that during the month of January 2017, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2017)

Dated: February 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary

[FR Doc. 2017–02777 Filed 2–9–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–383–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20170201 Miscellaneous Filing to be effective 3/4/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5104.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–384–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—Nicor to be effective 2/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5128.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–385–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20170201 Annual PRA Fuel Rates to be effective 4/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5148.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–386–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—February 2017 Spire 1005896 to be effective 2/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5201.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–387–000.
Applicants: Dauphin Island Gathering Partners.
Description: § 4(d) Rate Filing: Negotiated Rate Filing 2–1–2017 to be effective 2/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5221.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–388–000.
Applicants: Northern Border Pipeline Company.
Description: § 4(d) Rate Filing: James Valley Ethanol Neg Rate Agmt Revision to be effective 2/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5235.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–389–000.
Applicants: Cimarron River Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Tracker 2017—Summer Season Rates to be effective 4/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5254.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–390–000.
Applicants: Questar Overthrust Pipeline, LLC.
Description: § 4(d) Rate Filing: Statement of Negotiated Rates Version 7.0.0, Simplot Phosphates to be effective 3/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5259.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–391–000.
Applicants: Cimarron River Pipeline, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates 2017–02–01 to be effective 2/1/2017.
Filed Date: 2/1/17.
Accession Number: 20170201–5264.
Comments Due: 5 p.m. ET 2/13/17.

Docket Numbers: RP17–392–000.
Applicants: American Midstream (Midla), LLC.
Description: Compliance filing Eight Revised Volume No 1 Baseline to be effective 3/4/2017.
Filed Date: 2/2/17.
Accession Number: 20170202–5227.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: RP17–393–000.
Applicants: American Midstream (Midla), LLC.
Description: Tariff Cancellation: Cancellation of Complete Tariff to be effective 3/4/2017.
Filed Date: 2/2/17.
Accession Number: 20170202–5229.
Comments Due: 5 p.m. ET 2/14/17.

Docket Numbers: RP16–975–000.
Applicants: Venice Gathering System, L.L.C.
Description: Report Filing: Updated Statements.
Filed Date: 2/3/17.
Accession Number: 20170203–5002.
Comments Due: 5 p.m. ET 2/15/17.

Docket Numbers: RP17–384–001.
Applicants: Natural Gas Pipeline Company of America.
Description: Tariff Amendment: Amendment to Nicor Negotiated Rate to be effective 2/1/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5234.
Comments Due: 5 p.m. ET 2/15/17.

Docket Numbers: RP17–394–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Colonial Energy contract 911400 to be effective 2/6/2017.
Filed Date: 2/3/17.
Accession Number: 20170203–5230.
Comments Due: 5 p.m. ET 2/15/17.

Docket Numbers: RP16–1097–001.
Applicants: KO Transmission Company.
Description: Motion Filing: Motion to Place Suspended Tariff Records into Effect to be effective 2/1/2017.
Filed Date: 1/31/17.
Accession Number: 20170131–5345.
Comments Due: 5 p.m. ET 2/13/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 6, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–02804 Filed 2–9–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9031–7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)
Filed 01/30/2017 Through 02/03/2017
Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170023, Draft Supplement, DOS, MN, Line 67 Expansion (previously known as the Alberta Clipper Pipeline), *Comment Period Ends:* 03/27/2017, *Contact:* Mary D. Hassell 202–736–7428.

EIS No. 20170024, Revised Final, USFS, SC, Francis Marion Forest Plan Revision, *Review Period Ends:* 03/13/2017, *Contact:* Mary Morrison 803–561–4058.

Amended Notices

EIS No. 20160311, Draft, USACE, NE., Missouri River Recovery Management Plan, *Comment Period Ends:* 04/24/2017, *Contact:* Aaron Quinn 402–995–2669, Revision to FR Notice Published 12/23/2016; Extending Comment Period from 2/24/2017 to 4/24/2017.

Dated: February 7, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–02805 Filed 2–9–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: February 15, 2017; 10:00 a.m.

PLACE: 800 N. Capitol Street NW., First Floor Hearing Room, Washington, DC.

STATUS: The meeting will be held in Open Session and will be streamed live at *http://fmc.capitolconnection.org/.*

MATTERS TO BE CONSIDERED:

Open Session

1. Briefing by Commissioner Doyle on the Competition Law in the Transport Sector Conference
2. Staff Update on Docket No. 16–05: Service Contracts and NVOCC Service Arrangements

CONTACT PERSON FOR MORE INFORMATION: Rachel E. Dickon, Assistant Secretary, (202) 523 5725.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–02881 Filed 2–8–17; 4:15 pm]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 9, 2017.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Tyronza Bancshares, Inc., Marked Tree, Arkansas;* to indirectly acquire 6.25 percent of the voting shares of Pinnacle Bancshares, Inc., and thereby indirectly acquire Pinnacle Bank, both of Rogers, Arkansas.

Board of Governors of the Federal Reserve System, February 7, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–02800 Filed 2–9–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17OB: Docket No. ATSDR–2017–0002]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Characterization of Exposure Potential during Activities Conducted on Synthetic Turf with Crumb Rubber Infill.'' The purpose of the proposed study is to evaluate and characterize human exposure potential to constituents in crumb rubber infill.

DATES: Written comments must be received on or before April 11, 2017.

ADDRESSES: You may submit comments, identified by Docket No. ATSDR–2017–0002 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of

the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Characterization of Exposure Potential during Activities Conducted on Synthetic Turf with Crumb Rubber Infill—New—Agency for Toxic Substances and Disease Registry (ATSDR).

Background and Brief Description

Currently in the United States, there are more than 12,000 synthetic turf fields in use. While the Synthetic Turf Council has set guidelines for the content of crumb rubber used as infill in synthetic turf fields, manufacturing processes result in differences among types of crumb rubber. Additionally, the chemical composition may vary highly between different processes and source materials and may vary even within granules from the same origin.

In July, 2016, the Agency for Toxic Substances and Disease Registry (ATSDR) and the United States Environmental Protection Agency (USEPA) were granted an emergency Paperwork Reduction Act (PRA) clearance for a research study titled ''Collections Related to Synthetic Turf Fields with Crumb Rubber Infill'' (OMB Control No. 0923–0054, expiration date 01/31/2017). The research goals for the three activities in the protocol are pilot-level investigations to evaluate and characterize: (1) The chemical composition and use of crumb rubber infill in synthetic turf using a convenience sample of nine tire recycling manufacturing plants and 40 facilities that use synthetic turf fields (Activity 1); (2) the human exposure potential to constituents in crumb rubber infill among a convenience sample of 60 field users (Activity 2); and (3) collection of biological specimens (blood and urine) from 45 participants from Activity 2 (Activity 3).

By December, 2016, ATSDR and USEPA completed Activity 1 which was aimed at characterizing the chemical composition and use of synthetic turf fields with tire crumb rubber infill. The agencies successfully consented and sampled 40 synthetic turf fields with crumb rubber infill across the United States. The activities are reported in the ''Status Report on the Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds.'' The Status Report was released on December 30, 2016.

During Activity 1, ATSDR and USEPA obtained permission to return to participating fields to complete the human exposure characterization. Due to the limited time constraints and field activity schedules, ATSDR and USEPA chose to begin Activity 2 data collection and Activity 3 specimen collection in 2017.

The agencies are requesting a new information collection request (ICR) for a two-year OMB clearance to complete Activity 2 and Activity 3, now subtitled ''Characterization of Exposure Potential during Activities Conducted on Synthetic Turf with Crumb Rubber Infill.'' This will be the first assessment of activities conducted on synthetic turf for the purpose of characterizing potential exposure patterns. The study will include persons who use synthetic turf with crumb rubber infill (*e.g.,* facility users) and who routinely perform activities that would result in a high level of contact to crumb rubber. This will allow for evaluation of potential high-end exposures to constituents in synthetic turf among this group of users. The respondents will be administered a detailed questionnaire on activity patterns on synthetic turf with crumb rubber infill. This instrument, along with extant videography of persons engaged in activities of interest (see below), will be used to characterize exposure scenarios, including the nature and duration of potential exposures.

Additionally, we will conduct an exposure characterization sub-study among a subset of the respondents. We will use a subset of the facilities sampled in the first study to conduct activities for the exposure characterization of facility users. The exposure characterization sub-study will include field environment sampling, personal air monitoring, dermal sampling, and urine and blood collection. Video data collection of facility user activities will be performed for a subset of respondents. It is likely that some of the collection items will not be analyzed in the current project time frame but will be archived for future analysis.

The research study will screen a total of 75 participants for eligibility. The sample size for the exposure characterization study is 60 respondents and 45 respondents for the exposure measurements sub-study. The total burden hours for the research study is 174 hours among all of the 75 respondents. There is no cost to the respondents other than their time in the study.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Adult/Adolescent Field Users	Eligibility Screening Script	41	1	5/60	4
	Adult and Adolescent Questionnaire	36	1	30/60	18
	Exposure Measurement Form	27	1	3	81
	Phlebotomist Safety Exclusion Questions Form.	27	1	2/60	1
Parents/Guardians of Youth/Child Field Users.	Eligibility Screening Script	34	1	5/60	3
	Youth and Child Questionnaire	24	1	30/60	12
	Phlebotomist Safety Exclusion Questions Form.	18	1	2/60	1
Youth/Child Field Users	Exposure Measurement Form	18	1	3	54
Total					174

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–02760 Filed 2–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17ND; Docket No. CDC–2017–0007]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection entitled ''Grants for Injury Control Research Centers Annual Progress Report (APR).'' CDC will collect information from grantees funded under Grants for Injury Control and Research Centers (ICRC) for the Annual Progress Report (APR). The APR is used to monitor the ICRCs' progress on set performance indicators, activities, and progress towards stated grant objectives.

DATES: Written comments must be received on or before April 11, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0007 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Grants for Injury Control Research Centers Annual Progress Report (APR)—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

OMB approval is requested for three years for this new information collection project. CDC will collect information from grantees funded under Grants for Injury Control and Research Centers (ICRC) for the Annual Progress Report (APR). The CDC and the National Center for Injury Prevention and Control (NCIPC) began funding the ICRCs throughout the United States in 1987 to study ways to prevent injuries and violence and to work with community partners to put research findings into action.

There are currently ten CDC-funded ICRCs, which are typically funded in five-year funding cycles. ICRCs endeavor to prevent injuries and violence while working to strengthen the injury and violence prevention infrastructure by catalyzing and integrating resources at the local, state and national levels. This collaborative approach is a vital component in the success of ICRCs's efforts to make an impact on population-level reduction in injury-related harm that is critical to HHS objectives.

Grantees will monitor and report progress on a set of performance indicators, their activities, and progress towards stated grant objectives. The reporting templates will capture this information through the use of performance indicators (indicators that signify progress towards a goal) and outcomes of project activities and tasks. In addition, each grantee will complete a personnel and publication data collection form. Information will be transmitted to CDC electronically and via hard copy by email and postal mail respectively.

Data collection will include 100% of population, no sampling. The data will be analyzed using descriptive and summary statistics, qualitative summary. The only cost to respondents will be time spent responding to the survey.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Injury Research Center (ICRC) Grantees.	Injury Control Research (ICRC) Indicators Data Collection 2016.	10	1	20	200
	Injury Control Research (ICRC) Indicators Data Collection 2016-Non-CDC Study Supplement.	10	1	10	100
	ICRC Personnel and Publication Excel Data Collection.	10	1	20	200
Total					500

Leroy A. Richardson

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–02758 Filed 2–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17NE: Docket No. CDC–2017–0008]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection plan titled, *Survey of Engineered Nanomaterial Occupational Safety and Health Practices.*

DATES: Written comments must be received on or before April 11, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0008 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the

collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Survey of Engineered Nanomaterial Occupational Safety and Health Practices—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

As mandated in the Occupational Safety and Health Act of 1970 (PL 91–596), the mission of the National Institute for Occupational Safety and Health (NIOSH) is to conduct research and investigations on work-related disease and injury and to disseminate information for preventing identified workplace hazards (Sections 20 (a)(1) and (d), Attachment 1). This dual responsibility recognizes the need to translate research into workplace application if it is to impact worker safety and well-being.

Adhering to the mission, NIOSH seeks to collect new information through a project tilted ''Survey of Engineered Nanomaterial Occupational Safety and Health Practices.'' The goal of this project is to assess the relevance and impact of NIOSH's contribution to guidelines and risk mitigation practices for safe handling of engineered nanomaterials in the workplace. The intended use of this data is to inform NIOSH's research agenda to enhance its relevance and impact on worker safety and health in the context of engineered nanomaterials.

NIOSH will survey companies who manufacture, distribute, fabricate, formulate, use or provide services related to engineered nanomaterials. The analysis will describe the survey sample, response rates, and types of company by industry and size. Further analysis will focus on identifying the types of engineered nanomaterials being used in industry and the types of occupational safety and health practices being implemented. After analysis, NIOSH will use the information to develop a final report. This project will also help evaluate the influence of NIOSH products, services, and outputs on industry occupational safety and health practices.

Under this project, NIOSH will conduct the following activities and data collections:

(1) Company Pre-calls. Sampled companies will be contacted to identify the person who will complete the survey and to ascertain whether or not the company handles engineered nanomaterials.

(2) Survey. A web-based questionnaire, with a mail option, will be administered to companies. The purpose of the survey is to learn directly from companies about their use of NIOSH materials and their occupational safety and health practices concerning engineered nanomaterials.

A sample of 600 companies will be compiled from lists of industry associations, research reports, marketing databases, and web-based searches. Of the 600 selected companies we anticipate that 500 will complete the survey. The company pre-call is expected to require 5 minutes to complete. The survey is expected to require 20 minutes to complete; including the time it may take respondents to look-up and retrieve needed information. The estimated annualized burden hours for the respondents' time to participate in this information collection is 217 hours. There are no costs to the responders other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Receptionist	Pre-call	600	1	5/60	50
Occupational health and safety specialists.	Survey	200	1	20/60	67
Industrial Production Managers	Survey	150	1	20/60	50
Natural Sciences Managers	Survey	150	1	20/60	50
Total					217

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–02759 Filed 2–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–16AWN]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) 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; (b) Evaluate the accuracy of the agencies 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; (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; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

National Youth Tobacco Survey (NYTS) 2017 Computer Based Pilot—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Tobacco use is a major preventable cause of morbidity and mortality in the U.S.A limited number of health risk behaviors, including tobacco use, account for the overwhelming majority of immediate and long-term sources of morbidity and mortality. Because the majority of tobacco users begin using tobacco before the age of 18, there is a critical need for public health programs directed towards youth, and for information to support these programs.

In 1999, 2000, and 2002, the American Legacy Foundation funded surveys to assess tobacco use among adolescents. Building on these efforts, CDC conducted the National Youth Tobacco Survey (NYTS, OMB No. 0920–0621) in 2004, 2006, 2009, 2011, 2012, 2013, 2014, 2015, and 2016. At present, the NYTS is the most comprehensive source of nationally representative tobacco data among students in grades 9–12, moreover, the NYTS is the only national source of such data for students in grades 6–8. The NYTS has provided national estimates of tobacco use behaviors, information about exposure to pro- and anti-tobacco influences, information about racial and ethnic disparities in tobacco-related topics, and most recently, estimates of use of emerging products such as water pipes (hookahs) and electronic cigarettes (e-cigarettes). Information collected through the NYTS is used by CDC, the Food and Drug Administration (FDA), and public health practitioners and researchers to identify and monitor trends over time, to inform the development of tobacco cessation programs for youth, and to evaluate the effectiveness of existing interventions and programs.

The NYTS is currently conducted by a paper and pencil (PAPI) method in a classroom setting, scheduled by each school. At this time, many schools have experience with electronic technologies that offer several potential advantages compared to PAPI survey administration. For example, electronic information collection methods support conditional 'skip logic' routing and adaptive survey design, and may improve respondent satisfaction, data reliability, and data management. As a result, CDC plans to conduct a computer based pilot of the 2017 NTYS using hand-held computer tablets. The specific aims of the 2017 NYTS pilot are to (1) assess respondent burden; (2) determine the reliability and efficiencies of electronic mode data collection; (3) assess the reliability and validity of survey results obtained from electronic data; (4) assess the cost-effectiveness of electronic administration; (5) measure the length of time between data collection and dissemination of findings; and (6) assess student expectations about survey participation, given changes in classroom technology.

The computer-based pilot study is designed to complement the ongoing, paper-based NYTS. In 2017, the PAPI version of the NYTS will be administered as usual according to established methods (OMB No. 0920–16BDT, exp. 1/31/2018). Sampling, recruitment, and survey administration for both studies will be coordinated to prevent overlap, maximize participation, and maximize the comparison of results. The sampling vendor for the traditional NYTS will sample from the NYTS sampling frame, assigning a smaller population to participate in the pilot study. The sample for the pilot study will be approximately 25% of the size of the sample for the paper-based NYTS. The samples for each mode of the survey will be drawn at the same time to ensure that the same schools are not approached for the different versions. Additionally, the paper version of the survey will start collecting data prior to the pilot version beginning data collection to ensure schools in the same district do not face multiple collectors during the same time period.

The 2017 computer-based pilot of the NYTS will be conducted among a nation-wide sample of students attending public, private, and charter schools in grades 6–12. Participating students will complete the survey in person in a classroom setting using computer tablets provided by CDC's information collection contractor. The tablets will be distributed at the beginning of the class session and returned at the end of the class session. This is similar to administration of the PAPI NYTS, in which a paper questionnaire booklet is distributed to students at the beginning of a class session, completed, and returned at the end of the session.

The content of the 2017 pilot survey will mirror the paper-based survey. The questions, developed in cooperation with the Food and Drug Administration (FDA), examine the following topics: Use of cigarettes, smokeless tobacco, cigars, pipes, bidis, snus, hookahs, electronic vapor products, and dissolvable tobacco products; knowledge and attitudes; media and advertising; access to tobacco products; secondhand smoke exposure; and cessation. In addition, specific questions will be included in the pilot survey to better understand respondents' feelings

about safety and security around utilizing a computer based survey.

Findings from the NYTS pilot will be used to assess the feasibility of conducting the computer-based NYTS compared to the paper-based survey. Results will also be used to help evaluate the impact of automated collection techniques and computer-based survey administration on response burden. After data collection, the computer-based data will be compared to the paper-based data to determine whether the computer-based and paper-based survey are equally effective, or if prevalence estimates of tobacco usage among youth will be significantly different depending on the mode of the survey data collection.

OMB approval will be requested for one year. There are no changes in the estimated burden per response for any type of respondent compared to the paper version. Participation is voluntary and there are no costs to respondents other than their time. The estimated annualized burden hours for this data collection are 3,689 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State Administrators	State-level Recruitment Script for the National Youth Tobacco Survey.	6	1	30/60
District Administrators	District-level Recruitment Script for the National Youth Tobacco Survey.	45	1	30/60
School Administrators	School-level Recruitment Script for the National Youth Tobacco Survey.	64	1	30/60
Teachers	Data Collection Checklist for the National Youth Tobacco Survey.	292	1	15/60
Students	National Youth Tobacco Survey	6,100	1	35/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–02756 Filed 2–9–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Administration for Native Americans; Request for Information; Extension of Comment Period

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) is extending the period to submit comments responsive to the Request for Information, published in the **Federal Register** on January 9, 2017. The Request for Information (RFI) requests information from American Indian and Alaska Native (AI/AN) elected representatives, tribes, tribal organizations, and other stakeholder (including grantees) to identify issues and challenges facing AI/AN populations in order to inform ACF of tribes' and tribal organizations' recommendations, promising practices, and innovations to address the needs of AI/AN children, youth, families, and communities.

DATES: The comment period for the Request for Information has been extended to May 9, 2017. To receive consideration comments must be received no later than 11:59 p.m. Eastern Time on that date.

ADDRESSES: Written comments may be submitted through any of the methods specified below. However, electronic submission is preferred. Please do not duplicate comments.

- *Electronic submission through the https://www.regulations.gov portal:* Follow the instructions for submitting electronic comments. Attachments, if any, should be in Microsoft Word or Microsoft Excel. Then click on the ''Comment Now!'' button on the Search Results page. This will open up a Comment form where you can enter your comment on the form, attach files (up to 10 MB each), as well as your personal information, when applicable. Be sure to complete all required fields. Please note that information entered on the web form may be viewable publicly. Once you reach the ''Your Preview'' screen, the information that will be viewable publicly is displayed directly on the form under the section titled: ''This information will appear on *Regulations.gov*.'' To complete your comment, you must first agree to the disclaimer and check the box. This will enable the ''Submit Comment'' button. Upon completion, you will receive a Comment Tracking Number for your comment. To learn more about comment submission, visit the Submit a Comment section of the How to Use *Regulations.gov* pages.
- *Electronic submission through email to ANAComments@acf.hhs.gov:* All comments received before the close of the extended comment period will be available for public inspection, including any information that is included in a comment. All electronically submitted comments posted through the *https://www.regulations.gov* portal received before the end of the comment period will be available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Camille Loya, Director Division of Policy, Administration for Native Americans, *Camille.Loya@acf.hhs.gov,* 202–401–5964.

SUPPLEMENTARY INFORMATION: HHS published a Request for Information (RFI) in the **Federal Register** on January 9, 2017 (82 FR 2366) with a deadline for public comments of March 10, 2017, by 11:59 p.m. Eastern Time. The RFI solicited information AI/AN tribes, tribal organizations, and stakeholders (including grantees) with respect to recommendations, promising practices, and innovations to address the needs of AI/AN children, youth, families, and communities so that such data could inform and provide an evidence base for the formulation of policy, development of potential rulemaking, formulation of legislative proposals, and strategic planning in consultation with tribes. The RFI included nine questions on

specific topical areas as well as invitation to provide information on any matter relevant to ACF's work with and on behalf of AI/AN populations.

HHS received feedback that the original comment period of 60 days was insufficient to provide for comprehensive and responsive input, particularly from AI/AN elected representatives and leadership. Therefore, HHS is extending the comment period for an additional 60 days to maximize the opportunity for all interested parties to collect relevant data and submit information and feedback in response to the RFI, including the nine specific topical areas for which input is sought.

Dated: February 6, 2017.

Naomi Goldstein,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2017–02730 Filed 2–9–17; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Tribal Consultation Meetings

AGENCY: Office of Head Start (OHS), Administration for Children and Families, HHS.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Improving Head Start for School Readiness Act of 2007, Public Law 110–134, notice is hereby given of two 1-day Tribal Consultation Sessions to be held between the Department of Health and Human Services (HHS), Administration for Children and Families, OHS leadership and the leadership of Tribal Governments operating Head Start (including Early Head Start) programs. The purpose of these Consultation Sessions is to discuss ways to better meet the needs of American Indian and Alaska Native children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations [42 U.S.C. 9835, Section 640(l)(4)].

DATES:

March 14, 2017, from 1:30 p.m. to 5:00 p.m.

August 7, 2017, from 1:30 p.m. to 5:00 p.m.

Locations:

- March 7, 2017—Hotel Albuquerque at Old Town, 800 Rio Grande Blvd. NW., Albuquerque, New Mexico 87104
- August 8, 2017—Northern Quest Resort & Casino, 100 North Hayford Road, Airway Heights, WA 99001

FOR FURTHER INFORMATION CONTACT: Angie Godfrey, Regional Program Manager, Region XI/AIAN, Office of Head Start, email *Angie.Godfrey@acf.hhs.gov,* or phone (202) 205–5811. Additional information and online meeting registration is available at: *https://eclkc.ohs.acf.hhs.gov/hslc/hs/calendar/tc2017.*

SUPPLEMENTARY INFORMATION: HHS announces OHS Tribal Consultations for leaders of Tribal Governments operating Head Start and Early Head Start programs. The agenda for the scheduled OHS Tribal Consultations in Albuquerque, New Mexico, and Spokane, Washington, will be organized around the statutory purposes of Head Start Tribal Consultations related to meeting the needs of American Indian and Alaska Native children and families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations. In addition, OHS will share actions taken and in progress to address the issues and concerns raised in the 2016 OHS Tribal Consultations.

The Consultation Sessions will be conducted with elected or appointed leaders of Tribal Governments and their designated representatives [42 U.S.C. 9835, Section 640(l)(4)(A)]. Designees must have a letter from the Tribal Government authorizing them to represent the tribe. Tribal Governments must submit the designee letter at least 3 days in advance of the Consultation Session to Angie Godfrey at *Angie.Godfrey@acf.hhs.gov.* Other representatives of tribal organizations and Native nonprofit organizations are welcome to attend as observers.

A detailed report of each Consultation Session will be prepared and made available within 45 days of the Consultation Sessions to all Tribal Governments receiving funds for Head Start and Early Head Start programs. Tribes wishing to submit written testimony for the report should send testimony to Angie Godfrey at *Angie.Godfrey@acf.hhs.gov* either prior to each Consultation Session or within 30 days after each meeting. OHS will summarize oral testimony and comments from the Consultation Session in each report without attribution, along with topics of concern and recommendations.

Dated: February 6, 2017.

Ann Linehan,

Acting Director, Office of Head Start.

[FR Doc. 2017–02799 Filed 2–9–17; 8:45 am]

BILLING CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0452–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Assistant Secretary for Health, Office of Adolescent Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before April 11, 2017.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–0452–60D for reference.

Information Collection Request Title: Federal Evaluation of Making Proud Choices! (MPC!)

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a revised data collection. The Federal Evaluation of Making Proud Choices! (MPC) will provide information about program design, implementation, and impacts through a rigorous assessment of a highly popular teen pregnancy prevention curriculum—MPC. This revision to this information collection request includes the follow-up survey instrument, administered approximately 9 and 15 months post baseline, and related to the impact study. The

evaluation will be conducted in 39 schools nationwide. The data collected from this instrument will provide a detailed understanding of program impacts. Clearance is requested for three years.

Need and Proposed Use of the Information: The follow-up survey data will be used to determine program effectiveness by comparing sexual behavior outcomes, such as postponing sexual activity, and reducing or preventing sexual risk behaviors and STDs and intermediate outcomes, such as improving exposure, knowledge and attitudes between treatment (program) and control youth.

The findings from these analyses of program impacts will be of interest to the general public, to policymakers, and to schools and other organizations interested in supporting a comprehensive approach to teen pregnancy prevention.

Likely Respondents: The follow-up surveys will be administered to study participants, who will primarily be in 10th–12th grade at the time of the follow-up surveys.

Burden Statement: The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Follow up survey (9 months post baseline)	819	1	30/60	409.5
Follow up survey (15 months post baseline)	774	1	30/60	387
Total	1593			796.5

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. 2017–02794 Filed 2–9–17; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Declaration Under the Public Readiness and Emergency Preparedness Act for Zika Virus Vaccines

ACTION: Notice.

SUMMARY: The Acting Secretary is issuing a Declaration pursuant to the Public Health Service Act to provide liability immunity protection for activities related to Zika Virus vaccines consistent with the terms of the Declaration.

DATES: The Declaration is effective as of August 1, 2016.

FOR FURTHER INFORMATION CONTACT: George Korch, Ph.D., Acting Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; Telephone: 202–205–2882.

SUPPLEMENTARY INFORMATION: The Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the Secretary of Health and Human Services (the Secretary) to issue a Declaration to provide liability immunity to certain individuals and entities (Covered Persons) against any claim of loss caused by, arising out of, relating to, or resulting from the administration or use of medical countermeasures (Covered Countermeasures), except for claims that meet the PREP Act's definition of willful misconduct. The Secretary may, through publication in the **Federal Register**, amend any portion of a Declaration. Using this authority, the Acting Secretary is issuing a Declaration to provide liability immunity to Covered Persons for activities related to the Covered Countermeasures, Zika Virus vaccines as listed in Section VI of the Declaration, consistent with the terms of this Declaration.

The PREP Act was enacted on December 30, 2005, as Public Law 109–148, Division C, Section 2. It amended the Public Health Service (PHS) Act, adding Section 319F–3, which addresses liability immunity, and Section 319F–4, which creates a compensation program. These sections are codified in the U.S. Code as 42 U.S.C. 247d–6d and 42 U.S.C. 247d–6e, respectively.

The Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA), Public Law 113–5, was enacted on March 13, 2013. Among other things, PAHPRA added sections 564A and 564B to the Federal Food, Drug & Cosmetic (FD&C) Act to provide new authorities for the emergency use of approved products in emergencies and products held for emergency use. PAHPRA accordingly amended the definitions of ''Covered Countermeasures'' and ''qualified pandemic and epidemic products'' in Section 319F–3 of the Public Health Service Act (PREP Act provisions), so that products made available under these new FD&C Act authorities could be covered under PREP Act Declarations. PAHPRA also extended the definition of qualified pandemic and epidemic products that may be covered under a PREP Act Declaration to include products or technologies intended to enhance the use or effect of a drug, biological product, or device used against the pandemic or epidemic or against adverse events from these products.

Zika virus is a mosquito-borne flavivirus that usually causes mild symptoms, but has been determined to cause microcephaly and other severe brain abnormalities in fetuses and infants born to women infected with Zika virus before birth. Zika virus has also been associated with other adverse pregnancy outcomes, including miscarriage, stillbirth, and congenital Zika syndrome, and with Guillain-Barre Syndrome. Beginning in 2015, Brazil has experienced the largest outbreak of disease caused by Zika infection since its discovery in Uganda in 1947. On February 1, 2016, the World Health Organization (WHO) determined that microcephaly cases and other neurologic disorders reported in Brazil constituted a Public Health Emergency of International Concern (PHEIC) in accordance with the International

Health Regulations (IHR). Since 2015, Zika virus has been detected in nations throughout the world. In the United States, traveler-associated cases have been identified in all of the states, and local transmission of Zika virus is occurring in Puerto Rico; American Samoa; areas of Miami, Florida; and Texas. On August 12, 2016, the Secretary determined that a public health emergency of national significance exists within the Commonwealth of Puerto Rico relating to pregnant women and children born to pregnant women with Zika. The Secretary, Sylvia M. Burwell, renewed that determination on November 4, 2016, and Acting Secretary Norris Cochran renewed that determination on January 31, 2017. On November 18, 2016, the WHO Director-General declared the end of the PHEIC based on recommendations of the WHO Emergency Committee that Zika virus and associated consequences no longer represent a PHEIC as defined under the IHR, but remain a significant enduring public health challenge requiring intense action that should be escalated into a sustained program of work with dedicated resources to address the long-term nature of the disease and its associated consequences.

Unless otherwise noted, all statutory citations below are to the U.S. Code.

Section I, Determination of Public Health Emergency or Credible Risk of Future Public Health Emergency

Before issuing a Declaration under the PREP Act, the Secretary is required to determine that a disease or other health condition or threat to health constitutes a public health emergency or that there is a credible risk that the disease, condition, or threat may constitute such an emergency. This determination is separate and apart from a Declaration issued by the Secretary under Section 319 of the PHS Act that a disease or disorder presents a public health emergency or that a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists, or other Declarations or determinations made under other authorities of the Secretary. Accordingly, in Section I, the Acting Secretary determines that there is a credible risk that the spread of Zika virus and the resulting disease may constitute a public health emergency.

Section II, Factors Considered

In deciding whether and under what circumstances to issue a Declaration with respect to a Covered Countermeasure, the Secretary must consider the desirability of encouraging the design, development, clinical testing or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of the countermeasure. In Section II, the Acting Secretary states that he has considered these factors.

Section III, Recommended Activities

The Secretary must recommend the activities for which the PREP Act's liability immunity is in effect. These activities may include, under conditions as the Secretary may specify, the manufacture, testing, development, distribution, administration, or use of one or more Covered Countermeasures (Recommended Activities). In Section III, the Acting Secretary recommends activities for which the immunity is in effect.

Section IV, Liability Immunity

The Secretary must also state that liability protections available under the PREP Act are in effect with respect to the Recommended Activities. These liability protections provide that, ''[s]ubject to other provisions of [the PREP Act], a covered person shall be immune from suit and liability under federal and state law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the administration to or use by an individual of a covered countermeasure if a Declaration has been issued with respect to such countermeasure.'' In Section IV, the Acting Secretary states that liability protections are in effect with respect to the Recommended Activities.

Section V, Covered Persons

The PREP Act's liability immunity applies to ''Covered Persons'' with respect to administration or use of a Covered Countermeasure. The term ''Covered Persons'' has a specific meaning and is defined in the PREP Act to include manufacturers, distributors, program planners, and qualified persons, and their officials, agents, and employees, and the United States. The PREP Act further defines the terms ''manufacturer,'' ''distributor,'' ''program planner,'' and ''qualified person'' as described below.

A manufacturer includes a contractor or subcontractor of a manufacturer; a supplier or licenser of any product, intellectual property, service, research tool or component or other article used in the design, development, clinical testing, investigation or manufacturing of a Covered Countermeasure; and any or all of the parents, subsidiaries, affiliates, successors, and assigns of a manufacturer.

A distributor means a person or entity engaged in the distribution of drugs, biologics, or devices, including but not limited to: Manufacturers; repackers; common carriers; contract carriers; air carriers; own-label distributors; private-label distributors; jobbers; brokers; warehouses and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies.

A program planner means a state or local government, including an Indian tribe; a person employed by the state or local government; or other person who supervises or administers a program with respect to the administration, dispensing, distribution, provision, or use of a Covered Countermeasure, including a person who establishes requirements, provides policy guidance, or supplies technical or scientific advice or assistance or provides a facility to administer or use a Covered Countermeasure in accordance with the Secretary's Declaration. Under this definition, a private sector employer or community group or other ''person'' can be a program planner when it carries out the described activities.

A qualified person means a licensed health professional or other individual authorized to prescribe, administer, or dispense Covered Countermeasures under the law of the state in which the Covered Countermeasure was prescribed, administered, or dispensed; or a person within a category of persons identified as qualified in the Secretary's Declaration. Under this definition, the Secretary can describe in the Declaration other qualified persons, such as volunteers, who are Covered Persons. Section V describes other qualified persons covered by this Declaration.

The PREP Act also defines the word ''person'' as used in the Act: A person includes an individual, partnership, corporation, association, entity, or public or private corporation, including a federal, state, or local government agency or department.

Section V describes Covered Persons under the Declaration, including Qualified Persons. We have revised the last category to remove the specific references to emergency use instructions and orders issued under Section 564A of the FD&C Act, to clarify that any activities in accordance with that section are covered.

Section VI, Covered Countermeasures

As noted above, Section III describes the Secretary's Recommended Activities for which liability immunity is in effect. This section identifies the Covered

Countermeasures for which the Acting Secretary has recommended such activities. The PREP Act states that a ''Covered Countermeasure'' must be: A ''qualified pandemic or epidemic product,'' or a ''security countermeasure,'' as described immediately below; or a drug, biological product or device authorized for emergency use in accordance with Sections 564, 564A, or 564B of the FD&C Act.

A qualified pandemic or epidemic product means a drug or device, as defined in the FD&C Act or a biological product, as defined in the PHS Act that is: (i) Manufactured, used, designed, developed, modified, licensed or procured to diagnose, mitigate, prevent, treat, or cure a pandemic or epidemic or limit the harm such a pandemic or epidemic might otherwise cause; (ii) manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, or cure a serious or life-threatening disease or condition caused by such a drug, biological product, or device; (iii) or a product or technology intended to enhance the use or effect of such a drug, biological product, or device.

A security countermeasure is a drug or device, as defined in the FD&C Act or a biological product, as defined in the PHS Act that: (i)(a) The Secretary determines to be a priority to diagnose, mitigate, prevent, or treat harm from any biological, chemical, radiological, or nuclear agent identified as a material threat by the Secretary of Homeland Security, or (b) to diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device against such an agent; and (ii) is determined by the Secretary of Health and Human Services to be a necessary countermeasure to protect public health.

To be a Covered Countermeasure, qualified pandemic or epidemic products or security countermeasures also must be approved or cleared under the FD&C Act; licensed under the PHS Act; or authorized for emergency use under Sections 564, 564A, or 564B of the FD&C Act.

A qualified pandemic or epidemic product also may be a Covered Countermeasure when it is subject to an exemption (that is, it is permitted to be used under an Investigational Drug Application or an Investigational Device Exemption) under the FD&C Act and is the object of research for possible use for diagnosis, mitigation, prevention, treatment, or cure, or to limit harm of a pandemic or epidemic or serious or life-threatening condition caused by such a drug or device. A security countermeasure also may be a Covered Countermeasure if it may reasonably be determined to qualify for approval or licensing within 10 years after the Department's determination that procurement of the countermeasure is appropriate.

Section VI lists the Zika Virus Vaccines that are Covered Countermeasures.

Section VI also refers to the statutory definitions of Covered Countermeasures to make clear that these statutory definitions limit the scope of Covered Countermeasures. Specifically, the Declaration notes that Covered Countermeasures must be ''qualified pandemic or epidemic products,'' or ''security countermeasures,'' or drugs, biological products, or devices authorized for investigational or emergency use, as those terms are defined in the PREP Act, the FD&C Act, and the Public Health Service Act.

Section VII, Limitations on Distribution

The Secretary may specify that liability immunity is in effect only to Covered Countermeasures obtained through a particular means of distribution. The Declaration states that liability immunity is afforded to Covered Persons for Recommended Activities related to: (a) Present or future federal contracts, cooperative agreements, grants, other transactions, interagency agreements, or memoranda of understanding or other federal agreements; or (b) Activities authorized in accordance with the public health and medical response of the Authority Having Jurisdiction to prescribe, administer, deliver, distribute, or dispense the Covered Countermeasures following a Declaration of an emergency.

Section VII defines the terms ''Authority Having Jurisdiction'' and ''Declaration of an emergency.'' We have specified in the definition that Authorities having jurisdiction include federal, state, local, and tribal authorities and institutions or organizations acting on behalf of those governmental entities.

For governmental program planners only, liability immunity is afforded only to the extent they obtain Covered Countermeasures through voluntary means, such as (1) donation; (2) commercial sale; (3) deployment of Covered Countermeasures from federal stockpiles; or (4) deployment of donated, purchased, or otherwise voluntarily obtained Covered Countermeasures from state, local, or private stockpiles. This last limitation on distribution is intended to deter program planners that are government entities from seizing privately held stockpiles of Covered Countermeasures. It does not apply to any other Covered Persons, including other program planners who are not government entities.

Section VIII, Category of Disease, Health Condition, or Threat

The Secretary must identify, for each Covered Countermeasure, the categories of diseases, health conditions, or threats to health for which the Secretary recommends the administration or use of the countermeasure. In Section VIII, the Acting Secretary states that the disease threat for which he recommends administration or use of the Covered Countermeasures is Zika virus.

Section IX, Administration of Covered Countermeasures

The PREP Act does not explicitly define the term ''administration'' but does assign the Secretary the responsibility to provide relevant conditions in the Declaration. In Section IX, the Acting Secretary defines ''Administration of a Covered Countermeasure:''

Administration of a Covered Countermeasure means physical provision of the countermeasures to recipients, or activities and decisions directly relating to public and private delivery, distribution, and dispensing of the countermeasures to recipients; management and operation of countermeasure programs; or management and operation of locations for purpose of distributing and dispensing countermeasures.

The definition of ''administration'' extends only to physical provision of a countermeasure to a recipient, such as vaccination or handing drugs to patients, and to activities related to management and operation of programs and locations for providing countermeasures to recipients, such as decisions and actions involving security and queuing, but only insofar as those activities directly relate to the countermeasure activities. Claims for which Covered Persons are provided immunity under the Act are losses caused by, arising out of, relating to, or resulting from the administration to or use by an individual of a Covered Countermeasure consistent with the terms of a Declaration issued under the Act. Under the definition, these liability claims are precluded if they allege an injury caused by physical provision of a countermeasure to a recipient, or if the claims are directly due to conditions of

delivery, distribution, dispensing, or management and operation of countermeasure programs at distribution and dispensing sites.

Thus, it is the Acting Secretary's interpretation that, when a Declaration is in effect, the Act precludes, for example, liability claims alleging negligence by a manufacturer in creating a vaccine, or negligence by a health care provider in prescribing the wrong dose, absent willful misconduct. Likewise, the Act precludes a liability claim relating to the management and operation of a countermeasure distribution program or site, such as a slip-and-fall injury or vehicle collision by a recipient receiving a countermeasure at a retail store serving as an administration or dispensing location that alleges, for example, lax security or chaotic crowd control. However, a liability claim alleging an injury occurring at the site that was not directly related to the countermeasure activities is not covered, such as a slip and fall with no direct connection to the countermeasure's administration or use. In each case, whether immunity is applicable will depend on the particular facts and circumstances.

Section X, Population

The Secretary must identify, for each Covered Countermeasure specified in a Declaration, the population or populations of individuals for which liability immunity is in effect with respect to administration or use of the countermeasure. This section explains which individuals should use the countermeasure or to whom the countermeasure should be administered—in short, those who should be vaccinated or take a drug or other countermeasure. Section X provides that the population includes ''any individual who uses or who is administered a Covered Countermeasure in accordance with the Declaration.''

In addition, the PREP Act specifies that liability immunity is afforded: (1) To manufacturers and distributors without regard to whether the countermeasure is used by or administered to this population; and (2) to program planners and qualified persons when the countermeasure is either used by or administered to this population or the program planner or qualified person reasonably could have believed the recipient was in this population. Section X includes these statutory conditions in the Declaration for clarity.

Section XI, Geographic Area

The Secretary must identify, for each Covered Countermeasure specified in the Declaration, the geographic area or areas for which liability immunity is in effect with respect to administration or use of the countermeasure, including, as appropriate, whether the Declaration applies only to individuals physically present in the area or, in addition, applies to individuals who have a described connection to the area. Section XI provides that liability immunity is afforded for the administration or use of a Covered Countermeasure without geographic limitation. This could include claims related to administration or use in countries outside the U.S. It is possible that claims may arise in regard to administration or use of the Covered Countermeasures outside the U.S. that may be resolved under U.S. law.

In addition, the PREP Act specifies that liability immunity is afforded: (1) To manufacturers and distributors without regard to whether the countermeasure is used by or administered to individuals in the geographic areas; and (2) to program planners and qualified persons when the countermeasure is either used or administered in the geographic areas or the program planner or qualified person reasonably could have believed the countermeasure was used or administered in the areas. Section XI includes these statutory conditions in the Declaration for clarity.

Section XII, Effective Time Period

The Secretary must identify, for each Covered Countermeasure, the period or periods during which liability immunity is in effect, designated by dates, milestones, or other description of events, including factors specified in the PREP Act. Section XII extends the effective time period for different means of distribution of Covered Countermeasures for 24 months.

Section XIII, Additional Time Period of Coverage

The Secretary must specify a date after the ending date of the effective period of the Declaration that is reasonable for manufacturers to arrange for disposition of the Covered Countermeasure, including return of the product to the manufacturer, and for other Covered Persons to take appropriate actions to limit administration or use of the Covered Countermeasure. In addition, the PREP Act specifies that for Covered Countermeasures that are subject to a Declaration at the time they are obtained for the Strategic National Stockpile (SNS) under 42 U.S.C. 247d–6b(a), the effective period of the Declaration extends through the time the countermeasure is used or administered pursuant to a distribution or release from the stockpile. Liability immunity under the provisions of the PREP Act and the conditions of the Declaration continues during these additional time periods. Thus, liability immunity is afforded during the ''Effective Time Period,'' described under XII of the Declaration, plus the ''Additional Time Period'' described under Section XIII of the Declaration.

Section XIII provides for 12 months as the additional time period of coverage after expiration of the Declaration. Section XIII also explains the extended coverage that applies to any products obtained for the Strategic National Stockpile during the effective period of the Declaration.

Section XIV, Countermeasures Injury Compensation Program

Section 319F–4 of the PREP Act authorizes the Countermeasures Injury Compensation Program (CICP) to provide benefits to eligible individuals who sustain a serious physical injury or die as a direct result of the administration or use of a Covered Countermeasure. Compensation under the CICP for an injury directly caused by a Covered Countermeasure is based on the requirements set forth in this Declaration, the administrative rules for the Program, and the statute. To show direct causation between a Covered Countermeasure and a serious physical injury, the statute requires ''compelling, reliable, valid, medical and scientific evidence.'' The administrative rules for the Program further explain the necessary requirements for eligibility under the CICP. Please note that, by statute, requirements for compensation under the CICP may not align with the requirements for liability immunity provided under the PREP Act. Section XIV, ''Countermeasures Injury Compensation Program'' explains the types of injury and standard of evidence needed to be considered for compensation under the CICP.

Further, the administrative rules for the CICP specify if countermeasures are administered or used outside the United States, only otherwise eligible individuals at American embassies, military installations abroad (such as military bases, ships, and camps) or at North Atlantic Treaty Organization (NATO) installations (subject to the NATO Status of Forces Agreement) where American servicemen and servicewomen are stationed may be considered for CICP benefits. Other individuals outside the United States may not be eligible for CICP benefits.

Section XV, Amendments

The Secretary may amend any portion of this Declaration through publication in the **Federal Register**.

Declaration

Declaration for Public Readiness and Emergency Preparedness Act Coverage for Zika Virus Vaccines.

I. Determination of Public Health Emergency or Credible Risk of Future Public Health Emergency

42 U.S.C. 247d–6d(b)(1)

I have determined that there is a credible risk that the spread of Zika virus and the resulting disease or conditions may in the future constitute a public health emergency.

II. Factors Considered

42 U.S.C. 247d–6d(b)(6)

I have considered the desirability of encouraging the design, development, clinical testing, or investigation, manufacture, labeling, distribution, formulation, packaging, marketing, promotion, sale, purchase, donation, dispensing, prescribing, administration, licensing, and use of the Covered Countermeasures.

III. Recommended Activities

42 U.S.C. 247d–6d(b)(1)

I recommend, under the conditions stated in this Declaration, the manufacture, testing, development, distribution, administration, and use of the Covered Countermeasures.

IV. Liability Immunity

42 U.S.C. 247d–6d(a), 247d–6d(b)(1)

Liability immunity as prescribed in the PREP Act and conditions stated in this Declaration is in effect for the Recommended Activities described in Section III.

V. Covered Persons

42 U.S.C. 247d–6d(i)(2), (3), (4), (6), (8)(A) and (B)

Covered Persons who are afforded liability immunity under this Declaration are ''manufacturers,'' ''distributors,'' ''program planners,'' ''qualified persons,'' and their officials, agents, and employees, as those terms are defined in the PREP Act, and the United States.

In addition, I have determined that the following additional persons are qualified persons: (a) Any person authorized in accordance with the public health and medical emergency response of the Authority Having Jurisdiction, as described in Section VII below, to prescribe, administer, deliver, distribute or dispense the Covered Countermeasures, and their officials, agents, employees, contractors and volunteers, following a Declaration of an emergency; (b) any person authorized to prescribe, administer, or dispense the Covered Countermeasures or who is otherwise authorized to perform an activity under an Emergency Use Authorization in accordance with Section 564 of the FD&C Act; (c) any person authorized to prescribe, administer, or dispense Covered Countermeasures in accordance with Section 564A of the FD&C Act.

VI. Covered Countermeasures

42 U.S.C. 247d–6b(c)(1)(B), 42 U.S.C. 247d–6d(i)(1) and (7)

Covered Countermeasures are the following Zika Virus vaccines, all components and constituent materials of these vaccines, and all devices and their constituent components used in the administration of these vaccines:

(1) Whole-particle inactivated virus vaccines
(2) Live-attenuated vaccines
(3) mRNA vaccines
(4) DNA vaccines
(5) Subunit vaccines
(6) Peptide vaccines
(7) Virus like particles vaccines
(8) Nanoparticle vaccines.

Covered Countermeasures must be ''qualified pandemic or epidemic products,'' or ''security countermeasures,'' or drugs, biological products, or devices authorized for investigational or emergency use, as those terms are defined in the PREP Act, the FD&C Act, and the Public Health Service Act.

VII. Limitations on Distribution

42 U.S.C. 247d–6d(a)(5) and (b)(2)(E)

I have determined that liability immunity is afforded to Covered Persons only for Recommended Activities involving Covered Countermeasures that are related to:

(a) Present or future federal contracts, cooperative agreements, grants, other transactions, interagency agreements, memoranda of understanding, or other federal agreements; or,

(b) Activities authorized in accordance with the public health and medical response of the Authority Having Jurisdiction to prescribe, administer, deliver, distribute or dispense the Covered Countermeasures following a Declaration of an emergency.

i. The Authority Having Jurisdiction means the public agency or its delegate that has legal responsibility and authority for responding to an incident, based on political or geographical (*e.g.,* city, county, tribal, state, or federal boundary lines) or functional (*e.g.,* law enforcement, public health) range or sphere of authority.

ii. A Declaration of Emergency means any Declaration by any authorized local, regional, state, or federal official of an emergency specific to events that indicate an immediate need to administer and use the Covered Countermeasures, with the exception of a federal Declaration in support of an Emergency Use Authorization under Section 564 of the FD&C Act unless such Declaration specifies otherwise;

I have also determined that for governmental program planners only, liability immunity is afforded only to the extent such program planners obtain Covered Countermeasures through voluntary means, such as (1) donation; (2) commercial sale; (3) deployment of Covered Countermeasures from federal stockpiles; or (4) deployment of donated, purchased, or otherwise voluntarily obtained Covered Countermeasures from state, local, or private stockpiles.

VIII. Category of Disease, Health Condition, or Threat

42 U.S.C. 247d–6d(b)(2)(A)

The category of disease, health condition, or threat for which I recommend the administration or use of the Covered Countermeasures is Zika Virus.

IX. Administration of Covered Countermeasures

42 U.S.C. 247d–6d(a)(2)(B)

Administration of the Covered Countermeasure means physical provision of the countermeasures to recipients, or activities and decisions directly relating to public and private delivery, distribution and dispensing of the countermeasures to recipients, management and operation of countermeasure programs, or management and operation of locations for purpose of distributing and dispensing countermeasures.

X. Population

42 U.S.C. 247d–6d(a)(4), 247d–6d(b)(2)(C)

The populations of individuals include any individual who uses or is administered the Covered Countermeasures in accordance with this Declaration.

Liability immunity is afforded to manufacturers and distributors without

regard to whether the countermeasure is used by or administered to this population; liability immunity is afforded to program planners and qualified persons when the countermeasure is used by or administered to this population, or the program planner or qualified person reasonably could have believed the recipient was in this population.

XI. Geographic Area

42 U.S.C. 247d–6d(a)(4), 247d–6d(b)(2)(D)

Liability immunity is afforded for the administration or use of a Covered Countermeasure without geographic limitation.

Liability immunity is afforded to manufacturers and distributors without regard to whether the countermeasure is used by or administered in any designated geographic area; liability immunity is afforded to program planners and qualified persons when the countermeasure is used by or administered in any designated geographic area, or the program planner or qualified person reasonably could have believed the recipient was in that geographic area.

XII. Effective Time Period

42 U.S.C. 247d–6d(b)(2)(B)

Liability immunity for Covered Countermeasures through means of distribution, as identified in Section VII(a) of this Declaration, other than in accordance with the public health and medical response of the Authority Having Jurisdiction and extends for 24 months from the effective date of this Declaration.

Liability immunity for Covered Countermeasures administered and used in accordance with the public health and medical response of the Authority Having Jurisdiction begins with a Declaration and lasts through (1) the final day the emergency Declaration is in effect, or (2) 24 months from the effective date of this Declaration, whichever occurs first.

XIII. Additional Time Period of Coverage

42 U.S.C. 247d–6d(b)(3)(B) and (C)

I have determined that an additional 12 months of liability protection is reasonable to allow for the manufacturer(s) to arrange for disposition of the Covered Countermeasure, including return of the Covered Countermeasures to the manufacturer, and for Covered Persons to take such other actions as are appropriate to limit the administration or use of the Covered Countermeasures.

Covered Countermeasures obtained for the Strategic Nations Stockpile (SNS) during the effective period of this Declaration are covered through the date of administration or use pursuant to a distribution or release from the SNS.

XIV. Countermeasures Injury Compensation Program

42 U.S.C 247d–6e

The PREP Act authorizes the Countermeasures Injury Compensation Program (CICP) to provide benefits to certain individuals or estates of individuals who sustain a covered serious physical injury as the direct result of the administration or use of the Covered Countermeasures, and benefits to certain survivors of individuals who die as a direct result of the administration or use of the Covered Countermeasures. The causal connection between the countermeasure and the serious physical injury must be supported by compelling, reliable, valid, medical and scientific evidence in order for the individual to be considered for compensation. The CICP is administered by the Health Resources and Services Administration, within the Department of Health and Human Services. Information about the CICP is available at the toll-free number 1–855–266–2427 or *http://www.hrsa.gov/cicp/.*

XV. Amendments

42 U.S.C. 247d–6d(b)(4)

Amendments to this Declaration will be published in the **Federal Register**.

Authority: 42 U.S.C. 247d–6d.

Dated: February 6, 2017.

Norris Cochran,

Acting Secretary of Health and Human Services.

[FR Doc. 2017–02778 Filed 2–9–17; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI CLTR SEP Review.

Date: March 3, 2017.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Chang Sook Kim, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7188, Bethesda, MD 20892–7924, 301–827–7940, *carolko@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Career Development Program to Promote Diversity in Health Research.

Date: March 3, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–827–7942, *lismerin@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Cystic Fibrosis Transmembrane Conductance Regulator—Directed Therapeutics.

Date: March 3, 2017.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge Two, 7185, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7185, Bethesda, MD 20892, 301–827–7953, *kristen.page@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02723 Filed 2–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; NHLBI Mentored Transition to Independence Review Committee.

Date: March 2–3, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–827–7969, *Pintuccig@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02724 Filed 2–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Grant Review for NHLBI K Award Recipients.

Date: March 6, 2017.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Melissa E. Nagelin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892, 301–827–7951, *nagelinmh2@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Dysbiosis in HIV Patients and Heart, Lung, and Blood Comorbidities.

Date: March 10, 2017.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–827–7969, *Pintuccig@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02721 Filed 2–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Clinical and Epidemiological Grant Applications (UG1 and RPG).

Date: March 17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Jeanette M. Hosseini, Ph.D., Scientific Review Officer, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892, 301–451–2020, *jeanetteh@mail.nih.gov.*

Name of Committee: National Eye Institute Special Emphasis Panel; BRAIN Initiative (R21) Review: New Concepts and Early-Stage Research for Large-Scale Recording and Modulation in the Nervous System.

Date: March 24, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02725 Filed 2–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; Clinical Trials Review Committee.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Keary A. Cope, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–827–7912, *copeka@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02722 Filed 2–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01) and NIAID Resource-Related Research Projects (R24).

Date: March 7, 2017.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Andrea L. Wurster, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G33B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5062, *wurstera@mail.nih.gov.*

*Name of Committee:*National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: March 9, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Andrea L. Wurster, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G33B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5062, *wurstera@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 6, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02726 Filed 2–9–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240–276–2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-

certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories).

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844–486–9226.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center—Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

Dynacare *, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma—Dynacare Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa–Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology—Toxicology Laboratory).

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories).

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159.

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only.

The following laboratory has voluntarily withdrawn from the National Laboratory Certification Program, as of January 6, 2017:

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027.

Charles LoDico,

Chemist.

[FR Doc. 2017–02784 Filed 2–9–17; 8:45 am]

BILLING CODE 4160–20–P

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on November 25, 2008 (73 FR 71858). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0281]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625—New

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the

U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a new collection of information: 1625—New, Maritime Transportation System Recovery Essential Elements of Information. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before March 13, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2016–0281] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: OIRA-submission@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Fax:* 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2016–0281], and must be received by March 13, 2017.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–new.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (81 FR 28091, May 9, 2016) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Maritime Transportation System Recovery Essential Elements of Information.

OMB Control Number: 1625—New.

Summary: This collection captures data on facilities, vessels, and shared transportation infrastructure prior to a port disruption to be able to characterize the port in its normal fully functioning condition.

Need: 33 U.S.C. 1225, 46 U.S.C. 70103, and 50 U.S.C. 191 require the U.S. Coast Guard to take action to prevent damage to, or the destruction of, bridges, other structures, on or in navigable waters or shore area adjacent; to minimize damage from and respond to a transportation security incident; and to safeguard against destruction of vessels, harbors, ports and waterfront facilities in the United States and all territorial waters during a national emergency. To be prepared to execute these responsibilities, the U.S. Coast Guard needs to establish the normal fully functioning condition of a port prior to a port disruption. Then, following a port disruption, the U.S. Coast Guard may be able to compare the normal port condition to the disrupted port condition, enabling the Marine Transportation System Recovery Unit (MTSRU) to assist in prioritizing recovery efforts, and gauge the effectiveness of the response.

Forms: CG–11410, Marine Transportation System Recovery Essential Elements of Information and CG–11410A, Marine Transportation System Recovery Facility Status.

Respondents: Owners or operators of United States waterfront facilities.

Frequency: On occasion.

Hour Burden Estimate: This is a new information collection. The estimated burden is 2,250 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 6, 2017.

Thomas P. Michelli,

U.S. Coast Guard, Chief Information Officer.

[FR Doc. 2017–02798 Filed 2–9–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–0848]

National Offshore Safety Advisory Committee; Vacancies

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Request for applications; extension of application.

SUMMARY: The Coast Guard extends the deadline for accepting applications for membership on the National Offshore Safety Advisory Committee. The Committee advises the Secretary of the Department of Homeland Security on matters and actions concerning activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction. Applicants selected for service on the National Offshore Safety Advisory Committee via this solicitation will not begin their respective terms until January 31, 2018.

DATES: Completed applications should reach the Coast Guard on or before April 11, 2017.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the National Offshore Safety Advisory Committee that also identifies under which membership category the applicant is applying, along with a resume detailing the applicant's experience via one of the following methods:

- *By Email: patrick.w.clark@uscg.mil.*
- *By Fax:* (202) 372–8382.
- *By Mail:* Mr. Patrick W. Clark, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant, (CG–OES–2)/NOSAC U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Clark, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant, (CG–OES–2)/NOSAC U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509; email *patrick.w.clark@uscg.mil*; telephone (202) 372–1358; fax (202) 372–8382.

SUPPLEMENTARY INFORMATION: On November 4, 2106, the Coast Guard published a request in the **Federal Register** Volume 81, Number 214, for applications for membership in the National Offshore Safety Advisory Committee. The deadline for applications in the notice is being extended until April 11, 2017. Applicants who responded to the initial notice do not need to reapply.

The National Offshore Safety Advisory Committee is a federal advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (Title 5 U.S.C. Appendix) to advise the Secretary of the Department of Homeland Security on matters and actions concerning activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction.

The Committee normally meets twice a year: once in April in New Orleans, Louisiana, and then in November in Houston, Texas. Each National Offshore Safety Advisory Committee member serves a term of office up to three (3) years. Members may serve a maximum of two (2) consecutive terms. All members serve at their own expense and receive no salary or reimbursement of travel expenses, or other compensation from the Federal Government.

We will consider applications for the 5 positions listed below that will be vacant on January 31, 2018:

(a) One member representing companies, organizations, enterprises or similar entities engaged in offshore drilling;

(b) One member representing companies, organizations, enterprises or similar entities engaged in the production of petroleum;

(c) One member representing companies, organizations, enterprises or similar entities engaged in the construction of offshore facilities;

(d) One member representing companies, organizations, enterprises or similar entities engaged in the support, by offshore supply vessel or other vessels, of offshore operations; and,

(e) One member representing employees of companies, organizations, enterprises or similar entities engaged in offshore operations, who should have recent practical experience on vessels or units involved in the offshore industry.

To be eligible, applicants for positions (a–e) should be employed by companies, organizations, enterprises or similar entities associated with the exploration for, and the recovery of oil, gas and other mineral resources on the U.S. Outer Continental Shelf; and have expertise, knowledge and experience regarding the technology, equipment and techniques that are used or are being developed for use in the exploration for, and the recovery of, offshore mineral resources.

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disabilities and genetic information, age membership in an employee organization, or any other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Committee, send your cover letter and resume to Mr. Patrick Clark, Alternate Designated Federal Officer of the National Offshore Safety Advisory Committee, via one of the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. All email submittals will receive email receipt confirmation.

Dated: January 18, 2017.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–02774 Filed 2–9–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2016–1093]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0102

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0102, National Response Resource Inventory, without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before April 11, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2016–1093] to the Coast Guard using the Federal eRulemaking

Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2016–1093], and must be received by April 11, 2017.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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).

Information Collection Request

Title: National Response Resource Inventory.

OMB Control Number: 1625–0102.

Summary: The information is needed to improve the effectiveness of deploying response equipment in the event of an oil spill. It may also be used in the development of contingency plans.

Need: Section 4202 of the Oil Pollution Act of 1990 (Pub. L. 101–380) requires the Coast Guard to compile and maintain a comprehensive list of spill removal equipment in a response resource inventory (RRI). This collection helps fulfill that requirement.

Forms: None.

Respondents: Oil spill removal organizations.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 1,752 hours to 1,378 hours a year. The change in burden is due to a change in the methodology for calculating burden. In past ICRs we did not differentiate between the industry hour burden for inputting a new RRI submission or updating an existing RRI submission. In this ICR, we estimate that it takes fewer hours (*i.e.,* 50% fewer hours) to review/update an existing RRI submission than to input a new submission.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 6, 2017.

Thomas P. Michelli,

U.S. Coast Guard, Chief Information Officer.

[FR Doc. 2017–02797 Filed 2–9–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[Docket No. USCBP–2017–0001]

Commercial Customs Operations Advisory Committee (COAC)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security (DHS).

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Commercial Customs Operations Advisory Committee (COAC) will meet in Washington, DC. The meeting will be open to the public.

DATES: The Commercial Customs Operations Advisory Committee (COAC) will meet on Wednesday, March 1, 2017, from 9:00 a.m. to 1:00 p.m. EST. Please note that the meeting may close early if the committee has completed its business.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

—For members of the public who plan to attend the meeting in person, please register by 5:00 p.m. EST by February 28, 2017, either online at *https://apps.cbp.gov/te_reg/index.asp?w=107* by email to *tradeevents@dhs.gov;* or by fax to (202) 325–4290. You must register prior to the meeting in order to attend the meeting in person.

—For members of the public who plan to participate via webinar, please register online at *https://apps.cbp.gov/te_reg/index.asp?w=106* by 5:00 p.m. EST by February 28, 2017.

Please feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later need to cancel, please do so in advance of the meeting by accessing one (1) of the following links: *https://apps.cbp.gov/te_reg/cancel.asp?w=107* to cancel an in person registration, or *https://apps.cbp.gov/te_reg/cancel.asp?w=106* to cancel a webinar registration.

ADDRESSES: The meeting will be held at the U.S. Customs and Border Protection, Office of Training and Development,

1717 H Street NW., Training Rooms 7300 A–C, Washington, DC 20006. There will be signage posted directing visitors to the location of the meeting room.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344–1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues the committee will consider prior to the formulation of recommendations as listed in the ''Agenda'' section below.

Comments must be submitted in writing no later than February 22, 2017, and must be identified by Docket No. USCBP–2017–0001, and may be submitted by *one (1)* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Tradeevents@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290.
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number (USCBP–2017–0001) for this action. Comments received will be posted without alteration at *http://www.regulations.gov.* Please do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2017–0001. To submit a comment, click the ''Comment Now!'' button located on the top-right hand side of the docket page.

There will be multiple public comment periods held during the meeting on March 1, 2017. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP Web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac.*

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1661; facsimile (202) 325–4290.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. Appendix. The Commercial Customs Operations Advisory Committee (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within the Department of Homeland Security and the Department of the Treasury.

Agenda

The COAC will hear from the following subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed:

1. The Trade Modernization Subcommittee will discuss the progress of the International Engagement and Trade Facilitation Working Group which is identifying examples of best practices in the U.S. and abroad that facilitate trade. The subcommittee will also discuss the progress of the Revenue Modernization Working Group which is generating advice pertaining to the strategic modernization of Customs and Border Protection's revenue collections process and systems. Additionally, the subcommittee will discuss the progress of the Rulings and Decisions Working Group which has been identifying process improvements in the receipt and issuance of Customs and Border Protection Headquarters' rulings and decisions. Finally, the subcommittee will discuss the progress of the newly formed E-Commerce Working Group.

2. The One U.S. Government Subcommittee (1USG) will discuss the progress of the Fish & Wildlife Service (FWS) Working Group. The subcommittee will also discuss the progress and completion of the Automated Commercial Environment (ACE), core functions, and the Single Window Effort.

3. The Exports Subcommittee will discuss the final work of the Truck Manifest Sub-Working Group, which has been comparing the proposed truck manifest data elements with the Canadian elements. The Post Departure Filing Group will discuss its progress in finalizing the details of its Table Top Exercise.

4. The Trade Enforcement and Revenue Collection (TERC) Subcommittee will discuss the progress made on prior TERC recommendations and updates from the Anti-Dumping and Countervailing Duty (AD/CVD), Intellectual Property Rights (IPR), and Forced Labor Working Groups.

5. The Global Supply Chain Subcommittee will present their involvement in the review of a draft supply chain security C–TPAT best practice framework, on-going input received regarding the C–TPAT minimum security criteria and the progress of the Pipeline Working Group.

6. The Trusted Trader Subcommittee will continue their discussion on their vision for an enhanced Trusted Trader concept that includes engagement with CBP to include relevant partner government agencies with a potential for international interoperability.

Meeting materials will be available by February 27, 2017, at: *http://www.cbp.gov/trade/stakeholder-engagement/coac/coac-public-meetings.*

Dated: February 7, 2017.

Valarie Neuhart,

Acting Director, Office of Trade Relations.

[FR Doc. 2017–02773 Filed 2–9–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 1 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 for the State of Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: *Effective Date:* February 3, 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 the incident type for this declared disaster is now severe storms, tornadoes, straight-line winds, and flooding.

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. 2017–02818 Filed 2–9–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4295–DR; Docket ID FEMA–2017–0001]

Mississippi; Amendment No. 1 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 Mississippi (FEMA–4295–DR), dated January 25, 2017, and related determinations.

DATES: *Effective Date:* February 6, 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 notice of a major disaster declaration for the State of Mississippi is hereby amended to include the Public Assistance program for following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 25, 2017.

Forrest, Lamar, and Perry Counties for Public Assistance.

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. 2017–02816 Filed 2–9–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 2 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 Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: *Effective Date:* February 3, 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 notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 26, 2017.

Thomas and Worth Counties for Individual Assistance.

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. 2017–02819 Filed 2–9–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5995–N–06]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), call the toll-free Title V information line at 800–927–7588 or send an email to *title5@hud.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed and/or published in 2016 that were determined suitable for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies were required to notify HUD by December 31, 2016, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable and

unavailable properties including the reasons why they are not available.

Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Division of Property Management, Program Support Center, HHS, Room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (*e.g.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Agriculture: Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202)–720–8873; Air Force: Mr. Robert E. Moriarty, P.E., AFCEC/CI, 2261 Hughes Avenue, Ste. 155, JBSA Lackland, TX 78236–9853; Army: Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571)–256–8145; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; GSA: Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202) 501–0084; Navy: Ms. Nikki Hunt, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374, (202)–685–9426; Veteran Affairs: Ms. Jessica L. Kaplan, Director, Real Property Service, Department of Veterans Affairs, 810 Vermont Avenue NW. (003C1E), Washington, DC 20420, (202)–273–8234; (These are not toll-free numbers).

Dated: February 2, 2017.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V PROPERTIES REPORTED IN YEAR 2016 WHICH ARE SUITABLE AND AVAILABLE

Army

Building

Alabama

C1301
Property Number: 21201220017
Ft. McClellan
Ft. McClellan AL 36205
Status: Excess
Comments: off-site removal only; 2,232 sf.; barracks; extensive repairs needed; secured area; need prior approval to access property.

4811
Property Number: 21201430024
Redstone Arsenal
Redstone Arsenal AL 35898
Location: 4811
Status: Unutilized
Comments: off-site removal only; no future agency need; 221 sq. ft.; Flammable/explosive storage facility; 12+ months vacant; deteriorated; secured area; contact Army for more information.

6 Buildings
Property Number: 21201510040
Redstone Arsenal
Madison AL 35898
Location: 3757 (800 sq. ft.); 3759 (39 sq. ft.); 3762 (288 sq. ft.); 6209 (130 sq. ft.); 6210 (130 sq. ft.); 7859 (522 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; prior approval to gain access is required; for more info. contact Army.

2 Buildings
Property Number: 21201530058
Redstone Arsenal
Redstone Arsenal AL 35898
Location: Building 7359 (4,547 sq. ft.); 7369 (7,288 sq. ft.)
Status: Unutilized
Comments: off-site removal; 48–70+ yrs. old; rocket plants; vacant 4 mos.; major reno. needed; contaminates; asbestos; no future agency need; prior approval needed to gain access; contact Army for more info.

Building 3540
Property Number: 21201530092
Redstone Arsenal
Redstone Arsenal AL 35898
Status: Unutilized
Comments: off-site removal only; no future agency need; 150 sq. ft.; range support; removal may be diff.due to type(brick); major renov.; LBP; endangered species-var. bat species; contact Army for more info.

4 Buildings
Property Number: 21201620022
Bldg. 30815 AL 85 Peters St.
Doleville AL 36362
Location: 4011T: RPUID:186097 (720 sq.); 414: RPUID:186545 (288 sq.); 30815: RPUID:671439 (144 sq.); 4513: RPUID:186563 (400 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need 24+–47+ yrs. old; sq. ft. above; storage; rec shelter; flam mat; 1+–6+ mos. vacant; poor & fair condition; contact Army for more information.

4735; RPUID: 186113
Property Number: 21201640006
Fort Rucker
Ft. Rucker AL 36362
Status: Unutilized
Comments: off-site removal only; no future agency need; 106 sq. ft.; relocation difficult due to type; 48+ months vacant; contact Army for accessibility and conditions.

Alaska

Bldg. 00001
Property Number: 21200710051
Holy Cross Armory
High Cross AK 99602
Status: Excess
Comments: 1200 sq. ft. armory, off-site use only.

Building 00001
Property Number: 21201320038
9679 Tuluksak Rd.
Toksook AK 99679
Status: Excess
Comments: 1,200 sf.; armory; 60 months vacant; poor conditions.

Building 00001
Property Number: 21201330030
Lot 7 Block 11 US Survey 5069
Noorvik AK 99763
Status: Excess
Comments: 1,200 sf. armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 00001
Property Number: 21201330031
P.O. Box 22
Gambell AK 99742
Status: Excess
Comments: 1,208 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 0001
Property Number: 21201330032
Kivalina Armory
Kivalina AK 99750
Status: Excess
Comments: 1,200 sf. armory; 600+ months vacant; poor conditions; contact Army for more info.

Akiachuk 00001
Property Number: 21201330033
500 Philips St.
Akiachuk AK 99551
Status: Excess
Comments: 1,200 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Arizona

Building 90890
Property Number: 21201440051
Fort Huachuca
Fort Huachuca AZ 85613
Status: Unutilized
Comments: off-site removal only; no future agency need; 40 sq. ft.; 80+ months vacant; repairs needed; contact Army for more information.

7 Buildings
Property Number: 21201510025

Papago Park Military Reservation
Phoenix AZ 85008
Location: M5358(1500 sq. ft.); M5356 (1,500 sq. ft.) M5354 (1,500 sq. ft.); M5352 (1,500 sq. ft.); M5218 (1,097 sq. ft.); M5331 (2,460 sq. ft.); M5502 (5,856 sq. ft.)
Status: Excess
Comments: fair condition prior approve to gain access is required, for more information contact Army about a specific property.

2 Building
Property Number: 21201520007
5636 E. McDowell Road
Phoenix AZ 85008
Location: Building M5502 (5,856 sq. ft.) & M5331 (2,460 sq. ft.)
Status: Excess
Comments: 45+ & 62+ yrs. old for buildings respectively above; administration; restricted access; escort required; contact Army for more information.

Agriculture

Building

California

El Cariso Hot Shot Camp
Property Number: 15201630005
B3 El Cariso Hot Shot Barracks Trailer
Lake Elsinore CA 92530
Location: 1356 & 1357 Gifford Pinchot Lane Hwy 74 to Long Canyton Rd.; off-site removal only; no future agency need; 1,335 sq. ft.; residential; 101+ months vacant; water restrictions; poor conditions
Status: Unutilized
Comments: mold/bacterial growth in walls & floor cavities & insulation; extensive repairs to make it useable; several use limitations; contact Agriculture for more information.

Army

Building

California

Bldgs. 18026, 18028
Property Number: 21200130081
Camp Roberts
Monterey CA 93451–5000
Status: Excess
Comments: 2024 sq. ft. sq. ft., concrete, poor condition, off-site use only.

1201T
Property Number: 21201310060
Tower Rd.
Dubin CA 94568
Status: Unutilized
Comments: off-site removal only; 30 sf.; control tower; poor conditions; restricted area; transferee must obtain real estate doc. to access/remove; contact Army for more info.

1201S & 1205S
Property Number: 21201310062
Tower Rd.
Dublin CA 94568
Location: Previously reported under 21201010006
Status: Unutilized
Comments: REDETERMINATION: off-site removal only; 396 & 252 sf. repetitively; storage; poor conditions; transferee will need to obtain real estate doc. to access/remove property; contact Army for more info.

2 Building
Property Number: 21201330002
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 1108, 1109
Status: Underutilized
Comments: off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army for info. on a specific property & accessibility removal requirements.

7 Building
Property Number: 21201330003
Parks Reserve Forces Training Area
Dublin CA 94568
Location: 200, 00974, 1080, 1085, 1100, 1101, 1176
Status: Unutilized
Comments: sf varies; no future agency need; poor/deteriorated conditions; secured area; escort required; contact Army for more info. on a specific property & accessibility reqs./removal options.

11 Building
Property Number: 21201330018
Fort Hunter Liggett
FF Hunter Liggett CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: Offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

22 Buildings
Property Number: 21201330019
Hwy. 101, Bldg. 109
Camp Roberts CA 93451
Location: 00902, 00936, 01019, 06079, 06080, 06125, 06320, 14212, 14308, 14801, 25012, 25013, 27108, 27110, 27126, RB001, RB003, RB004, RB005, RB006, RB007, RB043
Status: Excess
Comments: CORRECTION: Bldg. 14801 incorrectly published on 08/30/2013; off-site removal only; 6+ months vacant; poor conditions; contamination; secured area; contact Army for info.

11 Building
Property Number: 21201330023
Fort Hunter Liggett
Fort Hunger Liggett CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

23 Buildings
Property Number: 21201330025
Hwy 101, Bldg. 109
Camp Robert CA 93451
Location: T0805, T0831, T0834, T0874, T0876, T0917, T0920, T0922, T0923, T0925, T0933, T0934, T0 935, T0955, T0956, T0955, T0956, T0966, T0967, T0992, T6005, T6029, T6406, T7025, T7037
Status: Excess
Comments: off-site removal only; sf varies; 6t months vacant; poor conditions; contamination; secured area; contact Army for more info. on a specific property & accessibly removal reqs.

11 Building
Property Number: 21201330026
Fort Hunter Liggett
Fort Hunter Ligget CA 93928
Location: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Status: Unutilized
Comments: off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

7 Buildings
Property Number: 21201330067
Sierra Army Depot
Herlong CA 96113
Location: 00478, 00548, 00681, 00682, 00683, 00684, and 00685
Status: Unutilized
Comments: Sf. varies, 36–204+ months vacant; fair to deteriorated; secured area; extensive background check required; contact Army for info. on a specific property & accessibility reqs.

2 Buildings
Property Number: 21201410024
Camp Roberts MTC
Camp Roberts CA 93451
Location: 14102 (864 sq. ft.); 14801 (200 sq. ft.)
Status: Excess
Comments: off-site removal only; 72+ yrs. old; secured area; contact Army for accessibility/removal requirements

4 Buildings
Property Number: 21201420004
Fort Hunter Liggett
711 ASP Road
Fort Hunter Liggett CA 93928
Location: 711; 710; 0408A; 719
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; must obtain access documentation; contact Army for information on a specific property and accessibility/removal request.

Bldg. 53
Property Number: 21201430003
Navy Lodge on RT Jones Rd.
Mountain View CA
Status: Excess
Comments: off-site removal only; 960 sq. ft.; storage; poor conditions; contact Army for more information

00294
Property Number: 21201430018
Los Alamitos Joint Forces Training Base (JFTB
Los Alamitos CA 90720–5002
Location: 00294
Status: Underutilized
Comments: off-site removal only; no future agency need; 980 sq. ft.; storage/general purpose; very poor condition; secured area; contact Army for more information.

Camp Roberts MTC (H) Bldg.
Property Number: 21201510028
T0864
Hwy 101; Bldg. 109

Camp Roberts CA 93451–5000
Status: Unutilized
Comments: off-site removal; 73+ yrs. old; 400 sq. ft. storage; residential; fair to poor condition; vacant 72 months; contact Army for more info.

3 Buildings
Property Number: 21201530048
Park Reserve Forces Training Area
Dubin CA 94568
Location:
Building: 973 RPUID: 376805 (1,933 sq. ft.); 1194 RPUID: 377058 (1,020 sq. ft.); 1195 RPUID: 377059 (1,020 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need;61/71+ yrs. old; Vacant Storage; recreation center; poor condition; contact Army for more info. on a specific property accessibility/removal requirements.

6 Buildings
Property Number: 21201530049
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Location:
Building: 0100B (124 sq. ft.); 124 (2,001 sq. ft.); 149 (1,196 sq. ft.); 283 (4,225 sq. ft.); 393 (58 sq. ft.); 394 (58 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; 35/86+ yrs. old; usage varies; contact Army for more info. on a specific property; access./removal requirements.

Building 0132A
Property Number: 21201530050
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Status: Underutilized
Comments: off-site removal; no future agency need; 64+ yrs. old; 943 sq. ft.; residential; poor condition; contact Army for more information and accessibility/removal requirements.

Navy

Building

Calfiornia

14 Buildings
Property Number: 77201620013
Naval Base Ventura County
Point Mugu CA 93043
Location: Building 217SNI; 115SNI; 116SNI; 207SNI; 74SNI; 146SNI; 68SNI; 302SNI; 121SNI; 19SNI; 2SNI; 214A; 228SNI; 116A
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.

Army

Building

Colorado

Building 00209
Property Number: 21201520018
4809 Tevis Street
Fort Carson CO 80913
Status: Unutilized
Comments: off-site removal; 49+ yrs. old; 400 sq. ft.; housing; vacant 3 mos.; repairs required; asbestos; no future agency need; contact Army for more information.

Building 00220
Property Number: 21201520033
4860 Tevis Street
Fort Carson CO 80913
Status: Excess
Comments: off-site removal only; 73+ yrs. old; 690 sq. ft.; Eng./housing; repairs required; concrete; maybe difficult to move; asbestos; no future agency need; contact Army for more information.

Building R005F
Property Number: 21201620003
Range 5 Specker Avenue
Fort Carson CO 80913
Status: Unutilized
Comments: off-site removal only; 13+ yrs. old; 800 sq. ft.; storage; 6+ mos. vacant; repairs required; contact Army for more information.

6 Buildings
Property Number: 21201620014
Fort Carson
Fort Carson CO 80913
Location: 02554: RPUID: 572361 (22,441 sq.); 02552: RPUID: 591052 (22,441 sq.); 01950: RPUID: 606520 (11,819 sq.); 01954: RPUID: 583977 (22,386 sq.); 01951: RPUID: 576840 (22,386 sq.); 02551: RPUID: 576791 (22,441 sq.)
Status: Unutilized
Comments: off-site removal only; 38+–42+yrs. old; sq. ft. above; barracks; 2+mos. vacant; repairs required; contact Army for more information.

09301
Property Number: 21201640001
Fort Carson
Ft. Carson CO 80913
Status: Underutilized
Comments: off-site removal only; 2,680 sq. ft.; relocation extremely difficult due to size/type; Administrative; 2+ months vacant; maintenance/repair needed; contact Army for more info.

VA

Building

Colorado

Denver VA Medical Center Property Number: 97201640001
Campus Bldg. 25
1055 Clermont Street
Denver CO 80220
Status: Underutilized
Comments: 40+ yrs.; 400 sf.; generator shelter; past useful service life; access 7:30–4:00; contact VA for more information.

Building 39
Property Number: 97201640002
Denver VA Medical Center
Denver CO 80220
Status: Underutilized
Comments: 32+ yrs. old; 454 sq. ft.; generator shelter, past useful service life; prior approval needed to gain access; contact VA for more information.

Building 25
Property Number: 97201640003
Denver VA Medical Center Campus
Denver CO 80220
Status: Underutilized
Comments: 40+ yrs. old; 400 sq. ft.; generator shelter; past useful service life; prior approval needed to gain access; contact VA for more information.

Navy

Building

Florida

3745C Naval Air Station
Property Number: 77201640002
Pensacola 198 Navy Exchange Rd. Corry Station
Annex—NASP
Pensacola FL 32508
Status: Unutilized
Comments: off-site removal only; 216 sq. ft.; retail; roof leaks; rusted support members; mold;12+ months vacant; significant repairs needed; contact Navy for more information about condition of property.

Army

Building

Georgia

Building 904
Property Number: 21201310004
2022 Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 9,993 sf.; museum; poor conditions; asbestos & lead-based paint; w/in secured area; Gov't escort required to access/remove property.

Building 862
Property Number: 21201310010
259 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 826 sf.; Battery Shop; poor conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 853
Property Number: 21201310011
140 Barren Loop Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 4,100 sf.; Admin. 3 mons. vacant; fair conditions; w/in secured area; contact Army for accessibility/removal reqs.

Building 866
Property Number: 21201310012
395 N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 2,100 sf.; Admin.; fair conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 9597
Property Number: 21201310013
Bultman Ave.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 324 sf.; storage; 6 mons. vacant; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 8056
Property Number: 21201310015
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 3,790 sf.; navigation bldg.; 10 mons. vacant; fair conditions; asbestos; w/in secured area; Gov't escort only to access/remove property.

Buildings 7736 & 7740
Property Number: 21201310016
Chip Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

3 Buildings
Property Number: 21201310017
McFarland Ave.
Ft. Stewart GA 31314
Location: 1710, 1711, 1712
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1303 & 1304
Property Number: 21201310018
Warrior Rd.
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1155 & 1156
Property Number: 21201310019
N. Lightening Rd.
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1139 & 1151
Property Number: 21201310020
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1104
Property Number: 21201310022
Frank Cochran Dr.
Hinesville GA 31314
Status: Excess
Comments: off-site removal only; 240 sf.; storage; poor conditions; w/in secured area; Gov't escort required to access/remove property.

Building 1105
Property Number: 21201310023
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 7,132 sf.; Maint. Facility; poor conditions; asbestos & lead; w/in secured area; Gov't escort required to access/remove property.

Building 1130
Property Number: 21201310024
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 322 sf.; storage; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1132
Property Number: 21201310025
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 182 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1133
Property Number: 21201310026
Veterans Pkwy
Ft. Stewart GA 31314
Status: Excess
Comments: off-site removal only; 501 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building OT022
Property Number: 21201330005
46 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: no future agency need; off-site removal only; 960 sf.; classroom; 120 months; dilapidated; contamination; closed post; contact Army for accessibility/removal requirements.

Building OT007
Property Number: 21201330006
31 22nd Street
Fort Gordon GA 30905
Status: Unutilized
Comments: off-site removal only; no future agency need; 960 sf.; classroom; 120 months; dilapidated; contamination; closed post; contact Army for accessibility/removal reqs.

3 Buildings
Property Number: 21201330036
Veterans Pkwy.
Fort Stewart GA 31314
Location: 1101, 1108, 1129
Status: Excess
Comments: off-site removal only; poor conditions; contamination; secured area; contact Army for info. on a specific property; accessibility removal reqs.

Building 00TR4
Property Number: 21201330045
43 Pistol Range Road
Whitfield GA 30755
Status: Excess
Comments: off-site removal only; 2,560 sf.; dining facility; 78 yrs. old; poor conditions; contact Army for more info.

Building 1157
Property Number: 21201410033
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; 5,809 sq. ft.; poor conditions; secured area; gov't escort required; contact Army for more info.

Building 7097
Property Number: 21201440007
Fort Stewart
Ft. Stewart GA 31314
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 9,520 sq. ft.; child development center; 6+ months vacant; poor conditions; contact Army for more information.

100
Property Number: 21201440008
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Comments: off-site removal only; relocation extremely difficult due to size; 13,331 sq. ft.; classroom; poor conditions; contact Army for more information.

1020
Property Number: 21201440009
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; 39,653 sq.; storage; 1+ month vacant; contact Army for more information.

9002
Property Number: 21201440010
Hunter Army Airfield
Hunter Army Airfield GA 31406
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to type; 221 sq. ft.; 12+ months vacant; poor conditions; asbestos; contact Army for more information.

10 Buildings
Property Number: 21201520011
Fort Benning
Fort Benning GA 31905
Location: 00035 (890 sq. ft.); 00036 (890 sq. ft.); 00235 (4,390 sq. ft.); 08001 (288 sq. ft.); 08007 (288 sq. ft.); 08012 (288 sq. ft.); 08014 (288 sq. ft.); 08034(192 sq. ft.); 08582 (192 sq. ft.); 08597 (192 sq. ft.)
Status: Underutilized
Comments: off-site removal; 10–94 yrs. old for buildings respectively above; toilet/shower; laundry; administrative; poor condition; no future agency need; contact Army for more information.

9 Buildings
Property Number: 21201520012
Fort Benning
Fort Benning GA 31905
Location: 08821 (192 sq. ft.), 8781 (1,007 sq. ft.), 08730 (800 sq. ft.), 08729 (192 sq. ft.), 08721 (384 sq. ft.), 08681 (192 sq. ft.), 08637 (384 sq. ft.), 08600 (192 sq. ft.), 08618 (192 sq. ft.)
Status: Underutilized
Comments: off-site removal; 10–50 yrs. old for buildings respectively above; poor condition; toilet/shower, range; no future agency need; contact Army for more information.

2 Buildings
Property Number: 21201520028
Fort Benning
Fort Benning GA 31905
Location: Buildings 04969 (8,416 sq. ft.), 04960 (3,335 sq. ft.)
Status: Unutilized
Comments: off-site removal; 34+ & 48+ yrs. old; vehicle MAINT.; poor conditions; contaminants; restricted access; no future agency need; contact Army for more information.

Building 14
Property Number: 21201540052
Camp Frank D. Merrill
Fort Benning GA 31905
Status: Unutilized
Comments: off-site removal only; 120 sq. ft.; 51+ yrs. old; veh. fuel mogas; poor conditions; contact Army for information.

Building 08638–RPUID 283107
Property Number: 21201540053
Mortar Training Area

off Wildcat Road
Fort Benning GA 31905
Status: Unutilized
Comments: off-site removal only; 192 sq. ft.; 10+ yrs. old; sep toil/shower; poor conditions; contact Army for more information.

Building 08728
Property Number: 21201540054
3279 10th Armored Division Road
Fort Benning GA
Status: Unutilized
Comments: off-site removal only; 192 sq. ft.; 9+ yrs. old; sep toil/shower; poor conditions; contact Army for more information.

3 Buildings
Property Number: 21201610041
Fort Benning
Fort Benning GA 31905
Location: Building 04977 RPUID: 281480 192 sq. ft.; 04978 RPUID: 282355 630 sq. ft.; 04979 RPUID: 282356 400 sq. ft.
Status: Unutilized
Comments: off-site removal only; 11+ & 48+ yrs. old; veh maint shops; haz mat str ins; poor condition; no future agency need; contact Army for more information.

5 Buildings
Property Number: 21201620006
Fort Benning
Fort Benning GA 31905
Location: Building 00485: RPUID: 281444 (148 sq.); 08848: RPUID: 282680 (288 sq.); 08830: RPUID: 282664; (288 sq.) 08020: RPUID: 282782; (192 sq.); 04022: RPUID: 1006195 (144 sq.)
Status: Unutilized
Comments: off-site removal only; 7+—74+ yrs. old; veh; toil/shower; storage; poor conditions; contact Army for more information.

Hawaii

P–88
Property Number: 21199030324
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comments: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations.

3377Z
Property Number: 21201210054
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; 196 sf.; current use: transformer bldg.; poor conditions—needs repairs.

Bldg. 0300B
Property Number: 21201210083
308 Paalaa Uka Pupukea
Wahiawa Co: Honolulu HI 96786
Status: Unutilized
Comments: off-site removal only; 114 sf.; current use: valve house for water tank; fair conditions.

12 Bldgs.
Property Number: 21201220009
Schofield Barracks
Wahiawa HI
Location: 2509, 2510, 2511, 2512, 2513, 2514, 2516, 2517, 3030, 3031, 3032, 3035
Status: Unutilized
Comments: off-site removal only; sf. varies; usage varies; storage; good conditions.

A0300
Property Number: 21201230009
308 Paalaa Uka Pupukea Rd.
Helemano
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; 17.25 X 21ft.; water storage.

Buildings 1421 & 1422 Property Number: 21201310046
510 CW2 Latchum Rd.
Wahiawa HI 97686
Status: Underutilized
Comments: off-site removal only; sf. varies; office & toilet; fair conditions; military reservation.

Buildings 3363, 3366, & 3371
Property Number: 21201310047
Schofield Barracks
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; sf. varies; abandoned; 230 mons. vacant; transformer bldgs.

Building A0750
Property Number: 21201330038
613 Ayers Ave. (Schofield Barracks)
Wahiawa HI 96786
Status: Unutilized
Comments: off-site removal only; no future agency need; 512 sf.; storage; 46 yrs. old; poor conditions; contact Army for more info.

00038
Property Number: 21201410007
Pohakuloa Training Area
Hilo HI 96720
Status: Unutilized
Comments: off-site removal only; 102 sq. ft.; storage; 49+ yrs. old; poor conditions; contact Army for more information.

3 Buildings
Property Number: 21201530046
Joint Base Pearl Harbor Hickam
Joint Base Pearl Harb HI 96860
Location:
Building: 2266 (1,536 sq. ft.); 2267 (1,536 sq. ft.) 2268 (2,190 sq. ft.)
Status: Excess
Comments: off-site removal only; 32+ yrs. old; Child Development Centers; 24 mos. Vacant; poor condition; relocation may not be feasible due to deteriorated condition; contact Army for more information.

Idaho

R1A11
Property Number: 21201320005
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf., dilapidated, repairs a must, temp. shelter, 9 months vacant, has hanta virus presence.

R1A13
Property Number: 21201320015
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repairs a must.

R1A10
Property Number: 21201320041
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; dilapidated; repairs a must; 9 months vacant; Hanta virus.

R1A12
Property Number: 21201320042
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; repairs a must; Hanta virus.

R1A15
Property Number: 21201320043
16 Miles South
Boise ID 83634
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repair a must.

Air Force

Land

Illinois

Outer Marker & Bldg. 262
Property Number: 18201630013
South East of Mascoutah off Highbanks Road
Mascoutah IL 62258
Status: Unutilized
Comments: 62+ yrs. old; 333 sq. ft.; unusable, beyond repair; asbestos walls; sits on .87 acres of land; requires easement for roads to access property; contact AF for more information.

Army

Building

Illinois

Building GC444
Property Number: 21201610061
195 E Street
Granite City IL 62040
Location: RPUID: 967743
Status: Unutilized
Comments: off-site removal only; 63+ yrs. old; 21,954 sq. ft.; training center; vacant 1+ mos.; no future agency need; size makes this economically & structurally unfeasible to move; contact Army for more info.

Iowa

Y11Q0
Property Number: 21201330060
Camp Dodge
Johnston IA 50131
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+ months vacant; deteriorated; secured area; escort required; contact Army for accessibility requirements.

2 Buildings
Property Number: 21201330064
Camp Dodge
Johnston IA 50131
Location: Y1200 & TC030
Status: Unutilized
Comments: 1,686 & 1,026 sf. respectively; garage; deteriorated; secured area; escort

required; contact Army for accessibility requirements.

Kansas

Building 9109
Property Number: 21201310051
Mallon Rd.
Ft. Riley KS 66442
Status: Unutilized
Comments: off-site removal only; 128 sf.; latrine; deteriorating conditions; located on controlled area; contact Army for more info.

Building 00620
Property Number: 21201320014
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 12,640 sf.; lodging; deteriorating; asbestos.

Building 09098
Property Number: 21201320016
Vinton School Rd.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 120 sf.; guard shack; fair/moderate conditions.

Building 07856
Property Number: 21201320017
Drum St.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 13,493 sf.; dining facility; deteriorating; asbestos.

Building 07636
Property Number: 21201320018
Normandy Dr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 9,850 sf.; deteriorating; asbestos.

Building 05309
Property Number: 21201320019
Ewell St.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 23,784 sf.; lodging; deteriorating; asbestos.

Building 00918
Property Number: 21201320020
Caisson Hill Rd.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 3,536 sf.; admin. general purpose; deteriorating; possible contamination; secured area; however, prior approval to access is needed; contact Army for more info.

Building 00621
Property Number: 21201320021
Mitchell Terr.
Ft. Riley KS 66442
Status: Excess
Comments: off-site removal only; 12, 640 sf.; lodging; deteriorating; asbestos.

Building 7610
Property Number: 21201410049
Fort Riley
Fort Riley KS 66442
Status: Excess
Comments: off-site removal only; may not be feasible to relocate due to sq. ft./type of structure; 41,892 sq. Ft. barracks contact Army for more information.

8 Buildings
Property Number: 21201420002
Fort Riley
610 Warrior Rd.
Fort Riley KS 66442
Location: 610, 7610, 7614,7616, 7842, 7846, 7850, 8063
Status: Excess
Comments: off-site removal only; major repairs needed, mold and asbestos; secured area; contact Army for information on a specific property and accessibility/removal request.

502
Property Number: 21201430009
Fort Riley
Fort Riley KS 66442
Location: 502
Status: Excess
Comments: off-site removal only; 316 sq. ft.; office; structure type: Police Station; 55+ years old; fair condition; contact Army for more information.

Kentucky

Building A7140
Property Number: 21201530102
Fort Campbell
Ft. Campbell KY 42223
Status: Underutilized
Comments: 414 sq. ft.; 56+ yrs. old; fair conditions; registration required on daily basis to access property; contact Army for more information.

3 Buildings
Property Number: 21201610036
Fort Campbell
Fort Campbell KY 42223
Location: Buildings 04053 (22,053 sq. ft.); 04057 (33,104 sq. ft.); 04067 (44,106 sq. ft.)
Status: Underutilized
Comments: 38+ yrs. old; barracks; fair condition; no future agency need; daily registration renewal to access property; contact Army for more information.

2 Buildings
Property Number: 21201620004
Fort Campbell
Fort Campbell KY 42223
Location: A0127: RPUID: 582404 (400 sq. ft.); B0127: RPUID: 320594 (783 sq. ft.)
Status: Underutilized
Comments: 25+–27+ yrs. old; heating plant; refrig/AC building; fair condition; prior approval needed to gain access; contact Army for more information.

Louisiana

7604B
Property Number: 21201530038
Fort Polk
Fort Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; contact Army for more information.

7604C
Property Number: 21201530039
Fort Polk
Fort Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; relocatable company building; contact Army for more information.

7308E
Property Number: 21201530040
Fort Polk
Fort Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 5,396 sq. ft.; relocatable office; contact Army for more information.

7604D
Property Number: 21201530045
Fort Polk
Ft. Polk LA 71459
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; relocatable office; contact Army for more information.

9 Buildings
Property Number: 21201530073
Fort Polk
Ft. Polk LA 71459
Location: 00002 (190857; 4,070 sq. ft.); 00003 (292997; 97 sq. ft.); 02531 (191515; 4,830 sq. ft.); 02599 (191521; 159 sq. ft.); 04250 (191272; 240 sq. ft.); 07526 (299361; 480 sq. ft.); 09787 (293242; 608 sq. ft.); 09806 (188086; 2,834 sq. ft.); M0350 (188086)
Status: Underutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/size; poor conditions; contact Army for more details on a specific property.

Building 07043
Property Number: 21201530101
Fort Polk
Fort Polk LA 71459
Status: Underutilized
Comments: off-site removal only; 1,200 sq. ft.; maintenance building; poor conditions; contact Army for more information.

2 Buildings
Property Number: 21201610051
Fort Polk
Fort Polk LA 71459
Location: 02501–RPUID: 299625 (3,308 sq. ft.); 00830–RPUID: 301695 (82,431 sq. ft.)
Status: Underutilized
Comments: off-site removal only; 39+–74+ yrs. old; shed; org club; poor condition; maybe difficult to move; contact Army for more information.

Building 04274
Property Number: 21201610066
4274 California Ave.,
Fort Polk LA 71459
Location: RPUID: 292651
Status: Unutilized
Comments: off-site removal only; 63+ yrs. old; 240 sq. ft.; toilet/shower; poor conditions; contact Army for more information.

Maryland

5 Buildings
Property Number: 21201330008
Ft. George G. Meade
Ft. George MD 20755
Location: 4, 239, 700, 2790, 8608
Status: Unutilized
Comments: off-site removal only; no future agency need; sf. varies; fair to deteriorating conditions; secured area; contact Army re. info. on a specific property & accessibility/removal reqs.

GSA

Building

Maryland

Suitland Trailer

Property Number: 54201630016
4401 Suitland Rd.
Suitland MD 20746
Location: off-site removal only; no future agency need; 12,000 gsf; office; relocation extremely difficult due to size; transferee responsible for all expenses related to removal of property; property mothballed for 8+ years; located on highly secured federal campus; major repairs/rehab needed.
Status: Unutilized
Comments: contact GSA for more details on accessibility and other conditions.
GSA Number: MD1838.

Navy

Building

Maryland

Transformer Vault Structure
Property Number: 77201620008
#155
47713 Buse Rd.
Patuxent River MD 20670
Status: Unutilized
Comments: off-site removal only; 341 sq. ft.; no future agency need; PCBs/asbestos; remediation needed; contact Navy for more info.

Agriculture

Michigan

Raco Work Center
Property Number: 15201640015
9200 South Ranger Road
Brimley MI 49715
Status: Underutilized
Comments: off-site removal only; 81+ yrs. old; 442 sq. ft.; equipment/material storage; roof needs replaced; lead based paint; no future agency need; contact Agriculture for more information.

Raco Work Center
Property Number: 15201640016
9200 South Ranger Road
Brimley MI 49715
Status: Underutilized
Comments: off-site removal only; 82+ yrs. old; 528 sq. ft.; equipment/material storage; roof needs replaced; lead based paint; no future agency need; contact Agriculture for more information.

Moran Work Center
Property Number: 15201640017
1790 W. Adolfus Street
Moran MI 49760
Status: Underutilized
Comments: off-site removal only; 45+ yrs. old; 85 sq. ft.; tire storage; building needs replacement; no future agency need; contact Agriculture for more information.

Moran Work Center
Property Number: 15201640018
1790 W. Adolfus Street
Moran MI 49760
Location: Off-site removal only; 80+ yrs.; 2,240 sq. ft.; removal extremely difficult; no future agency need; office/storage; poor condition; lead base paint; roof needs to be replaced
Status: Underutilized
Comments: not ADA complaint; contact Agriculture for more information.

Moran Work Center
Property Number: 15201640019
1790 W. Adolfus Street
Moran MI 49760
Status: Underutilized
Comments: off-site removal only; 68+ yrs. old; 1,160 sq. ft.; office/storage; poor condition; lead based paint; roof needs to replaced; no future agency need; contact Agriculture for more information.

Moran Work Center
Property Number: 15201640020
1790 W. Adolfus Street
Moran MI 49760
Location: Off-site removal only; 80+ yrs. old; 300 sq. ft.; garage/fuel storage; no future agency need; poor condition
Status: Underutilized
Comments: roof needs to be replaced; lead base paint; not ADA complaint; contact Agriculture for more information.

Raco Work Center
Property Number: 15201640025
Raco Fire Cache
Brimley MI 49715
Status: Underutilized
Comments: off-site removal only; 698 sq. ft.; no future agency need; rehab needed; lead present; contact Agriculture for more information.

Army

Building

Michigan

6 Buildings
Property Number: 21201340026
Detroit Arsenal
Warren MI 48092
Location: WH001 (4,680 sq. ft.); WH002 (3,910 sq. ft.); WH003 (5,256 sq. ft.); WH004 (3,840 sq. ft.) WH005 (5,236 sq. ft.); WH006 (5,940 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property accessibility requires.

6 Buildings
Property Number: 21201340027
Detroit Arsenal
Warren MI 48092
Location: WH013 (4,680 sq.); WH014 (5,236 sq.); WH015 (3,000 sq.); WH016 (3,840 sq.); WH017 (3,000 sq.); WH018 (5,940 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

6 Building
Property Number: 21201340028
Detroit Arsenal
Warren MI 48092
Location: WH007 (3,840 sq. ft.); WH008 (5,940 sq. ft.); WH009 (5,236 sq. ft.); WH010 (4,680 sq. ft.); WH011 (5,236 sq. ft.); WH012 (5,236 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property and accessibility requires.

6 Buildings
Property Number: 21201340029
Detroit Arsenal
Warren MI 48092
Location: WH019 (4,680 sq.); WH020 (5,940 sq.); WH021 (5,940 sq.); WH022 (4,680 sq.); WH023 (5,940 sq.); WH024 (1,760 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

4 Buildings
Property Number: 21201340031
Detroit Arsenal
Warren MI 48092
Location: WH025 (1,760 sq.); WH026 (1,760 sq. ft.); WH027 (1,760 sq.); WH028 (400 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirements.

Minnesota

18 Bldgs.
Property Number: 21201210059
1245 Hwy 96 West
Arden Hills Army TRNG Site
Arden Hills MN 55112
Location: 12155, 12156, 12157, 01200, 01201, 01202, 01203, 01204, 01205, 01206, 04202, 11218, 11219, 11220, 11221, 11222, 11223, 04203
Status: Unutilized
Comments: off-site removal only; sf. varies; current use: storage; poor conditions-need repairs.

2 Buildings
Property Number: 21201640010
Rusk County Veterans Memorial
Ladysmith MN 54848
Location: DY001–16,257 sq. ft. (225300); DY002–2,280 sq. ft. (225301)
Status: Excess
Comments: off-site removal only; relocation extremely difficult due to size/type; fair/poor conditions; contact Army for more info. on a specific property listed above.

Missouri

Bldg. T2139
Property Number: 21199420446
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Underutilized
Comments: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. 2167
Property Number: 21199820179
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized
Comments: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldgs. 2192, 2196, 2198
Property Number: 21199820183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Status: Unutilized

Comments: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

P0002
Property Number: 21201510006
88th Reginal Support Command
Cape Girardeau MO 63701
Status: Unutilized
Comments: off-site removal only; 96 sq. ft.; storage; no future agency need; 14+ mons. vacant; asbestos; contact Army for more information.

Building 5332
Property Number: 21201610052
Range 4
Fort Leonard Wood MO 65473
Location: RPUID: 611105
Status: Unutilized
Comments: 15+ yrs. old; 80 sq. ft.; weapons; 12+ mos. vacant; poor conditions; contact Army for more information.

Building #5333
Property Number: 21201610058
Range 4
Fort Leonard Wood MO 65473
Location: RPUID: 578451
Status: Unutilized
Comments: 15+ yrs. old; 80 sq. ft.; weapons; 12+ mos. vacant; not adequate for reuse; contact Army for more information.

Building 319A
Property Number: 21201620023
Intersection of Headquarters and Illinois Ave.
Fort Leonard Wood MO 65473
Location: RPUID: 1239157
Status: Unutilized
Comments: 4+ yrs. old; 384 sq. ft.; recreation; adequate condition; contact Army for more information.

Air Force

Building

Nebraska

3 Buildings
Property Number: 18201620035
2504 Roman Hruska Dr.
Offutt AFB NE 68113
Location: Building 5082 (782 sq. ft.); 5083 (1,700 sq. ft.), 5084 (5,176 sq. ft.)
Status: Unutilized
Comments: 44+ yrs. old; swimming pool, bath house; water treatment; 6+ mos. vacant; no future agency need; contact AF for more information.

COE

Building

Nevada

Gremlin Park Shelter House
Property Number: 31201640015
#30007 HARLAN–29039
70788 Corps Rd. A
Republican City NE 68971
Status: Excess
Comments: 1,620 sq. ft.; 66+ yrs. old; recreation for day use; fair conditions; contact COE for more details on conditions.

Agriculture

Building

Nevada

Zephyr Cove Resort
Property Number: 15201620005
0519 Z1304 Zephyr Cove Riding Stables Shed
F1167.004531
Zephyr Cove NV 89448
Location: 760 US–50
Status: Unutilized
Comments: off-site removal only; no future agency need; 130 sq. ft.; poor condition; asbestos & lead present; contact Agriculture for more information.

Zephyr Cove Resort
Property Number: 15201620017
0519 Z1308 Zephyr Cove Stables
F575010315 Tackroom #2
Zephyr Cove NV 89448
Location: 760 US–50
Status: Unutilized
Comments: off-site removal only; no future agency need; 214 sq. ft.; poor conditions; asbestos & lead present; contact Agriculture for more information.

Air Force

Building

Nevada

Dormitory; 552
Property Number: 18201640007
Nellis AFB
Nellis AFB NV 89191
Status: Unutilized
Comments: 41,800 sq. ft.; dorm (220 rooms, avg. 290 sq. ft.) good fair conditions; 12+ mos. vacant; escort required to access property; contact AF for more details on access & other conditions.

Medical Facility; 1305
Property Number: 18201640008
Nellis AFB
Nellis AFB NV 89191
Status: Unutilized
Comments: 8,723 sf., storage; 12+ mos. vacant; good to fair conditions; escort required to access property; contact AF for more details on access & other conditions.

Traffic Check House; 1058
Property Number: 18201640009
Nellis AFB
Nellis AFB NV 89191
Status: Unutilized
Comments: 400 sf., 12+ mos. vacant; good to fair condition; escort required to access property; contact AF for more details on accessibility & other conditions.

Traffic Check House; 698
Property Number: 18201640010
Nellis AFB
Nellis AFB NV 89191
Status: Unutilized
Comments: 144 sf.; 12+ mos. vacant; good to fair conditions; escort required; contact AF for more details on access & other conditions.

Maintenance Hanger
Property Number: 18201640021
Creech AFB
Creech ABF NV 89018
Status: Unutilized
Comments: 5,872 sf., 12+ months; good to fair conditions; storage; escort required; contact AF for access & other conditions.

Army

Building

New Jersey

4 Bldgs.
Property Number: 21201220011
Picatinny Arsenal
Dover NJ 07806
Location: 1179, 1179A, 1179C, 1179D
Status: Unutilized
Comments: off-site removal only; sf varies; usage varies; need repairs; contamination; remediation required; secured area; need prior approval to access property; contact Army for more details.

4 Building
Property Number: 21201240026
Route 15 North
Picatinny Arsenal NJ 07806
Location: 3701, 3702, 3706, 3709
Status: Unutilized
Comments: off-site removal only, sq. varies, moderate conditions, restricted area; contact Army for information on accessibility removal and specific details on a property.

Building 00063
Property Number: 21201310039
Picatinny Arsenal
Picatinny Arsenal NJ 07806
Status: Underutilized
Comments: off-site removal only; 44,000 sf.; storage; very poor conditions; w/in secured area; contact Army for accessibility/removal requirements.

Building 01186
Property Number: 21201310040
Pictinny Arsenal
Dover NJ 07806
Status: Unutilized
Comments: off-site removal only; 192 sf.; storage; very poor conditions; w/in restricted area; contact Army for info. on accessibility/removal requirements.

Building 03223
Property Number: 21201330046
Picatinny Arsenal
Dover NJ 07806–5000
Status: Unutilized
Comments: off-site removal only; no future agency need; 312 sf.; 102 yrs.-old; poor conditions; secured area; contact Army for more info.

New York

Bldg. 2218
Property Number: 21200510067
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Status: Unutilized
Comments: 32,000 sq. ft., poor condition, requires major repairs, most recent use—storage/services.

7 Bldgs.
Property Number: 21200510068
Stewart Newburg USARC
New Windsor Co: Orange NY 12553–9000
Location: 2122, 2124, 2126, 2128, 2106, 2108, 2104
Status: Unutilized
Comments: sq. ft. varies, poor condition, needs major repairs, most recent use—storage/services.

Bldgs. 02700 and 22630
Property Number: 21201210080

Fort Drum
Fort Drum NY 13602
Status: Underutilized
Comments: off-site removal only; sf. varies; current use: varies; need repairs.

VA

Building

New York

Compensated Work Therapy
Property Number: 97201610001
(CWT) Transitional Residences
43 Tampa Ave.
Albany NY 12208
Status: Unutilized
Comments: 85+ yrs. old; 1,496 sq. ft.; residential; heating system inefficient; no future agency need; contact *kelli.witt@va.gov* for more information.

Compensated Work Therapy
Property Number: 97201610002
Property (CWT) Transitional Residences
223 Delaware Ave.,
Delmar NY 12054
Status: Unutilized
Comments: 124+ yrs. old; 1,720 sq. ft.; residential; heating system inefficient; significant water damage to interior and utility systems; contact *kelli.witt@va.gov* for more information.

Compensated Work Therapy
Property Number: 97201610003
Property (CWT) Transitional Residences
893 5th Avenue
Troy NY 12181
Location: Sits on 0.06 acres of land
Status: Unutilized
Comments: 85+ yrs. old; 2,280 sq. ft.; residential; water damage to walls; no future agency need; contact *kelli.witt@va.gov* for more information.

Army

Building

North Carolina

Building 42843
Property Number: 21201240034
Ft. Bragg
Ft. Bragg NC 28310
Location: 42843
Status: Underutilized
Comments: Located in a secured area, public access is denied and no alternative method to gain access without compromising national security.

Building D1209
Property Number: 21201330069
4285 Gruber Road
Ft. Bragg NC 28308
Status: Unutilized
Comments: 15,327 sf; 21 yrs. old; extensive repairs needed; secured area; extensive background check required; contact Army for accessibility requirements.

D3039
Property Number: 21201330070
3912 Donovan Street
Ft. Bragg NC 28308
Status: Unutilized
Comments: 13,247 sf.; 42 yrs. old; dining facility; extensive repairs; extensive background check; secured area; contact Army for accessibility requirements.

3 Buildings
Property Number: 21201540061
Fort Bragg
Ft. Bragg NC 28310
Location: Q3113–1034505 (64 sq. ft.); Q3414–1034511 (64 sq. ft.); Q2322–296150 (17 sq. ft.)
Status: Unutilized
Comments: very poor conditions; contact Army for more information on a specific property listed above.

Army

Building

Ohio

125
Property Number: 21201230025
1155 Buckeye Rd.
Lima OH 45804
Location: Joint Systems Manufacturing Center
Status: Underutilized
Comments: off-site removal only; 2,284 sf.; use: storage; poor conditions; asbestos identified; secured area; contact Army re: accessibility requirements.

Agriculture

Building

Oklahoma

03.50713 621700B019
Property Number: 15201610005
Storage Entomology (USDA/ARS)
07334 Plant Science & Water Conserv.
Stillwater OK 74075
Status: Unutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/size; 1,440 sq. ft.; fair conditions; contact Agriculture for more info.

Army

Building

Oklahoma

Bldg. T–838, Fort Sill
Property Number: 21199220609
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–3325, Fort Sill
Property Number: 21199240681
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T–810
Property Number: 21199730350
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only.

Bldgs. T–837, T–839
Property Number: 21199730351
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, offsite use only.

Bldg. P–934
Property Number: 21199730353
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–2184
Property Number: 21199730364
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldgs. T–3001, T–3006
Property Number: 21199730383
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: approx. 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. T–3314
Property Number: 21199730385
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only.

Bldg. T–7775
Property Number: 21199730419
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only.

4 Bldgs.
Property Number: 21199910133
Fort Sill
P–617, P–1114, P–1386, P–1608
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only.

Bldg. P–746
Property Number: 21199910135
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. S–6430
Property Number: 21199910156
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.

Bldg. T–6461
Property Number: 21199910157
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized

Comments: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only.

Bldg. T–6462
Property Number: 21199910158
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. P–7230
Property Number: 21199910159
Fort Sill
Lawton Co: Comanche OK 73503–5100
Status: Unutilized
Comments: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only.

6 Buildings
Property Number: 21201540034
Fort Sill
Ft. Sill OK 73503
Location: 1500 (100 SQ. FT.; Fueling/POL/Wash Support Bldg.); 1501 (9,802 SQ. FT.; Vehicle Maintenance Shop); 1502 (9,938 SQ. FT.; Vehicle Maintenance Shop); 1503 (10,190 SQ. FT.; Limited Use Instructional Bldg.); 1521 (80 SQ. FT.; Oil Storage Building); 2590 (3,626 SQ. FT.; ADMIN GENERAL PURPOSE)
Status: Unutilized
Comments: off-site removal only; no future agency need; removal difficult due to type/size; 6+ mons. Vacant; contamination; contact Army for more information on a specific property listed above.

6 Buildings
Property Number: 21201610027
Fort Sill
Fort Sill OK 73503
Location: 852 (13,379 sq.); 1929 (3,200 sq.); 851 (14,360 sq.); 850 (22,941 sq.); 745 (6,533 sq. ft.); 2037 (5,197 sq. ft.)
Status: Unutilized
Comments: off-site removal; 52+–100+ yrs. old; storage; admin. building; enlisted uph; vacant 6+ mos.; no future agency need; due to size, may not be feasible to move; contact Army for more information.

9 Buildings
Property Number: 21201610028
Fort Sill
Fort Sill OK 73503
Location: 2870 (3,658 sq.); 3682 (23,502 sq.); 2873 (3,658 sq.); 2874 (3,872 sq.); M6307 (94 sq.); 6305 (879 sq.); 2875 (3,682 sq.); 2871 (3,872 sq.); 2872 (3,658 sq.)
Status: Unutilized
Comments: off-site removal only; 28+–75+ yrs. old; 6+ mos. vacant; HQ. bldg.; general purpose; training; no future agency need; due to size, may not be feasible to move; contact Army for more information.

7 Buildings
Property Number: 21201620020
Fort Sill
Fort Sill OK 73503
Location: 3336 (8,883 sq.); 1620 (800 sq.); 2598 (3,670 sq.); 2599 (3,670 sq.); 1608 (108 sq.); 3602 (8,883 sq.); 4744 (2,108 sq.)
Status: Unutilized
Comments: off-site removal only; no future agency need; 21+–82+ yrs. old; sq. ft. above; warehouse; admin.; toilet/shower; instruction bldg.; 6+mos. vacant; contact Army for more information.

COE

Building

Oklahoma

SWT-Skiatook Lake
Property Number: 31201640009
Tall Chief Cove & Twin Points
HC 67 Box 135
Skiatook OK 74070
Location: TCAA13–160 sq. ft.; TPAA06–112 sq. ft.
Status: Unutilized
Comments: off-site removal only; no future agency need; gatehouse; deteriorated; repairs needed; contact COE for more info. on accessibility & a specific property listed above.

Agriculture

Building

Oregon

4 Buildings
Property Number: 15201640027
Dale Buildings 007655 00
Dale OR 97869
Location: 2830 (dale Lagoon Pumphouse) 14292010616; 2630 (Dale Old Tree Cooler (Rec. Storage)) 1640.009091; 2318 (Dale Pressure Reducing Enclosure) 1904.009091; 1847 (dale Utilities Bldg.) 1628.009091
Status: Excess
Comments: off-site removal only; relocation extremely difficult due to size & type; 2830–48 sq. ft.; poor conditions; non-friable asbestos; & lead present; contact Agriculture for more details on a property listed above.

Army

Building

Pennsylvania

Building 01015
Property Number: 21201320031
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Unutilized
Comments: off-site removal only; 3,120 sf.; recruiting station; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Building 01001
Property Number: 21201320035
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Status: Excess
Comments: off-site removal only; 4,830 sf.; youth center/admin.; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Puerto Rico

2 Buildings
Property Number: 21201540057
USAG Fort Buchanan RQ327
Fort Buchanan PR 00934
Location: 01024 (300 sq. ft.; storage); 01026 (300 sq. ft.; storage)
Status: Excess
Comments: off-site removal only; poor conditions; contact Army for more information on a property listed above.

Tennessee

00869
Property Number: 21201430036
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 3,076 sq. ft.; storage; fair conditions; asbestos in floor tiles; secured area; contact Army for more information.

07612
Property Number: 21201430044
Fort Campbell
Fort Campbell TN 42223
Status: Excess
Comments: 600 sq. ft.; storage; fair condition; secured area; contact Army for more information.

9 Buildings
Property Number: 21201440002
Fort Campbell
Ft. Campbell TN 42223
Location: 00039; 00846; 05123; 05638; 05640; 05641; 05646; 07540; 07811.
Status: Excess
Comments: off-site removal only; relocation may be extremely difficult due to size/type; sq. ft. varies; poor conditions; contamination; contact Army for more information.

03R28, 02r28, & 01R28
Property Number: 21201440005
Fort Campbell
Ft. Campbell TN 42223
Status: Underutilized
Comments: off-site removal only; no future agency need; 552 sq. ft.; range support facility; major repairs; secured area; contact Army for more information.

05127
Property Number: 21201440058
Fort Campbell
Ft. Campbell TN 42223
Status: Excess
Comments: off-site removal only; 224 sq. ft.; storage; fair conditions; contact Army for more information on accessibility/removal requirements.

4 Buildings
Property Number: 21201440059
Fort Campbell
Ft. Campbell TN 42223
Location: 05211 (320 sq. ft.); 05665 (800 sq. ft.); 00100 (800 sq. ft.); 01604 (126 sq. ft.)
Status: Excess
Comments: off-site removal only; fair conditions; usage varies; contact Army for more information on a specific property.

06907
Property Number: 21201530029
Ft. Campbell
Ft. Campbell TN 42223
Status: Unutilized
Comments: 2,581 sq. ft.; office; 50+ yrs. old; fair conditions; needs repair; daily repair; contamination; daily registration required to access property; contact Army for more information.

3 Buildings
Property Number: 21201540017
Fort Campbell
Ft. Campbell TN
Location: 6995 (RPUID: 594789; 3,687 sq. ft.; office); 07825 (RPUID: 590376; 15,111 sq. ft.; Ammo Repair); A6924 (RPUID: 598990; 3,688 sq. ft.; office)

Status: Unutilized
Comments: fair to poor conditions; asbestos present; contact Army for more information on a specific property listed above.

Building 763
Property Number: 21201630020
Mississippi Avenue
Fort Campbell TN 42223
Location: RPUID: 584686
Status: Excess
Comments: 19+ yrs. old; 3,055 sq. ft.; maintenance shop; fair condition; prior approval needed to gain access; contact Army for more information.

2 Buildings
Property Number: 21201630025
Fort Campbell
Fort Campbell TN 42223
Location: Building 05R28–RPUID: 233469, 7874–RPUID: 594209
Status: Unutilized
Comments: 27+ and 63+ yrs. old; 3,324 sq. ft.; office/storage; toilet/shower; 3+ and 5+ mos. vacant; poor condition; contact Army for more information.

7820–590375
Property Number: 21201630038
Fort Campbell
Fort Campbell TN 42223
Status: Unutilized
Comments: 3,224 sq. ft.; poor conditions; drum repair facility; 6+ months vacant; sewage contamination—remediation needed; daily approval to access property; contact Army for more details.

9 Buildings
Property Number: 21201630039
Fort Campbell
Fort Campbell TN 42223
Location: 07862–2,171 sq. ft. (570558); 07863–2,171 sq. ft. (584687); 07865–2,171 sq. ft. (563162); 02525–4,800 sq. ft.; (611262); 07819–7,750 sq. ft. (580705); 07821–648 sq. ft.; (229972); 078656–8,618 sq. ft. (586791); 07860–2,171 sq. ft. (570557); 07861–2,171 sq. ft. (614055)
Status: Underutilized
Comments: fair conditions; usage varies; daily approval to access; remediation needed; contact Army for more details on a specific property listed above.

Agriculture

Building

Texas

Building 43 Office
Property Number: 15201630008
620240B043; 2881 F& B Rd.
College Station TX
Location: off-site removal only; no future agency need
Status: Unutilized
Comments: 1,100 sq. ft.; office/cotton field research; 12+ months vacant; moderate conditions; minor repairs & painting; needs new HVAC; contact Agriculture for more details.

Army

Building

Texas

Bldgs. 04281, 04283
Property Number: 21200720085
Fort Hood
Bell TX 76544
Status: Excess
Comments: 4000/8020 sq. ft., most recent use—storage shed, off-site use only.

Bldg. 04285
Property Number: 21200720087
Fort Hood
Bell TX 76544
Status: Excess
Comments: 8000 sq. ft., most recent use—storage shed, off-site use only.

Bldg. 04286
Property Number: 21200720088
Fort Hood
Bell TX 76544
Status: Excess
Comments: 36,000 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only.

Bldg. 04291
Property Number: 21200720089
Fort Hood
Bell TX 76544
Status: Excess
Comments: 6400 sq. ft., presence of asbestos, most recent use—storage shed, off-site use only.

Bldg. 00324
Property Number: 21200810049
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 13,319 sq. ft., most recent use—roller skating rink, off-site use only.

Bldg. 04449
Property Number: 21200810056
Fort Hood
Bell TX 76544
Status: Unutilized
Comments: 3822 sq. ft., most recent use—police station, off-site use only.

B–42
Property Number: 21201210007
Fort Hood
Ft. Hood TX 76544
Status: Excess
Comments: off-site removal only; 893 sq. ft.; current use: storage; asbestos identified.

B–1301
Property Number: 21201220001
Ft. Bliss
Ft. Bliss TX 79916
Status: Underutilized
Comments: off-site removal only; 18,739 sf.; current use: thrift shop; poor conditions; need repairs.

Bldg. 7194
Property Number: 21201220002
Ft. Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; 2,125 sf.; current use: housing; poor conditions—need repairs; asbestos & lead identified; need remediation.

Building 6951
Property Number: 21201240010
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 288 sf.; utility bldg.; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Building 6942
Property Number: 21201240011
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 1,059 sf.; storage; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Bldg. 2432
Property Number: 21201240013
Carrington Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 180 sf.; dispatch bldg.; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

Building 50
Property Number: 21201240014
50 Slater Rd.
Ft. Bliss TX 79916
Status: Excess
Comments: off-site removal only; 9,900 sf.; office; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

2 Building
Property Number: 21201330029
Fort Bliss
Fort Bliss TX 79916
Location: 05015 (22,915 sf.); 05019 (23,495 sf.)
Status: Unutilized
Comments: off-site removal only; no future agency need; poor conditions; 6+months vacant; contact Army for info. on accessibility; removal reqs.

4285
Property Number: 21201430019
Fort Hood
Fort Hood TX 76544
Location: 4285
Status: Unutilized
Comments: off-site removal only; no future agency need; semi-perm. Structure type; 10,552 sq. ft.; removal may be difficult due to size; poor condition; secured area; contact Army for more information.

2 Buildings
Property Number: 21201430020
Fort Hood
Fort Hood TX 76544
Location: 4461 (6,515 sq. ft.); 4611 (3,311 sq. ft.)
Status: Excess
Comments: off-site removal only; removal may be difficult due to size/type; fair to poor condition; asbestos present in building 4611; secured area; contact Army for more information.

4408
Property Number: 21201430021
Fort Hood
Fort Hood TX 76544
Location: 4408
Status: Excess
Comments: off-site removal only; semi-perm. Structure type; 9,812 sq. ft.; removal difficult due to size; fair condition; secured area; contact Arm for more information.

9 Buildings
Property Number: 21201430030
Fort Hood

Fort Hood TX 76544
Location: 4640 (1,606 sq. ft.); 4641 (2,021 sq. ft.); 4644 (4,080 sq. ft.); 4656 (4,045 sq. ft.); 4657 (4,040 sq. ft.); 36019 (3,192 sq. ft.); 36027 (2,425 sq. ft.); 36028 (2,400 sq. ft.); 36043 (5,000 sq. ft.)
Status: Unutilized
Comments: off-site removal only; no future agency need; due to site relocation, may be difficult; poor condition; secured area; contact Army for more information.

715
Property Number: 21201430047
Fort Hood
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; 2,810 sq. ft.; semi-permanent structure type; 11+ months vacant; fair condition; contamination; secured area; contact Army for more information.

07133
Property Number: 21201440011
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 12,178 sq. ft.; storage; 120+ months vacant; poor conditions; contact Army for more information.

5 Buildings
Property Number: 21201440012
Fort Bliss
Ft. Bliss TX 79916
Location: 07134; 07142; 07153; 07162; 07178
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; sq. ft. varies; 120+ months vacant; poor conditions; contact Army for more information.

05095
Property Number: 21201440022
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; no future agency need; 12+ months vacant; good conditions; secured area; contact Army for more information.

07113
Property Number: 21201440023
Fort Bliss
Ft. Bliss TX 79916
Status: Unutilized
Comments: off-site removal only; 8,855 sq. ft.; no future agency need; relocation difficult due to size/type; 120+ months vacant; child-care center; poor conditions; contact Army for more information.

2 Buildings
Property Number: 21201440035
Yoakum USARC
Yoakum TX 77995
Location: P1005; P1006
Status: Underutilized
Comments: off-site removal only; no future agency need; 30 sq. ft.; storage for flammable materials; 53+ yrs.-old; remediation needed; contact Army for more information.

10 Buildings
Property Number: 21201520043
USAG Fort Bliss
USAG Fort Bliss TX 79916
Location: Building 05096 (768 sq.); 08396 (198 sq.); 08395 (198 sq.); 08380 (900 sq.); 08365 (132 sq.); 08364 (432 sq.); 08309 (120 sq.); 08348 (108 sq.); 08268 (432 sq.); 08349 (100 sq.)
Status: Unutilized
Comments: off-site removal; 28–70 yrs. old for bldgs. respectively above; admin; toilet; storg; range bldg.; off. qtrs.; vacant 12–60 mos.; poor cond; no future agency need; contact Army for more info.

90005; RPUID: 285770
Property Number: 21201540012
Clarke Road
Fort Hood TX
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type; 181 sq. ft.; Navigation Building, Air; contact Army for more information.

92044; RPUID: 286348
Property Number: 21201540021
Loop Road
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type/size; 1,920 SQ. FT.; Admin General Purpose; lead and asbestos contamination; contact Army for more information.

1348 (RPUID: 313187)
Property Number: 21201540022
North Avenue
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; 654 sq. ft.; Admin General Purpose; fair/moderate conditions; Asbestos located in Building caulking and putties; contact Army for more information.

91003; RPUID: 286087
Property Number: 21201540025
West Headquarters Avenue
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type; 325 sq. ft.; Storage General Purpose; possible lead and asbestos contamination; contact Army for more information.

36017; RPUID: 174093
Property Number: 21201540027
Wratten Drive
Fort Hood TX 76544
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type/size; 2,400 sq. ft.; Laboratory; contact Army for more information.

12 Buildings
Property Number: 21201610030
Fort Hood
Fort Hood TX
Location: 56204:311933 240 sq.; 56191:170499 200 sq.; 56167:171025 240 sq.; 56153:172770 200 sq.; 56186:312163 240 sq.; 56178:312162 350 sq.; 56144:172878 240 sq.; 56141:17255 240 sq.; 56119:314224 200 sq.; 56123:314228 240 sq.; 56116:314216 240 sq.; 56003:172568 248 sq.
Status: Excess
Comments: off-site removal only; 13+–22+yrs old; toilet/shower; contact Army for more information.

4 Buildings
Property Number: 21201610032
Fort Hood
Fort Hood TX
Location: Building 92062 RPUID: 286949 96 Sq. ft.; A4211 RPUID: 182761 87 sq. ft.; 92043 RPUID: 286347 464 sq. ft.; 90073 RPUID: 286004 120 sq. ft.
Status: Unutilized
Comments: off-site removal only; 34+–64+ yrs. old; power plant; storage; no future agency need; contact Army for more information.≤

5 Buildings
Property Number: 21201610053
Fort Hood
Fort Hood TX 76544
Location: 2028–RPUID: 171488 (7,848 sq. ft.); 51018–RPUID: 169913 (11,854 sq. ft.); 2032– RPUID: 171492 (1,288 sq. ft.); 51019–RPUID: 169914 (11,854 sq. ft.); 4262–RPUID: 312301 (11,854 sq. ft.)
Status: Excess
Comments: off-site removal only; 14+–79+ yrs. old; storage; maintenance shop; toilet/shower; maybe difficult to move; contact Army for more information.

5 Buildings
Property Number: 21201610055
Fort Hood
Fort Hood TX 76544
Location: 11020–RPUID: 181444 (1,224 sq. ft.); 4611–RPUID: 314513 (11,854 sq. ft.); 51017–RPUID: 169912 (11,854 sq. ft.); 51015–RPUID: 169910 (11,854 sq. ft.); 7020–RPUID: 584784 (6,104 sq. ft.)
Status: Excess
Comments: off-site removal only; 13+–49+ yrs. old; storage; battery shop; battalion hdqts.; may be difficult to move; contact Army for more information.

6 Buildings
Property Number: 21201610056
Fort Hood
Fort Hood TX 76544
Location: 51020–RPUID: 169909 (11,854 sq. ft.); 51016–RPUID: 169911 (11,854 sq. ft.); 91003–RPUID: 286087 (325 sq. ft.); 92065–RPUID: 286952 (3,994 sq. ft.); 421–RPUID: 171462 (10,752 sq. ft.); 1156–RPUID: 171784 (7,079 sq. ft.)
Status: Excess
Comments: off-site removal only; 10+–73+ yrs. old; storage; administrative; health clinic; may be difficult to move; contact Army for more information.

3 Buildings
Property Number: 21201610057
Fort Hood
Fort Hood TX 76544
Location: 233–RPUID: 170829 (2,250 sq. ft.); 230–RPUID: 170826 (5,851 sq. ft.); 229–RPUID: 170825 (7,310 sq. ft.)
Status: Unutilized
Comments: off-site removal only; 73+–74+ yrs. old; training aids center; no future agency need; contact Army for more information.

Building Number 4499
Property Number: 21201610059
77th Street
Fort Hood TX 76544
Location: RPUID: 314497
Status: Excess
Comments: 29+ yrs. old; 2,449 sq. ft.; shed; contact Army for more information.

20 Buildings
Property Number: 21201630001
Red River Army Depot
Texarkana TX 75507
Location: 02095; 02101; 02109; 02113; 02125; 02127; 02135; 02143; 02145; 02197; 02263; 02261; 02205; 02255; 02249; 02247; 02241; 02211; 02217; 02235
Status: Excess
Comments: off-site removal only; poor conditions; 168 sq. ft. each; safety shelters; contact Army for more details on a specific property listed above.

15 Buildings
Property Number: 21201630002
Red River Army Depot
Texarkana TX 75507–5000
Location: 02287; 02275; 02271; 02379; 02289; 02323; 02351; 02397; 02403; 02419; 02423; 02383; 02093; 02305; 02309
Status: Excess
Comments: off-site removal only; poor conditions; 168 sq. ft. for each; contact Army for more details on a specific property listed above.

2 Buildings
Property Number: 21201630005
Red River Army Depot
Texarkana TX 75507
Location: 02369 (257 sq. ft.; access control facility); 00450 (44 sq. ft.; FE Maint.)
Status: Excess
Comments: off-site removal only; very poor conditions; contact Army for more specific details on a property listed above.

Utah

Building 00118
Property Number: 21201310002
1 Tooele Army Depot
Tooele UT 84074
Location: previously reported under HUD property number 21200740163
Status: Underutilized
Comments: off-site removal only; 6,136 sf.; 4 mons. vacant; barracks; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00155
Property Number: 21201310003
1 Tooele Army Depot
Tooele UT 84074
Location: previously reported under HUD property number 21200740165
Status: Underutilized
Comments: off-site removal only; 8,960 sf.; bowling ctr.; major repairs needed; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 00030
Property Number: 21201310067
Tooele Army Depot
Tooele UT 84074
Status: Underutilized
Comments: off-site removal only; playground; disassembly required; minor restoration needed; restricted area; contact Army for accessibility/removal reqs.

Building 01322
Property Number: 21201330047
1 Tooele Army Depot
Tooele UT 84074
Status: Unutilized
Comments: off-site removal only; no future agency need; 53 sf.; 26+ months vacant; access control facility; poor conditions; secured area; contact Army for more info. on accessibility removal reqs.

Air Force

Building

Virginia

2799 Harrison Loop
Property Number: 18201620011
JBLE Ft. Eustis
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need; Admin.; 5,700 sq. ft.; extreme. difficult to remove; very poor conditions; lead; contact Air Force for more info.

2785 Harrison Loop
Property Number: 18201620012
JBLE Ft. Eustis
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need; 7,715 sq. ft.; extreme. difficult to remove; Admin. very poor conditions; contact Air Force for more info.

811 Gaffy Place
Property Number: 18201620013
JBLE Ft. Eustis
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need; extreme. difficult to remove; 40,166 sq. ft.; barracks; very poor conditions; contact Air Force for more info.

652 Williamson Loop
Property Number: 18201620014
JBLE Ft. Eustis
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need; extreme. difficult remove; 3,214 sq. ft.; storage; very poor conditions; contact Air Force for more info.

2749 Taylor Ave.
Property Number: 18201620015
JBLE Ft. Eustis
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need; 100 sq. ft.; storage; very poor conditions; contact Air Force for more info.

876 Lee Blvd.
Property Number: 18201620018
JBLE
Ft. Eustis VA 23604
Status: Unutilized
Comments: off-site removal only; no future agency need; 651 sq. ft.; office; very poor conditions; contact Air Force for more info.

2703
Property Number: 18201620019
Marshall St.
Ft. Eustis VA 23604
Status: Unutilized
Comments: off-site removal only; no future agency need; difficult to remove; 1,200 sq. ft.; storage; very poor conditions; contact Air Force for more info.

3913
Property Number: 18201620020
Mulberry Island Rd.
Ft. Eustis VA 23604
Status: Unutilized
Comments: off-site removal only; no future agency need; 767 sq. ft.; very poor conditions; contact Air Force for more info.

2794 Harrison Loop
Property Number: 18201620022
JBLE
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need extreme. difficult to remove; 6,782 sq. ft.; Admin.; very poor conditions; contact Air Force for more info.

822 Lee Blvd.
Property Number: 18201620034
822 Lee Blvd.
Fort Eustis VA 23604
Status: Unutilized
Comments: 8+ yrs old; 205 sq. ft.; heat plant facility; vacant 7+ mos.; beyond economic repair; no future agency need; contact AF for more information.

663 Darcy Pl.
Property Number: 18201630016
JBLE
Ft. Eustis VA
Status: Unutilized
Comments: off-site removal only; no future agency need; 40,090 sq. ft.; relocation extremely difficult due to size/type; barracks; contact Air Force for more details.

Army

Building

Virginia

Fort Story
Property Number: 21200720065
Ft. Story VA 23459
Status: Unutilized
Comments: 525 sq. ft., most recent use—power plant, off-site use only.

9 Buildings
Property Number: 21201240003
Ft. Belvoir
Ft. Belvoir VA 22060
Location: 358, 361, 1140, 1141, 1142, 1143, 1498, 1499, 2302
Status: Unutilized
Comments: off-site removal only; sf. varies; Admin.; fair conditions; located in restricted area; contact Army for info. on accessibility/removal & specific info. on a property.

510
Property Number: 21201430007
Defense Supply Center
Richmond VA 23237
Location: 510
Status: Excess
Comments: off-site removal only; removal may be difficult due to structure type; Barbeque Pit; 20 sq. ft.; 22+ years old; secured area; contact Army for more information.

Building 22696
Property Number: 21201510015
Fort Drum
Ft. Drum VA 13602
Status: Unutilized
Comments: off-site removal only; no future agency need; removal may be difficult; 400 sq. ft.; range operations bldg.; deteriorated; contact Army for more information.

T–482

Property Number: 21201520003
JB Myer Henderson Hall
Ft. Myer VA 22211
Status: Excess
Comments: off-site removal only; 8,267 sq. ft.; relocation may be difficult to size; office; 6+ months vacant; contact Army for more information.

Building 8400
Property Number: 21201610029
Fort Lee
Fort Lee VA 23801
Status: Underutilized
Comments: 61+ yrs. old; 9,878 sq. ft.; dining facility; requires extensive renovation; prior approval to gain access is required; building in use; contact Army for more information.

1201; RPUID: 572697
Property Number: 21201640008
Fort A.P. Hill
Ft. A.P. Hill VA 22427
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; airfield ops. bldg.; fair/poor conditions; contact Army for more info.

Navy

Building

Virginia

BG John Cropper Memorial Center
Property Number: 77201610026
R1 & R2 Kearsarge Circle
Wallops Island VA 23337
Location: Sits on 5.3 Acres of land
Status: Unutilized
Comments: 46+ yrs. old; 16,654 sq. ft.; vacant 1 mo.; storage; no future agency need; contact Navy for more information.

White Pass Work Center
Property Number: 15201640021
31381 Hwy. 12 located at MP 17
from 410/12 junction
Naches WA 98937
Location: 0767200 1152 (1110.005511; 1058 (1106.005511); 1151 (1109.005511); 1051 (1103.005511); 1053 (1105.005511); 1050 (1102.005511)
Status: Unutilized
Comments: off-site removal only; 57–81+ yrs. old; 1,000–3,444 sf.; residential; removal extremely difficult; vacant 12 mos., no future agency need; appt. needed; contact Agriculture for more information.

Army

Building

Washington

E1302 & R7610
Property Number: 21201230028
JBLM
JBLM WA 98433
Status: Unutilized
Comments: 80 sf. (E1302); 503 sf. (R7610); use: varies; major repairs needed; secured area; contact Army re: accessibility requirements.

Bldg. 06239
Property Number: 21201430053
Joint Base Lewis McChord
JBLM WA 90433
Status: Unutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to size/type; poor conditions; contact Army for more info.

23 Buildings
Property Number: 21201430054
Joint Base Lewis McChord
JBLM WA 98433
Location: 03223; 03225; 03627; 03628; 03629; 03632; 03638; 03640; 03641; 03643; 03644; 03645; 06991; 09663; 09998; 11680; A0303; C1342; F0017; F0018; J0831; J0833; W3641
Status: Underutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to type/size; poor conditions; secured area; contact for more info.

Building 02080
Property Number: 21201440048
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation may be difficult due to type/size; 2,031 sq. ft.; storage; 1+ month vacant; major repairs needed; contact Army for more information.

2 Buildings
Property Number: 21201440057
Joint Base Lewis McChord
JBLM WA 98433
Location: 01036; 01037
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size; 8,142 sq. ft. for each; major repairs needed; contact Army for more information.

5 Buildings
Property Number: 21201510042
Joint Base Lewis McChord
JBLM WA 98433
Location: D0110 (148 sq. ft.); 03933 (192 sq. ft.); O04ED (48 sq. ft.); 14109 (225 sq. ft.); 09643 (720 sq. ft.)
Status: Underutilized
Comments: off-site removal only; no future agency need; significant repairs needed; contact Army for more information on a specific property.

Building 03932
Property Number: 21201520001
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Comments: off-site removal only; no future agency need; 120 sq. ft.; storage; 49+ yrs.; significant repairs for restoration; contamination; contact Army for accessibility and removal requirements.

Agriculture

Building

Wisconsin

Jacobson Garage Infra #305
Property Number: 15201620007
Loon Lake Road
Iron River WI 54847
Status: Surplus
Comments: 37+ yrs. old; 576 sq. ft.; storage; contact Agriculture for more information.

Jacobson Residence Infra #220
Property Number: 15201620010
Loon Lake Road
Iron River WI 54847
Status: Unutilized
Comments: 43+ yrs. old; 2,804 sq. ft.; residential; contact Agriculture for more information.

Army

Building

Wisconsin

5 Buildings
Property Number: 21201640011
Milwaukee USARC/AMSA #49
Milwaukee WI 53218
Location: 00312—3,216 sq. ft. (968290); 00308—14,903 sq. ft. (968288); 00307—9,657 sq. ft. (968287); 00316—54 sq. ft. (587956); 00314—136 sq. ft. (621067)
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult for some due to size/type; poor conditions; contact Army for more info. on a specific property listed above.

TITLE V—PROPERTIES REPORTED IN YEAR 2016 WHICH ARE SUITABLE AND UNAVAILABLE

GSA

Building

Alabama

Gadsden Federal Building
Property Number: 54201620018
Courthouse
600 Broad Street
Gadsden AL 35901
Status: Excess
GSA Number: 4–G–AL–0805–AA
Reason: Conveyance Pending.

Historic Hannah Houses
Property Number: 54201620020
157 and 159 N Conception Street
Mobile AL 36603
Status: Excess
GSA Number: 4–G–AL–0817AAA
Reason: Advertised for sale.

Arkansas

Former Eaker AFB Recreational
Property Number: 54201620026
Property
630 Lansing Street
Blytheville AR 72315
Status: Excess
GSA Number: 7–GR–AR–0582
Reason: Expression of interest received

Army

Building

California

00806
Property Number: 21201410017
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Status: Unutilized
Reason: Existing Federal Need

GSA

Building

California

Hawthorne Federal Building
Property Number: 54201620009

15000 Aviation Blvd.,
Hawthorne CA 90250
Status: Surplus
GSA Number: 9–G–CA–1695–AB
Reason: Expression of interest received

Alameda Federal Center
Property Number: 54201630019
Northern Parcel
620 Central Ave.
Alameda CA 94501
Status: Excess
GSA Number: 9–G–CA–1604–AD
Reason: Federal Need

Colorado

East Central Board
Property Number: 54201630007
of Cooperative Educational Services Property
47156 State Highway 71
Limon CO 80828
Status: Surplus
GSA Number: 7–GR–CO–0640–2
Reason: Advertised for sale

District of Columbia

Cotton Annex
Property Number: 54201620003
300 12th Street, SW
Washington DC 20024
Status: Excess
GSA Number: DC–0510–AB
Reason: Advertised for sale

Land

Florida

Former Outer Maker Site
Property Number: 54201610001
105th Ave. North
Royal Palm Beach FL 33411
Status: Surplus
GSA Number: 4–U–FL_1332AA
Reason: Advertised for sale

Former Locator Outer Marker
Property Number: 54201630002
(LOM/OM)
17364 Dumont Drive
Fort Myers FL 33967
Status: Excess
GSA Number: 4–U–FL–1334AA
Reason: Advertised for sale

Army

Building

Georgia

1096
Property Number: 21201410001
Fort Stewart
Ft. Stewart GA 31314
Status: Excess
Reason: Existing Federal Need; Occupied

3 Buildings
Property Number: 21201410002
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Reason: Existing Federal Need; Occupied

1124
Property Number: 21201410010
Hunter Army Airfield
Hunter Army Airfield GA 31409
Status: Excess
Reason: Existing Federal need; occupied

GSA

Building

Illinois

Federal Bldg. & Courthouse
Property Number: 54201610003
201 N. Vermillion St.
Danville IL 61832
Status: Excess
GSA Number: 1–G–IL–810
Reason: Expression of interest

4 Buildings
Property Number: 54201620016
202–220 S. State Street
Chicago IL 60604
Status: Excess
GSA Number: 1–G–IL–0812–AA
Reason: Expression of interest received

Rockford USARC
Property Number: 54201630006
1130 Arthur Ave.
Rockford IL 61101
Status: Surplus
GSA Number: 1–D–IL–800
Reason: Expression of interest received

Iowa

Creston Memorial U.S.
Property Number: 54201620015
Army Reserve Center
705 East Taylor Street
Creston IA 50801
Status: Surplus
GSA Number: 7–D–IA–0520–AA
Reason: Expression of interest received

Land

Exira Repeater Site
Property Number: 54201630005
41.590672, –94.954396
Exira IA 50076
Status: Surplus
GSA Number: 7–D–IA–0521–AA
Reason: Expression of interest received

Army

Building

Louisiana

8 Buildings
Property Number: 21201340023
Fort Polk
Fort Polk LA 71459
Status: Underutilized
Reason: Existing Federal need

GSA

Building

Louisiana

3 Buildings & 12.9 Fee Acres
Property Number: 54201610009
400 Edwards Ave./Harahan FSS Depot
Elmwood LA 70123
Status: Surplus
GSA Number: 7–G–LA–0532–AA
Reason: Expression of interest received

Baton Rouge Depot
Property Number: 54201620025
2695 North Sherwood Forest Drive
Baton Rouge LA 70814
Status: Surplus
GSA Number: 7–G–LA–0523–AH
Reason: Advertised for sale

Former Hammond Army Reserve
Property Number: 54201630011
Center
1290 SW Railroad Ave.
Hammond LA 70403
Status: Excess
GSA Number: 7–A–LA–0579–AA
Reason: Expression of interest received

Maine

Former Radio Communication
Property Number: 54201630003
Link Repeater
78 Libby Hill Rd.
Gardiner ME 04345
Status: Excess
GSA Number: 1–U–ME–0699–AA
Reason: Expression of interest received

2 Buildings
Property Number: 54201630009
3 Customs Street
Calais ME 04619
Status: Unutilized
GSA Number: ME–0698–AC
Reason: Conveyance Pending

Minnesota

Henry H. Sibley USARC
Property Number: 54201620002
600 N. Brown Avenue
Winthrop MN 55396
Status: Excess
GSA Number: 1–D–MN–0601–AA
Reason: Advertised for sale

Missouri

3 Buildings
Property Number: 54201610011
90, 91 & 92 Grant Avenue
St. Louis MO 63125
Status: Surplus
GSA Number: 7–D–MO–0421–6
Reason: Advertised for sale

U.S. Army Reserve Center #2
Property Number: 54201630008
4100 Goodfellow Blvd.
St. Louis MO 63120
Status: Surplus
GSA Number: 7–D–MO–0857–AA
Reason: Expression of interest received

New Hampshire

Thomas J. McIntyre Federal
Property Number: 54201640004
Building 80 Daniel Street
Portsmouth NH
Status: Excess
GSA Number: NH0515
Reason: Expression of Interest Received

North Carolina

Bryson City Federal Building
Property Number: 54201620019
and Courthouse
50 Main Street
Bryson City NC 28713
Status: Excess
GSA Number: 4–G–NC–0838–AA
Reason: Expression of interest received

U.S. Army Reserve Center
Property Number: 54201640006
1228 Carroll Street
Durham NC 27707
Status: Excess
GSA Number: 4–D–NC–0832–AA
Reason: Expression of Interest Received

Oregon

12 Buildings
Property Number: 54201620004

580 Fish Lake Road
Butte Falls OR 97522
Status: Excess
GSA Number: 9–I–OR–0787AA
Reason: Expression of interest received

Land

Oregon

Crowfoot Road Egg Taking
Property Number: 54201620001
Station
Crowfoot Road
Jackson OR 97522
Status: Excess
GSA Number: 9–I–OR–0787 AB
Reason: Expression of interest received

GSA

Building

South Carolina

Orangeburg Memorial USARC
Property Number: 54201640007
287 John C. Calhoun Drive
Orangeburg SC 29115
Status: Excess
GSA Number: 4–D–SC–0638AA
Reason: Expression of Interest Received

Land

Tennessee

Parcel G, 20.96+ acres
Property Number: 54201630001
Bethel Valley Road
Oak Ridge TN 37830
Status: Surplus
GSA Number: 4–B–TN–0664–AE
Reason: Conveyance Pending

Agriculture

Building

Texas

Building 55= 620240B055
Property Number: 15201640005
Texas A&M Bldg. #7042
RPUID: 03.54361
Bryan TX 77805
Status: Unutilized
Reason: Existing Federal Need

Building 54= 620240B054
Property Number: 15201640006
Texas A&M Bldg. #7041
RPUID: 03.54360
Bryan TX 77805
Status: Unutilized
Reason: Existing Federal need

Building 53= 620240B053
Property Number: 15201640007
Texas A&M Bldg. #7044
RPUID: 03.54359
Bryan TX 77805
Status: Unutilized
Reason: Existing Federal need

Building 52= 620240B052
Property Number: 15201640008
Texas A&M Bldg. #7043
RPUID: 03.54358
Bryan TX 77805
Status: Unutilized
Reason: Still Federal need

Building 51= 620240B051
Property Number: 15201640009
Texas A&M Bldg. #7045
RPUID: 03.54357
Bryan TX 77805
Status: Unutilized
Reason: Existing Federal need

Building 50= 620240B050
Property Number: 15201640010
Texas A&M Bldg. #7040
RPUID: 03.54356
Bryan TX 77845
Status: Unutilized
Reason: Existing Federal need

Army

Building

Texas

Bldg. 4207
Property Number: 21200740076
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4219A
Property Number: 21200740079
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04485
Property Number: 21200740084
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 04489
Property Number: 21200740086
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Utilized

Bldg. 56329
Property Number: 21200740100
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 92043
Property Number: 21200740102
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Bldg. 4404
Property Number: 21200740190
Fort Hood
Bell TX 76544
Status: Excess
Reason: Utilized

Building 6924
Property Number: 21201240012
11331 Montana Ave.
Ft. Bliss TX 79916
Status: Excess
Reason: Occupied

8 Buildings
Property Number: 21201410020
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Existing Federal Need; Occupied

9 Buildings
Property Number: 21201410021
Fort Hood
Fort Hood TX 96544
Status: Excess
Reason: Existing Federal need; occupied

8 Buildings
Property Number: 21201410023
Fort Hood
Fort Hood TX 76544
Status: Excess
Reason: Existing Federal need; occupied

8 Buildings
Property Number: 21201410028
Fort Hood
Ft. Hood TX 76544
Status: Excess
Reason: Existing Federal need; occupied

GSA

Building

Texas

Sierra Border Patrol Station
Property Number: 54201630013
908 West El Paso Street
Sierra Blanco TX 79851
Status: Surplus
GSA Number: 7–X–TX–1161–AB
Reason: Expression of interest received

Former Tyler Naval Reserve
Property Number: 54201640001
Center; 1818 North Confederate
Street
Tyler TX 75701
Status: Surplus
GSA Number: 7–G–TX–0984–AD
Reason: Expression of interest received

Army

Building

Virginia

Bldg. 01014
Property Number: 21200720067
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Bldg. 01063
Property Number: 21200720072
Fort Story
Ft. Story VA 23459
Status: Unutilized
Reason: Occupied

Washington

03215
Property Number: 21201410008
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing Federal need; Occupied

03221
Property Number: 21201410039
Joint Base Lewis McChord
JBLM WA 98433
Status: Underutilized
Reason: Existing Federal need

GSA

Building

Washington

USARC Moses Lake
Property Number: 54201610010
Arnold Dr., at Newell St.,
Building 4306
Moses Lake WA 98837
Status: Excess
GSA Number: 9–I–WA–1141

Reason: Advertised for sale

Wenatchee Federal Building
Property Number: 54201620012
301 Yakima Street
Wenatchee WA 98001
Status: Excess
GSA Number: 9–G–WA–1286
Reason: Advertised for sale

N Border Housing at the Laurie
Property Number: 54201620022
LOPE
27107 Highway 395 North
Laurier WA 99146
Status: Excess
GSA Number: 9–G–WA–1297–AA
Reason: Advertised for sale

South Border Housing
Property Number: 54201620023
Laurier LOPE
27107 Highway 395 North
Laurier WA 99146
Status: Excess
GSA Number: 9–G–WA–1297–AB
Reason: Advertised for sale

USMC Reserve Center
Property Number: 54201630004
1702 Tahoma Ave.,
Yakima WA 98902
Status: Excess
GSA Number: 9–D–WA–1278AA
Reason: Expression of interest received

West Virginia

Parkersburg Federal Building
Property Number: 54201640005
425 Juliana Street
Parkersburg WV 26101
Status: Excess
GSA Number: 4–G–WV–0564
Reason: Advertised for Sale

Wisconsin

William J. Huempfner USARC
Property Number: 54201620028
2426 Prairie Avenue
Beloit WI 54656
Status: Surplus
GSA Number: I–D–WI–612
Reason: Advertised for sale

[FR Doc. 2017–02466 Filed 2–9–17; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–959]

Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same; Modification of Initial Determination; Issuance of a General Exclusion Order, a Limited Exclusion Order, and Cease and Desist Orders; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) in the above-captioned investigation. The Commission has determined to modify the ALJ's initial determination (''ID'') (Order No. 42) in part and to issue a general exclusion order (''GEO''), a limited exclusion order (''LEO''); and cease and desist orders (''CDOs''). The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), on June 25, 2015, based on a complaint filed by Pacific Bioscience Laboratories, Inc. of Redmond, Washington (''Complainant,'' or ''PBL''). 80 FR 36576–77 (Jun. 25, 2015). The amended complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electric skin care devices, brushes and chargers therefor, and kits containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,320,691 (''the '691 patent'') and 7,386,906 (''the '906 patent''), and U.S. Design Patent No. D523,809 (''the D'809 patent''). The complaint further alleges violations of section 337 by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The complaint named numerous respondents. The Commission's Office of Unfair Import Investigations was named as a party.

During the course of the investigation, eight of the respondents were terminated by consent order: Nutra-Luxe M.D., LLC of Fort Myers, Florida (Order No. 10) (consent order issued Jan. 5, 2016); SkincarebyAlana of Dana Point, California (Order No. 11) (consent order issued Oct. 6, 2015); Unicos USA, Inc. of LaHabra, California (Order No. 15) (consent order issued Oct. 20, 2015); H2PRO Beautylife, Inc. of Placentia, California (Order No. 19) (consent order issued Oct. 22, 2015); Jewlzie of New York, New York (Order No. 20) (consent order issued Oct. 22, 2015); Home Skinovations Inc. of Richmond Hill, Ontario, Canada, and Home Skinovations Ltd. of Yokneam, Israel (Order No. 30) (consent order issued Dec. 23, 2015); and Accord Media, LLC of New York, New York (Order No. 31) (consent order issued Dec. 23, 2015). Respondent RN Ventures Ltd. of London, United Kingdom, was terminated based on a settlement agreement (Order No. 36) (*not reviewed* Feb. 4, 2016). Respondents Michael Todd LP and MTTO LLC, both of Port St. Lucie, Florida, were also terminated based on a settlement agreement (Order No. 37) (*not reviewed* Mar. 3, 2016).

The remaining ten respondents were found in default: Coreana Cosmetics Co., Ltd. of Chungcheongnam-do, Republic of Korea; Flageoli Classic Limited of Las Vegas, Nevada (''Flageoli''); Serious Skin Care, Inc. of Carson City, Nevada (''Serious Skin Care''); Shanghai Anzikang Electric Co., Ltd. of Shanghai, China (''Anzikang''); and Wenzhou Ai Er Electrical Technology Co., Ltd. of ZheJiang, China (Order No. 13) (*not reviewed,* as modified by Order No. 15, Oct. 20, 2015); ANEX Corporation of Seoul, Republic of Korea; Korean Beauty Co., Ltd. of Seoul, Republic of Korea; and Our Family Jewels, Inc. of Parker, Colorado (''Our Family Jewels'') (Order No. 18) (*not reviewed* Oct. 22, 2015); Beauty Tech, Inc. of Coral Gables, Florida (''Beauty Tech'') (Order No. 24) (*not reviewed* Nov. 13, 2015); and Xnovi Electronic Co., Ltd. of Shenzhen, China (Order No. 32) (*not reviewed* Dec. 23, 2015) (collectively, ''the Defaulting Respondents'').

On February 18, 2016, complainant PBL filed a motion for summary determination of violation of Section 337 by the Defaulting Respondents. The Commission investigative attorney (''IA'') filed a response in support of the motion. No other responses were filed.

On April 11, 2016, the ALJ issued an ID (Order No. 42) granting complainant's motion for summary determination of violation and making recommendations regarding remedy and

bonding. The IA filed a timely petition for review-in-part of the ID. No other party petitioned for review of the ID. Complainant PBL filed a response in support of the IA's petition. No other responses were filed.

On May 26, 2016, the Commission determined to review the ID in part, and issued a ''Notice Of A Commission Determination To Review In Part An Initial Determination Granting Complainant's Motion For Summary Determination Of Violation Of Section 337; Request For Written Submissions On Remedy, The Public Interest, And Bonding'' (''the Commission Notice''), in which the Commission specified the issues under review. *See* 81 FR 35377–79 (Jun. 2, 2016). In particular, the Commission determined ''to review the ID's findings on the economic prong of the domestic industry requirement as to the patent-based allegations, all issues related to violation of the asserted trade dress, and to correct certain minor typographical errors.'' Commission Notice at 2. The Commission did not request any submissions on the issues under review.

The Commission requested written submissions on remedy, public interest, and bonding. *Id.* at 3. PBL and the IA timely filed their submissions pursuant to the Commission Notice. Settled respondents Michael Todd LP and MTTO LLC also filed a Written Submission on the Issue of Remedy and a Reply to PBL's Written Submission. No other submissions were received in response to the Commission Notice.

Having examined the record in this investigation, the Commission has determined as follows:

(I) With respect to the ID's findings on the economic prong of the domestic industry requirement as to the patent-based allegations:

(A) To vacate the subsection labeled ''Significant Investment.'' on pages 21–22 of the ID.

(B) To take no position on, and therefore vacate, the ID's analysis and findings pertaining to the ID's determination that the ''non-manufacturing expenditures would need to be backed out of the calculation of qualifying investments under subsections (A) as well as (B).'' ID/RD at 25.

(C) To affirm the ID's finding that PBL satisfied the economic prong requirement under subsections 337(a)(3)(A) and (B).

(D) To take no position on, and therefore vacate, the ID's analysis and findings regarding whether PBL satisfied the economic prong requirement under subsection (C) of section 337(a)(3). *See Beloit Corporation* v. *Valmet Oy,* 742 F.2d 1421, 1423 (Fed. Cir.1984) (''*Beloit*'').

(II) With respect to all of the ID's findings pertaining to the alleged violation of PBL's asserted trade dress, the Commission takes no position. *See Beloit,* 742 F.2d at 1423. The Commission finds that the respondents accused of infringing the trade dress are in default under section 337(g)(1).

(III) The Commission has corrected two typographical errors by substituting ''Mot. Ex. 35 (Fabien Decl.) ¶¶ 31, 35'' for ''*Id.* ¶¶ 31,35'' in the last paragraph on page 38 of the ID, and ''Mot. Ex. 35 (Fabien Decl.) ¶¶ 31, 35'' for ''*Id.* ¶¶ 31, 35'' in the last paragraph on page 31 of the ID.

Having reviewed the submissions on remedy, the public interest and bonding filed in response to the Commission's Notice, and the evidentiary record, the Commission has determined that the appropriate form of relief in this investigation is: (a) A GEO prohibiting the unlicensed importation of certain electric skin care devices, brushes or chargers therefor, or kits containing same that infringe one or more of claims 1, 4–6, 16, 22, 31, 33, 39–41, 42, 44–46, 49 of the '691 patent and claims 1–2, 4–5, and 7–15 of the '906 patent; (b) an LEO prohibiting the unlicensed entry of (i) infringing electric skin care devices, brushes or chargers therefor, or kits containing same that are covered by the claim of the D'809 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of respondents Beauty Tech; Flageoli; Our Family Jewels; Serious Skin Care; and Anzikang, and (ii) electric skin care devices, brushes or chargers therefor, or kits containing same that are covered by one or more of the Clarisonic Device Trade Dress or Clarisonic Charging Station Trade Dress and that are manufactured abroad by or on behalf of, or imported by or on behalf of respondents Our Family Jewels or Anzikang; and (c) cease and desist orders directed against each domestic and foreign Defaulting Respondent.

Chairman Schmidtlein and Commissioner Kieff each write separately to explain their views as to the basis for issuing the cease and desist orders.

The Commission has further determined that the public interest factors enumerated in subsections (d)(l), (f)(1), and (g)(1) (19 U.S.C. 1337(d)(l), (f)(1), (g)(1)) do not preclude issuance of the above-referenced remedial orders. Additionally, the Commission has determined that a bond in the amount of one hundred (100) percent of the entered value is required to permit temporary importation of the articles in question during the period of Presidential review (19 U.S.C. 1337(j)). The investigation is terminated.

The Commission's orders, opinion, and the record upon which it based its determination were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has also notified the Secretary of the Treasury of the orders.

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 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02751 Filed 2–9–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–005]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: February 15, 2017 at 10:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 701–TA–555 and 731–TA–1310 (Final) (Certain Amorphous Silica Fabric from China). The Commission is currently scheduled to complete and file its determinations and views of the Commission by March 10, 2017.
5. Outstanding action jackets: None

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: February 8, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–02882 Filed 2–8–17; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–561]

Global Digital Trade I: Market Opportunities and Key Foreign Trade Restrictions; Institution of Investigation and Scheduling of Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request from the U.S. Trade Representative (USTR) dated January 13, 2017 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission has instituted investigation no. 332–561, *Global Digital Trade I: Market Opportunities and Key Foreign Trade Restrictions,* for the purpose of preparing the first of three reports requested by the USTR. The Commission will hold a public hearing in the investigation on April 4, 2017.

DATES:

March 21, 2017: Deadline for filing requests to appear at the public hearing.

March 23, 2017: Deadline for filing pre-hearing briefs and statements.

April 4, 2017: Public hearing.

April 11, 2017: Deadline for filing post-hearing briefs and statements.

April 21, 2017: Deadline for filing all other written submissions for the first report.

August 29, 2017: Transmittal of the first Commission report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. 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: Project Leader David Coffin (202–205–2232 or *david.coffin@usitc.gov*) or Deputy Project Leader Jeremy Streatfeild (202–205–3349 or *jeremy.streatfeild@usitc.gov*) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*https://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2002.

Background: As requested, the Commission will deliver to the USTR three reports relating to digital trade. The first report, titled *Global Digital Trade I: Market Opportunities and Key Foreign Trade Restrictions,* will be based on a review of the literature and other available information, and will, to the extent practicable:

- Describe the broad landscape and recent developments of important business-to-business (B2B) digital technologies used primarily by firms (such as cloud-based data processing, storage, software applications, as well as communications services and digital services related to manufacturing and the Internet of Things);
- Provide an overview of developments in the provision of business-to-consumer (B2C) digital products and services used primarily by consumers and individuals;
- Provide information on the market for digital products and services, both in the United States and in key foreign markets, such as the European Union, China, Russia, Brazil, India, and Indonesia, for the purpose of assessing U.S. firms' global competitiveness;
- Provide up-to-date information on the rate of adoption of digital technologies, domestically and abroad, and document the importance of data-flows (domestic and cross-border) to a wide range of sectors across the economy; and
- Describe regulatory and policy measures currently in force in important markets abroad that may significantly impede digital trade. Such measures affecting digital trade might include: FDI and other market access restrictions; cross-border data flow limitations (data localization requirements, Internet blocking, censorship, cultural regulations of digital content, and data privacy protections); cybersecurity regulations and limitations on the choice of encryption technologies; ISP regulations, including limitations on ISPs intended to protect IPR; and rules determining liability for third-party content.

The Commission expects to transmit the first report to the USTR by August, 29, 2017.

The Commission will institute a second investigation at a later date for the purpose of preparing the second report. As requested by the USTR, the second report will build on the first report to:

- Provide qualitative, and to the extent possible, quantitative analysis of measures in key foreign markets (as identified in the first report) that affect the ability of U.S. firms to develop and/or supply B2B digital products and services abroad; and
- Assess, using case studies or other qualitative and quantitative methods, the impact of these measures on the competitiveness of U.S. firms engaged in the sale of digital products and services, as well as on international trade and investment flows associated with digital products and services related to significant B2B technologies.

The Commission will deliver to the USTR its report on the second investigation by October 28, 2018. More information regarding the second report will be made available when the second investigation is instituted.

The Commission will institute a third investigation at a later date for the purpose of preparing the third report. As requested by the USTR, the third report will build on the first and second reports to:

- Provide qualitative, and to the extent possible, quantitative analysis of measures in key foreign markets (as identified in the first report) that affect the ability of U.S. firms to develop and/or supply B2C digital products and services abroad; and
- Assess, using case studies or other qualitative and quantitative methods, the impact of these measures on the competitiveness of U.S. firms engaged in the sale of digital products and services, as well as on international trade and investment flows associated with digital products and services related to significant B2C technologies.

The Commission will deliver to the USTR its report on the third investigation by March 29, 2019.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on April 4, 2017. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., March 21, 2017, in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., March 28, 2017; and all

post-hearing briefs and statements responding to matters raised at the hearing should be filed not later than 5:15 p.m., April 11, 2017. In the event that, as of the close of business on March 21, 2017, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after March 21, 2017, for information concerning whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., April 21, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information or ''CBI''). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential Business Information: Any submissions that contain CBI must also conform to the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the CBI is clearly identified by means of brackets. All written submissions, except for those containing CBI, will be made available for inspection by interested parties.

In its request letter, the USTR stated that his office intends to make the Commission's first report available to the public in its entirety, and asked that the Commission not include any CBI or national security classified information in the report that it delivers to the USTR. All information, including CBI, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the written submissions filed by interested persons. Persons wishing to have a summary of their submission included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any CBI. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: February 6, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02752 Filed 2–9–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

John P. Moore, III, M.D.; Decision and Order

On June 30, 2016, the Assistant Administrator, Division of Diversion Control, issued an Order to Show Cause to John P. Moore, III, M.D. (Respondent), of Centerville, Ohio. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration No. FM1335353. GX 2, at 1.

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Respondent is the holder of Certificate of Registration No. FM1335353, which ''is valid for Drug Schedules II–V,'' at the address of 950 E. Alex Bell Road, Centerville, Ohio. *Id.* at 2. The Order further alleged that this registration does not expire until January 31, 2018. *Id.*

The Show Cause Order further alleged three separate grounds for the proposed action. First, it alleged that on April 5, 2016, Respondent pled guilty in the Ohio courts to four state felony counts of knowingly selling or offering to sell zolpidem and diazepam (both schedule IV controlled substances) and Suboxone (buprenorphine and naloxone, a schedule III controlled substance), as well as a further felony count of knowingly permitting real estate or other premises to be used for drug trafficking. *Id.* (citing Ohio Rev. Code §§ 2925.03, 2925.13). *See also* 21 U.S.C. 824(a)(2).

Second, the Show Cause Order alleged that on May 11, 2016, Respondent's Ohio medical license was suspended and that he is currently without authority to dispense controlled substances in the State in which he is registered with the Agency. GX 2, at 2 (citing 21 U.S.C. 802(21), 824(a)(3)). And third, the Show Cause Order alleged that Respondent has also been ''convicted of felony Medicaid fraud,'' thus rendering him subject to mandatory exclusion from participation in federal health care programs under 42 U.S.C. 1320a–7(a) and subjecting his registration to revocation for this reason as well. GX 2, at 2 (citing 21 U.S.C. 824(a)(5)).

The Show Cause Order also notified Respondent of his right to request a hearing on the allegations of the Order or to submit a written statement of position while waiving his right to a hearing, the procedure for electing either option (including the time period for filing), and the consequence of failing to elect either option as well as the failure to do so in compliance with the Agency's regulations. *Id.* at 3 (citing 21 CFR 1301.43). Finally, the Show Cause Order informed Respondent of his right to submit a corrective action plan under 21 U.S.C. 824(c)(2)(C). *Id.*

On or about June 30, 2016, the Government sent the Show Cause Order by certified mail, return receipt requested, addressed to Respondent at his residence in the Correctional Reception Center in Orient, Ohio. GX 5, Appendix A, at 1, 3–4. As evidenced by the signed return receipt card, on July 6, 2016, the Government accomplished service.[1] *Id.* at 3,

[1] While I find that the mailing provided constitutionally adequate service, the Government also produced evidence showing that it had emailed a copy of the Show Cause Order to corrections officers at the Ohio Correctional Reception Center and that Respondent was personally served with a

On August 11, 2016, Respondent filed a request for a hearing with the Office of Administrative Law Judges and the matter was assigned to Chief Administrative Law Judge John J. Mulrooney, II (hereinafter, CALJ). GXs 3, 4. In his hearing request, Respondent's counsel acknowledged that his request was out of time. GX 3, at 3. Respondent, however, invoked 21 CFR 1316.47(b), which provides that ''[t]he Administrative Law Judge, upon request and showing of good cause, may grant a reasonable extension of the time allowed for a response to an Order to Show Cause.'' [2] Respondent thus argued that ''good cause exists for a reasonable extension of time'' to respond to the Show Cause Order because he ''did not have timely access to his mail while incarcerated.'' GX 3, at 3. Respondent's counsel further argued that the request came ''less than 7 days beyond the . . . 30-day time frame for a response'' and that the Agency was not ''materially prejudiced by the'' delay. *Id.*

Upon receipt of Respondent's hearing request, the CALJ issued an order, directing, *inter alia,* that the Government submit ''proof of the date of service'' of the Show Cause Order, as well as a response to Respondent's request for an extension or a motion to terminate the proceeding. GX 4, at 1–2. In response, the Government timely submitted a motion to terminate the proceeding and opposing Respondent's request for an extension. GX 5.

Therein, the Government represented that the Show Cause Order had been served on Respondent by both certified mail which was received on July 6, 2016, as well as hand delivery by prison personnel on July 7, 2016. *Id.* at 1–2. The Government then noted that Respondent ''was released from [prison] on approximately July 27, 2016'' and that the Ohio Medical Board had conducted a hearing on July 28, 2016, at which he was physically present and was represented by the same counsel that was representing him in the DEA proceeding. *Id.* at 2. The Government argues that ''[e]ven if Respondent did not have timely access to mail for communicating with his counsel regarding the'' Show Cause Order, he certainly could have done so on July 28 and thus, he has failed to offer good cause for the untimely submission of his hearing request. *Id.* While the Government acknowledged that it was not prejudiced by Respondent's untimely hearing request, it argued that Respondent was seeking to gain a ''tactical advantage'' by drawing out the proceedings in the hope that the Ohio Board would reinstate his license. *Id.* at 2–3.

Upon receipt of the Government's motion, the CALJ provided Respondent with an opportunity to respond to the Government's motion and Respondent filed a response. GXs 7, 8. Therein, Respondent explained that ''[b]ecause of [his] preoccupation with defending the [State Board's] allegations, he did not notify his counsel of the [DEA] matter until [t]he morning of August 8, 2016,'' on which date his ''counsel immediately filed a request for [h]earing.'' GX 8, at 1. After noting the Government's concession that the untimely filing of the request had not caused it prejudice, Respondent ''denie[d]'' that he sought the extension to obtain ''a tactical advantage'' and stated that he ''is willing and able to defend his interests in this matter without a final determination by the Ohio Medical Board.'' *Id.* Respondent then argued that he had shown ''good cause'' under 21 CFR 1316.47(b) based on ''the importance of the constitutionally protected interest involved in this matter'' and because only a ''minor 2-day extension'' was requested.[3] *Id.* at 1–2.

Upon review, the CALJ granted the Government's motion to terminate the proceeding. GX 9, at 5. The CALJ noted that the language of 21 CFR 1316.47(b) ''is arguably supportive of an interpretation limiting the authority to extend the time to file a hearing request only during the time when the [Administrative Law] Judge has potential jurisdiction over the case, *to wit,* prior to the expiration of the thirty-day . . . period'' from the date of service for requesting a hearing. *Id.* at 2. However, the CALJ further noted that in contrast to several other agency regulations, including 21 CFR 1316.47(a), which states that ''[a]ny person entitled to a hearing and desiring a hearing shall, *within the period permitted for filing,* file a request for a hearing,'' (emphasis added), section 1316.47(b) sets no time limit for requesting ''a reasonable extension of the time allowed for response to an Order to Show Cause.'' GX 9, at 2–3. The CALJ concluded, however, that regardless of whether he had authority to rule on a request for an extension filed more than 30 days after the date of service of the Show Cause Order, ''the Agency has made clear that it is prepared to find a hearing waiver when an untimely hearing request is not supported by good cause for its tardiness.'' *Id.* at 3 (citing 21 CFR 1301.43(d) (''If any person entitled to a hearing . . . fails to file a request for a hearing . . . such person shall be deemed to have waived the opportunity for a hearing . . . unless such person shows good cause for such failure.''); *Shannon L. Gallentine,* 76 FR 45864, 45864 (2011)).

The CALJ then found that while Respondent initially argued that he ''did not have timely access to his mail while incarcerated,'' once the Government refuted this argument (by showing that he had been released from custody on July 27, 2016), he then changed his position and maintained that his ''pre-occupation'' with the Ohio Board's hearing had led him to miss the filing deadline.[4] GX 9, at 4. The CALJ rejected the latter explanation as sufficient to establish ''good cause,'' explaining that ''in a regulatory environment where parallel proceedings . . . are common, even ubiquitous, 'preoccupation' borne of participation in those proceedings, standing alone, cannot constitute good cause. . . . [T]he Respondent's only obligation—and the[ ] only task negligently accomplished—was to deliver his [Show Cause Order] to the attorney who was already representing him on related proceedings.'' *Id.* Continuing, the CALJ explained that although it is ''undeniably true that counsel promptly attended to the matter once the Respondent supplied the [Order], promptness on the part of his attorney can offer no dispensation here. No excuse has been propounded to

copy of the order on July 7, 2016. GX 5, Appendix A, at 2, 5.

[2] While Respondent cited this provision as authority to excuse his untimely filing, it is clear that he submitted a hearing request which is also subject to the good cause standard. *See* 21 CFR 1301.43(d). The Agency has previously explained on interlocutory review that ''where an ALJ receives an untimely hearing request, it is within [the ALJ's] authority to conduct such proceedings as are necessary to determine whether the respondent has established good cause.'' *Mark S. Cukierman,* Denial of Interlocutory Appeal, Slip Op. at 7. This is so even where a respondent does not establish good cause as part of the hearing request. *Id.* However, as also explained in *Cukierman,* once the Government submits a request for final agency action to this Office, the forwarding of the record divests the ALJ of authority to rule on whether there is good cause to excuse an untimely request for a hearing and the timeliness of the hearing request is to be reviewed by this Office. In those instances in which a respondent submits a hearing request after the Government has filed its Request for Final Agency Action, the Government should inform the ALJ that the matter has been forwarded to this Office and the ALJ should issue an order forwarding the hearing request to this Office.

[3] In this filing, Respondent replied to the Government's Motion to Terminate by challenging the Government's Motion for Summary Disposition. GX 8, at 2–3. I address these arguments later in this Decision.

[4] Of course, Respondent's initial contention is also refuted by the evidence that a correction officer hand-delivered the Show Cause Order to him on July 7, 2016, nearly three weeks before he was released from prison.

excuse his delay in providing his counsel with the'' Order. *Id.* at 4–5. The CALJ thus concluded that Respondent had not demonstrated ''good cause'' to excuse his untimely filing and granted the Government's motion to terminate the hearing. *Id.* at 5.

Thereafter, the Government submitted a Request for Final Agency Action and an evidentiary record to my Office. As an initial matter, I agree with the CALJ that Respondent has failed to demonstrate ''good cause'' to excuse the untimely filing of his hearing request.

While DEA has interpreted the ''good cause'' standard for assessing the timeliness of hearing requests as encompassing cases of excusable neglect, mistake or inadvertence, *see Keith Ky Ly,* 80 FR 29025, 29027 & n.2 (2015) (citing *Tony T. Bui,* 75 FR 49979, 49980 (2010)), Respondent has failed to make a sufficient showing to warrant relief. While Respondent initially claimed that his untimely filing should be excused because he did not have timely access to his mail, the evidence shows that the Show Cause Order was hand-delivered to him. As for his subsequent claim that his untimeliness should be excused because he was preoccupied with the State Board proceeding, Respondent has failed to explain why he was so pre-occupied with the Board proceeding in the three weeks that passed from the date the Order was hand delivered to him until he was released from prison that he could not have devoted the *de minimis* amount of time it would have taken to mail the Order to his attorney or to personally prepare and mail his hearing request. Moreover, even assuming that Respondent was preoccupied with the Board hearing during the day(s) on which the hearing took place, he offers no explanation for why he did not provide the Show Cause Order to his attorney for another 10 days after the Board hearing concluded. And as for Respondent's contention that his untimeliness should be excused because of ''the importance of the constitutionally protected interest involved in this matter,'' this is true of every case brought by the Government against a registrant or applicant. It thus provides no reason to excuse his neglect, even if it the period of his untimeliness would not prejudice the Government.

Accordingly, I conclude that Respondent has failed to established ''good cause'' to excuse his untimely filing and has therefore waived his right to a hearing. *See* 21 CFR 1301.43(d). I therefore issue this Decision and Order based on the record submitted by the Government and make the following findings of fact.

Findings

Respondent is the holder of DEA Certificate of Registration No. FM1335353, as well DATA-Waiver identification number XM1335353. GX 1. Pursuant to his registration, Respondent is authorized to dispense controlled substances in schedules II through V as a practitioner and pursuant to his DATA-Waiver identification number, he is authorized to dispense or prescribe schedule III–V narcotic controlled substances which ''have been approved by the Food and Drug Administration . . . specifically for use in maintenance or detoxification treatment'' for up to 100 patients.'' 21 CFR 1301.28(a) & (b)(iii); *see also* GX 1. Respondent's registered address is 950 E. Alex Bell Road, Centerville, Ohio; his registration and the authority provided by his DATA-Waiver number do not expire until January 31, 2018. GX 1.

On April 5, 2016, the Prosecuting Attorney for Greene County, Ohio issued an Information which charged Respondent with multiple felony controlled substance offenses under Ohio law; the Information also charged Respondent with Medicaid Fraud. GX 11, at 2–4 (citing Ohio Rev. Code § 2913.40(B) and (E); *id.* § 2925.03) With respect to the controlled substance offenses, Respondent was charged with, *inter alia:* (1) Two counts of trafficking in zolpidem, a schedule IV controlled substance, from ''on or about February 12, 2009 to September 30, 2014''; (2) trafficking in suboxone, a schedule III controlled substance, ''on or about February 12, 2009''; and (3) trafficking in diazepam, a schedule IV controlled substance, also ''on or about February 12, 2009.'' *Id.* at 2–3 (citing Ohio Rev. Code § 2925.03). Finally, Respondent was charged with knowingly permitting real property to ''be use for the commission of a felony drug offense, to wit, trafficking . . . by another person.'' *Id.* at 3–4 (citing Ohio Rev. Code § 2925.13).

The same day, Respondent appeared in court and pled guilty to each of these offenses. *Id.* at 11–12. On May 26, 2016, the state court entered judgment and sentenced Respondent to a term of imprisonment of 10 months on each of the above counts, but provided that the sentence for Medicaid Fraud and permitting real property to be used for the commission of a drug offense were ''to be served *consecutively to each other,* but *concurrently to the remaining counts* for a total sentence of 20 months.'' *Id.* at 14, 17. The court also ordered that Respondent forfeit $85,000, which included $5,531.08 in restitution to two entities. *Id.* at 19. Thus, I find that Respondent has been convicted of felony offenses under Ohio law, ''relating to any substance defined in [the Controlled Substances Act] as a controlled substance.'' 21 U.S.C. 824(a)(2); *see also* Ohio Rev. Code § 2925.03(A)(1) (''No person shall knowingly . . . [s]ell or offer to sell a controlled substance or a controlled substance analog.''); *id.* § 2925.03(C)(2)(a) (if drug is in schedules III through V, offense is a fifth degree felony). *See also* Ohio Rev. Code § 2925.13(B) (''No person who is the owner, lessee, or occupant, or who has custody, control, or supervision, of premises or real estate . . . shall knowingly permit the premises or real estate . . . to be used for the commission of a felony drug offense by another person.'').[5]

Moreover, on May 11, 2016, the State Medical Board of Ohio issued Respondent a Notice of Immediate Suspension and Opportunity for Hearing, pursuant to which his license to practice medicine and surgery in the State was suspended. GX 6, Attachment 1, at 1. The Board's Order was based on Respondent's guilty pleas to the four felony counts of Trafficking in Drugs (Ohio Rev. Code § 2925.03) and the felony count of Permitting Drug Abuse (Ohio Rev. Code § 2925.13). According to the Medical Board's Web site of which I take official notice,[6] on October 19, 2016, the Board ordered the permanent revocation of Respondent's license to practice medicine and surgery based upon his convictions on the four trafficking counts, as well as the single counts of Permitting Drug Abuse and Medicaid Fraud; this Order became effective the next day. *See* Ohio License Center (John Pease Moore, III), *https://license.ohio.gov/lookup/default.asp.* (last visited February 1, 2017). I therefore find that Respondent is currently without authority to dispense controlled substances in Ohio.

[5] *See also* Ohio Rev. Code § 2925.13(C)(3) (''Permitting drug abuse is a felony of the fifth degree[.]'').

[6] In accordance with the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding-even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Respondent is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Respondent the opportunity to refute the facts of which I take official notice, Respondent may file a motion for reconsideration within 15 calendar days of the date of service of this Order which shall commence on the date this Order is mailed.

In addition, the record includes a July 29, 2016 letter from the Office of Inspector General, Department of Health and Human Services, to Respondent; the letter notified Respondent that he was ''being excluded from participation in any capacity in the Medicare, Medicaid, and *all* Federal health care programs as defined in section 1128B(f) of the Social Security Act . . . for the minimum period of 5 years.'' GX 12, at 1. The letter explained that Respondent was being excluded based on his ''felony conviction[s]'' for ''a criminal offense related to the delivery of an item or service under the Medicare or a State health care program,'' and for ''criminal offense[s] related to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance as defined under Federal or State law.'' *Id.* (citing 42 U.S.C. 1320a–7(a)(1) and (4)).

Discussion

Under Section 304(a) of the Controlled Substances Act, ''[a] registration pursuant to section 823 of [the Act] to . . . dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant—

* * * * *

(2) has been convicted of a felony under this subchapter . . . or any other law of the United States, or of any State, relating to any substance defined in this subchapter as a controlled substance . . . ;

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances . . . ;

* * * * *

(5) has been excluded . . . from participation in a program pursuant to section 1320a–7(a) of Title 42.

21 U.S.C. 824(a).

The Government has ''the burden of proving that the requirements for such revocation or suspension pursuant to section 304(a) . . . (21 U.S.C. 824(a) . . .) are satisfied. 21 CFR 1301.44(e). Thus, even where a registrant waives his right to a hearing, the Government is required to produce substantial evidence to support the proposed action. In this matter, having considered the evidence submitted by the Government, I conclude that there are three separate and independent grounds to revoke Respondent's registration.

First, as found above, on May 26, 2016, the Common Pleas Court of Greene County, Ohio entered a judgment convicting Respondent of four counts of trafficking in drugs (suboxone, zolpidem, and diazepam) under Ohio law, as well as a single count of knowingly permitting real estate he owned or controlled to be used for drug trafficking. *See* Ohio Rev. Code §§ 2925.03(A); 2925.13(B). Both of these provisions are felony offenses under Ohio law. Thus, I find that Respondent ''has been convicted of a felony offense . . . relating to any substance defined in [the CSA] as a controlled substance.'' 21 U.S.C. 824(a)(2). This finding provides reason alone to revoke Respondent's registration and his DATA-Waiver identification number.

Second, the evidence shows that based on his guilty pleas in the criminal case, on May 11, 2016, the Ohio Board immediately suspended Respondent's license to practice medicine and surgery in the State, and that on October 20, 2016, the Board revoked his license. By virtue of the Board's actions, Respondent lacks authority to dispense controlled substances under the laws of the State of Ohio, the State in which he is registered with DEA, and thus, he is no longer a practitioner within the meaning of the Act. *See* 21 U.S.C. 802(21) (defining ''the term 'practitioner' [to] mean[ ] a . . . physician . . . or other person licensed, registered or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, [or] administer . . . a controlled substance in the course of professional practice''); *see also id.* § 823(f) (directing that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices'').

As the Agency has long held, ''[s]tate authorization to dispense or otherwise handle controlled substances is a prerequisite to the issuance and maintenance of a Federal controlled substances registration.'' *Frederick Marsh Blanton,* 43 FR 27616 (1978). Because the possession of state authority is a prerequisite to the maintenance of a practitioner's registration, the Agency has long held that revocation is the appropriate sanction whenever he is no longer authorized to dispense controlled substances under the laws of the State in which he practices medicine. *See, e.g., James L. Hooper,* 76 FR 71371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Sheran Arden Yeates, M.D.,* 71 FR 39130, 39131 (2006); *Dominick A. Ricci,* 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988); *Blanton,* 43 FR at 27616.[7] Accordingly, Respondent's registration (and DATA-Waiver number) are subject to revocation for this reason as well. 21 U.S.C. 824(a)(3).

Finally, the evidence shows that Respondent has now been excluded ''from participation in any Federal health care program'' based on his state conviction for Medicaid fraud, as well as his felony convictions relating to the distribution of controlled substances. *See* 42 U.S.C. 1320a–7(a)(1) & (4); *see also* GX 12. Respondent has thus been excluded pursuant to the mandatory exclusion provisions of 42 U.S.C. 1320a–7(a). Accordingly, his registration (and DATA-Waiver number) are also subject to revocation under 21 U.S.C. 824(a)(5).

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration FM1335353 issued to John P. Moore, III, M.D., be, and it hereby is, revoked. I further order that DATA-Waiver identification number XM1335353 issued to John P. Moore, II, M.D., be, and it hereby is, revoked. This Order is effective immediately.[8]

Dated: February 2, 2017.

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2017–02729 Filed 2–9–17; 8:45 am]

BILLING CODE 4410–09–P

[7] Thus, even if Respondent were to credibly accept responsibility for his criminal conduct and put forward sufficient evidence of remedial measures, the revocation of his state authority would still require that I revoke his DEA registration and DATA-waiver number. I further reject Respondent's contention that I have discretion in the case of a practitioner to not revoke his registration based on his loss of state authority. *See* GX 8, at 2–3; *see Hooper* v. *Holder,* 481 Fed. Appx. at 827–28; *see also Rezik A. Saqer,* 81 FR 22122, 22124–27 (2016).

[8] Based on the same reasons that led the Ohio Board to immediately suspend Respondent's medical license, I conclude that the public interest necessitates that this Order be effective immediately. 21 CFR 1316.67.

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OMB Number 1121–0102]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: Prison Population Reports: Summary of Sentenced Population Movement—National Prisoner Statistics

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs,

Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 11, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact E. Ann Carson, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *elizabeth.carson@usdoj.gov;* telephone: 202–616–3496).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Summary of Sentenced Population Movement—National Prisoner Statistics.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaire are NPS–1b (Summary of Sentenced Population Movement) and NPS–1B(T) Prisoner Population Report—U.S. Territories. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* For the NPS–1B form, 51 central reporters (one from each state and the Federal Bureau of Prisons) responsible for keeping records on inmates will be asked to provide information for the following categories:

(a) As of December 31, the number of male and female inmates within their custody and under their jurisdiction with maximum sentences of more than one year, one year or less; and unsentenced inmates;

(b) The number of inmates housed in privately operated facilities, county or other local authority correctional facilities, or in other state or Federal facilities on December 31;

(c) Prison admission information in the calendar year for the following categories: New court commitments, parole violators, other conditional release violators returned, transfers from other jurisdictions, AWOLs and escapees returned, and returns from appeal and bond;

(d) Prison release information in the calendar year for the following categories: Expirations of sentence, commutations, other conditional releases, probations, supervised mandatory releases, paroles, other conditional releases, deaths by cause, AWOLs, escapes, transfers to other jurisdictions, and releases to appeal or bond;

(e) Number of inmates under jurisdiction on December 31 by race and Hispanic origin;

(f) Number of inmates under jurisdiction classified as non-citizens and/or under 18 years of age;

(g) Testing of incoming inmates for HIV; and HIV infection and AIDS cases on December 31; and

(h) The aggregated rated, operational, and/or design capacities, by sex, of the state/BOP's correctional facilities at year-end.

For the NPS–1B(T) form, five central reporters from the U.S. Territories and Commonwealths of Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, and American Samoa will be asked to provide information for the following categories for the calendar year just ended, and, if available, for the previous calendar year:

(a) As of December 31, the number of male and female inmates within their custody and under their jurisdiction with maximum sentences of more than one year, one year or less; and unsentenced inmates; and an assessment of the completeness of these counts (complete, partial, or estimated)

(b) The number of inmates under jurisdiction on December 31 but in the custody of facilities operated by other jurisdictions' authorities solely to reduce prison overcrowding;

(c) Number of inmates under jurisdiction on December 31 by race and Hispanic origin;

(d) The aggregated rated, operational, and/or design capacities, by sex, of the territory's/Commonwealth's correctional facilities at year-end.

The Bureau of Justice Statistics uses this information in published reports and for the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 51 respondents, each taking an average 6.5 total hours to respond to the NPS–1B form. 5 respondents, each taking an average of 2 hours to respond to the NPS–1B(T) form. The burden estimate is based on feedback from respondents in the most recent data collection, and remains the same as the previous clearance.

6. *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 341.5 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 7, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–02763 Filed 2–9–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On February 3, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Indiana, Hammond Division, in the lawsuit entitled *United States and the State of Indiana* v. *Sanitary District of*

Hammond (N.D. Ind.), Civil Action No. 2:17–cv–00048.

The United States and the State of Indiana filed this lawsuit against the Sanitary District of Hammond (''Defendant'') under the Clean Water Act. The complaint seeks injunctive relief and civil penalties for violations of Defendant's National Pollutant Discharge Elimination System permit and for failing to completely and timely respond to an information request issued to the Defendant by the United States Environmental Protection Agency.

The consent decree requires the Defendant to perform injunctive relief, including developing and implementing a long term control plan to reduce or eliminate discharges of untreated sewage through permitted combined sewer overflow outfalls located in Defendant's wastewater conveyance and treatment system. The Defendant will pay civil penalties of $225,000 to the United States and $22,500 to the State, and will perform a State-only Supplemental Environmental Project. The Defendant will pay stipulated penalties of $313,500 to the United States to resolve the Defendant's alleged violations of a separate consent decree that the parties entered into in 1999. The Defendant will also install and operate a disinfection system on its existing combined sewer overflow storage basin.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Indiana* v. *Sanitary District of Hammond,* D.J. Ref. No. 90–5–1–1–3308/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by U.S. mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By U.S. mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

For a paper copy of the entire Consent Decree with appendices (160 pages at 25 cents per page reproduction cost), please enclose a check or money order for $40.00 made payable to the United States Treasury. For a paper copy without the appendices and signature pages, the cost is $15.75.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–02741 Filed 2–9–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

185th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 185th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on March 22, 2017.

The meeting will take place in Room S–2508, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 from 9:00 a.m. to noon and from 1:30 p.m. to approximately 3:30 p.m. in C–5320, Room 6, at the same address. The purpose of the open meeting is to welcome the new members, introduce the Council Chair and Vice Chair, and set the topics to be addressed by the Council in 2017.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before March 15, 2017 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in text or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of the email. Relevant statements received on or before March 15, 2017 will be included in the record of the meeting. No deletions, modifications, or redactions will be made to the statements received, as they are public records.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations, or others who need special accommodations, should contact the Executive Secretary by March 15.

Dated: February 7, 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration.

[FR Doc. 2017–02813 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than February 21, 2017.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 21, 2017.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of

Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 16th day of January 2017.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[39 TAA petitions instituted between 1/2/17 and 1/13/17]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
92514	Crossmark (Workers)	Plano, TX	01/03/17	01/03/17
92515	Aeroflex/Metelics, Inc. (State/One-Stop)	Sunnyvale, CA	01/04/17	01/03/17
92516	YP—Print Media LLC (Workers)	Tucker, GA	01/04/17	12/22/16
92517	T–R Associates, Inc. (Company)	Archibald, PA	01/04/17	01/03/17
92518	Fifth Third Bank (State/One-Stop)	Coral Gables, FL	01/04/17	12/21/16
92519	Sage Telecom (Workers)	Dallas, TX	01/04/17	12/28/16
92520	Williamsport Foundry Co, Inc. (Company)	Williamsport, PA	01/04/17	01/03/17
92521	Capgemini America, Inc. (Workers)	Marlborough, MA	01/05/17	01/04/17
92522	Sprint Corporation (State/One-Stop)	Atlanta, GA	01/05/17	01/04/17
92523	Xerox Corporation (State/One-Stop)	Lewisville, TX	01/05/17	01/04/17
92524	General Electric Mattoon Lamp Plant (Workers).	Mattoon, IL	01/05/17	01/04/17
92525	Protech Powder Coatings, Inc. (Company)	Erie, PA	01/05/17	01/04/17
92526	Comprehensive Logistics/Source Providers (Union).	Lansing, MI	01/05/17	01/05/17
92527	Fuzion Technologies, Inc. (Company)	Freeport, PA	01/05/17	01/04/17
92528	KHD Humboldt Wedag, Inc. (Workers)	Norcross, GA	01/05/17	12/16/16
92529	National Credit Adjusters (State/One-Stop)	Ottawa, KS	01/06/17	01/05/17
92530	Lexington Lamp Plant General Electric LLC (Union).	Lexington, KY	01/06/17	01/05/17
92531	Atlice—formerly Cablevision (State/One-Stop)	Stratford, CT	01/06/17	01/05/17
92532	Aramark Facilities (Union)	Detroit, MI	01/09/17	01/06/17
92533	General Motors (Union)	Detroit, MI	01/09/17	01/06/17
92534	General Motors Sub Systems (Union)	Detroit, MI	01/09/17	01/06/17
92535	Pentair Technical Solutions (State/One-Stop)	Anoka, MN	01/09/17	01/06/17
92536	The Timken Company (Workers)	Pulaski, TN	01/09/17	01/06/17
92537	GMCH LLC (Workers)	Kokomo, IN	01/09/17	12/09/16
92538	Source Providers, Inc. (Union)	Austintown, OH	01/09/17	12/17/16
92539	Weather-Rite LLC (State/One-Stop)	Minneapolis, MN	01/10/17	01/09/17
92540	Customers Bank (Workers)	New Haven, CT	01/10/17	01/09/17
92542	Ardagh Glass—3 separate locations—separate forms required (Union).		01/10/17	01/09/17
92543	DB Builder, Inc. (State/One-Stop)	Lynnwood, WA	01/11/17	01/10/17
92544	Hewlett-Packard Enterprises (State/One-Stop).	Colorado Springs, CO	01/11/17	01/10/17
92545	BlueLine Rental Division of Platinum Equity (Workers).	Shippensburg, PA	01/11/17	01/11/17
92546	Kellogg Company (Company)	Terre Haute, IN	01/11/17	01/10/17
92547	MAG Automotive LLC (Company)	Sterling Drive, MI	01/11/17	01/10/17
92548	Daniel Measurement and Control (Company)	Houston, TX	01/12/17	01/11/17
92549	Trinity Industries, Inc. (Workers)	Oklahoma City, OK	01/12/17	01/11/17
92550	Vanguard Group (State/One-Stop)	Scottsdale, AZ	01/12/17	01/12/17
92551	Brunner Manufacturing Southeast (Workers)	Greenwood, SC	01/13/17	01/12/17
92552	Union Tank Car (State/One-Stop)	Alexandria, LA	01/13/17	01/12/17
92553	Fisher Price (State/One-Stop)	East Aurora, NY	01/13/17	01/12/17

[FR Doc. 2017–02769 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of January 2, 2017 through January 13, 2017.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles

produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(e) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) not withstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
91,801	Allegheny Ludlum LLC, ATI Flat Rolled Products Technical Center, Allegheny Technologies Inc.	Natrona Heights, PA	May 12, 2015.
92,013	The Fenton Art Glass Company	Williamstown, WV	June 18, 2016.
92,441	Collins Pine Company, formerly Collins Management Company, Lakeview Sawmill Division, etc.	Lakeview, OR	November 21, 2015.
92,457	Celestica, LLC, Celestica, Inc., Adecco	Ontario, CA	December 1, 2015.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
91,016	Lattice Semiconductor Corporation, Research and Development Division, Operations Division, etc.	Hillsboro, OR	October 2, 2014.
91,825	Mondelez International Global LLC, 3Sixty Global Services Inc., ABM Inc. of Cook Coun, etc.	East Hanover, NJ	April 25, 2015.

TA–W No.	Subject firm	Location	Impact date
92,101	Integrated Manufacturing and Assembly, Comer Holdings & Lear Corporate, VetBuilt.	Highland Park, MI	August 9, 2015.
92,299	American Express Travel Related Services Company, Inc., Global Servicing Network (GSN)—Prepaid Servicing & Ops. Department, etc.	Salt Lake City, UT	October 4, 2015.
92,415	International Business Machines Corporation (IBM), IBM Analytics, DKJA, TIMA and MYGA Departments.	Somers, NY	November 14, 2015.
92,446	Sanofi-Aventis US, LLC, Industrial Affairs Division, Sanofi, Pro-Unlimited.	St. Louis, MO	November 23, 2015.
92,449	Apria Health LLC, Apria Healthcare Group Inc., Medical Billing Department, etc.	Overland Park, KS	June 28, 2016.
92,474	International Business Machines Corporation (IBM), Global Technology Services (GTS), Citrix Support, etc.	Armonk, NY	December 8, 2015.
92,483	Avant Technology Inc., All Components, Inc., FJC Personnel, LLC	Pflugerville, TX	December 9, 2015.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1) (employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
92,225	Fabick Cat, Formerly Known as Fabco	Negaunee, MI.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
92,173	Excelligence Learning Corp., Environments Division	Beaufort, SC.	
92,249	2Wire, Inc. (ARRIS Customer Care), ARRIS Group, Inc., Volt Workforce Solutions.	San Antonio, TX.	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
92,517	T–R Associates, Inc	Archibald, PA.	
92,541	Bank Mobile, Division of Customers Bank, Inc	New Haven, CT.	

I hereby certify that the aforementioned determinations were issued during the period of *January 2, 2017 through January 13, 2017.* These determinations are available on the Department's Web site *https://www.doleta.gov/tradeact/taa/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC this 16th day of January 2017.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2017–02768 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Slope and Shaft Sinking Plans

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Slope and Shaft Sinking Plans,'' 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), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 13, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201612-1219-003* (this link will only become active on the day following publication of this notice)

or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Slope and Shaft Sinking Plans information collection requirements contained in regulations 30 CFR 77.1900 that requires an underground coal mine operator to submit for approval a plan that will provide for the safety of workers in each slope or shaft that is commenced or extended from the surface to the underground coal mine. Each plan includes the name and location of the mine; name and address of the mine operator; a description of the construction work, methods to be used in construction of the slope or shaft, and whether all or part of the work will be performed by a contractor; the elevation, depth, and dimensions of the slope or shaft; the location and elevation of the coalbed; the general characteristics of the strata through which the slope or shaft will be developed; the type of equipment which the operator proposes to use; the system of ventilation to be used; and safeguards for the prevention of caving during excavation. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 811 and 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0019.

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 March 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 3, 2016 (81 FR 68064).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0019. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Slope and Shaft Sinking Plans.

OMB Control Number: 1219–0019.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 27.

Total Estimated Number of Responses: 80.

Total Estimated Annual Time Burden: 1,600 hours.

Total Estimated Annual Other Costs Burden: $60.

Dated: February 6, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02817 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Class Exemption 1985–68 To Permit Employee Benefit Plans To Invest in Customer Notes of Employers

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Prohibited Transaction Class Exemption 1985–68 to Permit Employee Benefit Plans to Invest in Customer Notes of Employers,'' 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 13, 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=201701-1210-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget,

Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to maintain PRA authority for information collection activities related to Prohibited Transaction Class Exemption (PTE) 1985–68, which permits an employee benefit plan to invest in an employer's customer notes under circumstances the Employee Retirement Income Security Act of 1974 (ERISA) and Internal Revenue Code of 1986 would otherwise prohibit. More specifically, this PTE describes the conditions under which a plan may acquire customer notes accepted by an employer of employees covered by the plan in the ordinary course of the employer's business activity and, thus, be exempt from the prohibited transaction restrictions; provided, the exemption conditions are met. The PTE covers sales as well as contributions of customer notes by an employer to its plan. The customer notes must have been accepted by the employer in its primary business activity as the seller of tangible personal property that is being financed by the notes, so that the exemption does not apply to notes of an employer's affiliate. The PTE requires a plan to maintain all necessary records pertaining to the affected transactions for a period of six years and to make those records available to certain designed persons upon request. ERISA section 408(a) authorizes this information collection. *See* 29 U.S.C. 1108(a).

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 1210–0094.

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 October 28, 2016 (81 FR 75157).

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 1210–0094. 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–EBSA.

Title of Collection: Prohibited Transaction Class Exemption 1985–68 to Permit Employee Benefit Plans to Invest in Customer Notes of Employers.

OMB Control Number: 1210–0094.

Affected Public: Private Sector—businesses or other for-profits, not-for-profit institutions.

Total Estimated Number of Respondents: 69.

Total Estimated Number of Responses: 325.

Total Estimated Annual Time Burden: 1 hour.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 6, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02814 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Longitudinal Survey of Youth 1997

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''National Longitudinal Survey of Youth 1997,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 13, 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=201610-1220-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *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–BLS, 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 sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the National Longitudinal Survey of Youth 1997 (NLSY97) information collection. The NLSY97 includes respondents who were born from 1980 through 1984 and lived in the United States when the survey began in 1997. The primary objective of the survey is to study the transition from full-time schooling to the establishment of careers and families. The longitudinal focus of the survey requires information to be collected about the same individuals over many years in order to trace their education, training, work experience, fertility, income, and program participation. Research based on the NLSY97 contributes to the formation of national policy in the areas of education, training, employment programs, and school-to-work transitions. This information collection has been classified as a revision, because the NLSY97 will transition from interviews being conducted primarily in-person to being conducted primarily by telephone. The move to predominantly telephone interviewing results in slightly longer timings, because the interviewer will administer components that were previously self-administered by respondents. The change in the data collection mode has also resulted in edits to the questionnaire in order to adapt the Round 18 instrument for predominantly telephone administration. The BLS Authorizing Statue authorizes this information collection. *See* 29 U.S.C. 1, 2.

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 1220–0157. The current approval is scheduled to expire on May 31, 2017; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 19, 2016 (81 FR 55485).

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 1220–0157. 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–BLS.

Title of Collection: National Longitudinal Survey of Youth 1997.

OMB Control Number: 1220–0157.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 7,130.

Total Estimated Number of Responses: 7,269.

Total Estimated Annual Time Burden: 8,565 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 6, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02807 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Loans To Plan Participants and Beneficiaries Who Are Parties in Interest With Respect to the Plan Regulation

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Loans to Plan Participants and Beneficiaries Who Are Parties In Interest With Respect to The Plan Regulation,'' 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), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 13, 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=201701-1210-003* (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–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not

toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Loans to Plan Participants and Beneficiaries Who Are Parties In Interest With Respect to The Plan Regulation information collection. More specifically, the ICR is for the information collections contained in the regulation related to plan participants and beneficiaries who are parties in interest with respect to the plan, 29 CFR 2550.408b–1. The Employee Retirement Income Security Act (ERISA) prohibits a plan fiduciary from causing the plan to engage in a transaction, if the fiduciary knows or should know the transaction constitutes a direct or indirect loan or extension of credit between the plan and a party in interest. ERISA section 408(b)(1) exempts from this prohibition a loan from a plan to a party in interest who is also a plan participant or beneficiary, provided satisfaction of certain requirements. DOL regulations implementing the statutory provision provide additional guidance. Specifically, regulations 29 CFR 2550.408b–1(d) prescribes eight specific provisions that must be included in the plan documents, including: (1) An explicit authorization for the plan fiduciary responsible for investing plan assets to establish such a loan program, (2) the identity of the person or position authorized to administer the program, (3) a procedure for applying for loans, (4) the basis on which loans will be approved or denied, (5) limitations, if any, on the types and amounts of loans offered, (6) the procedure for determining a reasonable interest rate, (7) types of collateral that may secure a participant loan, and (8) the events constituting default and the steps that will be taken to preserve plan assets in the event of such default. ERISA section 408(a) authorizes this information collection. *See* 29 U.S.C. 1108(a).

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 1210–0076.

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 October 28, 2016 (81 FR 75157).

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 1210–0076. 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–EBSA.

Title of Collection: Loans to Plan Participants and Beneficiaries Who Are Parties In Interest With Respect to The Plan Regulation.

OMB Control Number: 1210–0076.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 2,556.

Total Estimated Number of Responses: 2,556.

Total Estimated Annual Time Burden: 0.

Total Estimated Annual Other Costs Burden: $1,023,678.

Dated: February 6, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02810 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Longshore and Harbor Workers' Compensation Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)] This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation (OWCP) is soliciting comments concerning the proposed collection: Certification of Funeral Expenses (LS–265). A copy of the proposed information collection request can be obtained by contacting the office listed below in the address section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 11, 2017.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone/fax (202) 354–9647, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. *Background:* The Office of Workers' Compensation Programs, (OWCP) administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an

employer in loading, unloading, repairing, or building a vessel. The Act provides that reasonable funeral expenses not to exceed $3,000 shall be paid in all compensable death cases. The LS–265 has been provided for use in submitting the funeral expenses for payment. This information collection is currently approved for use through March 31, 2017.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions:* The Department of Labor seeks the extension of approval of this information collection in order to carry out its responsibility to certify the amount of funeral expenses incurred in the case.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Certification of Funeral Expenses.

OMB Number: 1240–0040.

Agency Number: LS–265.

Affected Public: Business or other for-profit.

Total Respondents: 75.

Total Annual Responses: 75.

Estimated Total Burden Hours: 19.

Estimated Time per Response: 15 minutes.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $39.00.

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

Dated: January 30, 2017.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2017–02811 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation; Proposed Revision of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning its proposal to extend OMB approval of the information collection for the following medical reports: Roentgenographic Interpretation (CM–933), Roentgenographic Quality Rereading (CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM–988), Report of Arterial Blood Gas Study (CM–1159) and Report of Ventilatory Study (CM–2907). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 11, 2017.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone/fax (202) 354–9647. Email *Ferguson.Yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. *Background:* The Black Lung Benefits Act of 1977 as amended, 20 U.S.C. 901 *et seq.* and 20 CFR 718.102 set forth criteria for the administration and interpretation of x-rays. When a miner applies for benefits, the Division of Coal Mine Workers' Compensation (DCMWC) is required to schedule a series of four diagnostic tests to help establish eligibility for black lung benefits. Each of the diagnostic tests has its own form that sets forth the medical results. The forms are: Roentgenographic Interpretation (CM–933), Roentgenographic Quality Rereading (CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM–988), Report of Arterial Blood Gas Study (CM–1159), and Report of Ventilatory Study (CM–2907). This information collection is currently approved for use through May 31, 2017

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions:* The Department of Labor seeks the approval for the Revision of this currently-approved information collection in order to carry out its responsibility to administer the Black Lung Benefits Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Revision.

Title: Roentgenographic Interpretation (CM–933), Roentgenographic Quality Rereading (CM–933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM–988), Report of Arterial Blood Gas Study (CM–1159), and Report of Ventilatory Study (CM–2907).

OMB Number: 1240–0023.

Agency Number: CM–933, CM–933b, CM–988, CM–1159 and CM–2907.

Affected Public: Business or other for profit, and not-for-profit institutions.

Form	Time to complete (minutes)	Frequency of response	Number of respondents	Number of responses	Hours burden
CM–933	5	occasion	5,500	5,500	459
CM–933b	3	occasion	5,500	5,500	275
CM–988	40	occasion	5,500	5,500	3,667
CM–1159	15	occasion	5,500	5,500	1,375
CM–2907	10	occasion	5,500	5,500	917
Totals			27,500	27,500	6,693

Total Respondents: 27,500.

Total Annual Responses: 27,500.

Average Time per Response: 3 minutes–40 minutes.

Estimated Total Burden Hours: 6,693.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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

Dated: January 30, 2017.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2017–02808 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation; Proposed Collection; Comment Request

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Comparability of Current Work to Coal Mine Employment (CM–913). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before April 11, 2017.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone/fax (202) 354–9647, Email *Ferguson.Yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: The Black Lung Benefits Act of 1977, as amended, 30 U.S.C. 901 *et seq.,* provides for the payment of benefits to coal miners who are totally disabled by black lung disease arising out of coal mine employment, and their dependents and survivors. Once a miner has been identified as having performed non-coal mine work subsequent to coal mine employment, the miner or the miner's survivor is asked to complete a CM–913 to compare coal mine work to non-coal mine work. This employment information along with medical information is used to establish whether the miner is totally disabled due to black lung disease caused by coal mine employment. This information collection is currently approved for use through May 31, 2017.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the Revision of this currently-approved information collection in order to carry out its responsibility to administer the Black Lung Benefits Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Revision.

Title: Comparability of Current Work to Coal Mine Employment (CM–913).

OMB Number: 1240–0035.

Agency Number: CM–913.

Affected Public: Individuals or households.

Total Respondents: 1,650.

Total Annual Responses: 1,650.

Average Time per Response: 40 minutes.

Estimated Total Burden Hours: 1,100.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $858.

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

Dated: January 26, 2017.

Yoon Ferguson

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2017–02815 Filed 2–9–17; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On January 6, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit modification request received. The permit modification was issued on February 6, 2017 to: Ari Friedlaender, Permit No. 2016–024.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–02719 Filed 2–9–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 81 FR 78210, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

Comments: Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton at (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).

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

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for the Industry University Cooperative Research Centers Program (I/UCRC).

OMB Number: 3145–0088.

Type of Request: Intent to seek approval to renew an information collection.

Abstract:

Proposed Project: The Industry/University Cooperative Research Centers (I/UCRC) Program was initiated in 1973 to develop long-term partnerships among industry, academe and government. The National Science Foundation invests in these partnerships to promote research programs of mutual interest, contribute to the Nation's research infrastructure base and enhance the intellectual capacity of the engineering or science workforce through the integration of research and education. As appropriate, NSF encourages international collaborations that advance these goals within the global context.

The I/UCRC program seeks to achieve this by:

1. Contributing to the nation's research enterprise by developing long-term partnerships among industry, academe, and government;
2. Leveraging NSF funds with industry to support graduate students performing industrially relevant research;
3. Expanding the innovation capacity of our nation's competitive workforce through partnerships between industries and universities; and
4. Encouraging the nation's research enterprise to remain competitive through active engagement with academic and industrial leaders throughout the world.

The centers are catalyzed by a small investment from NSF and they are primarily supported by other private and public sector center members, with NSF taking a supporting role in the development and evolution of the I/UCRC. The I/UCRC program initially offers five-year (Phase I) continuing awards. This five-year period of support allows for the development of a strong partnership between the academic researchers and their industrial and government members. After five years, centers that continue to meet the I/UCRC program requirements may request support for a second five-year (Phase II) period. These awards allow centers to continue to grow and diversify their non-NSF memberships during their Phase II period. After ten years, a Phase III award provides a third five-year award for centers that demonstrate their viability, sustainability, and which have had a significant impact on industry research as measured through annual reports, site visits, and adherence to I/UCRC requirements. Centers are expected to be fully supported by industry, other Federal agencies, and state and local government partners after fifteen-years as an I/UCRC.

Centers will be required to provide data to NSF and its authorized representatives (contractors or grantees). These data will be used for NSF internal reports, historical data, and for securing future funding for continued I/UCRC program maintenance and growth. Updates to the IUCRC database of performance indicators will be required annually. Centers will be responsible for submitting the following information after the award expires for their fiscal year of activity. The indicators are both quantitative and descriptive.

- Quantitative information from the most recently completed fiscal year such as:
  - Number and diversity of students, faculty, and industrial numbers involved in the center
  - Degrees granted to students involved in center activities
  - Amounts and sources of income to the center, and
  - Lists of patents, licenses, and publications created
- Operating budget and total funding:
  - Total funding
  - NSF I/UCRC funding received
  - Other NSF funding received
  - Additional support broken down by Industry, State, University, Other Federal, Non-Federal and other support
- Capital and in-kind support:
  - Equipment
  - Facilities
  - Personnel
  - Software
  - Other support
- Human resources:
  - Researchers (number of faculty scientists and engineers, number of non-faculty scientists and engineers)
  - Students (number of graduates, number of undergraduates)
  - Administration, number of full and part time professional and clerical staff
  - Information about broadening participation on the above with plans to increase broadening participation, if necessary
- Center director descriptors:
  - Position and rank of director
  - Status of tenure
  - Name and position of the person to whom the center director reports
  - Estimate of the percent of time the director devotes to center administration, other administration, research, teaching, other
- Center outcomes:
  - Students receiving degrees and type degree earned
  - Students hired by industry by type of degree
  - Publications
    - Number with center research
    - Number with Industrial Advisory Board Members
    - Number of presentations
- Intellectual property events:
  - Invention disclosures
  - Patent applications
  - Software copyrights
  - Patents granted and derived or both
  - Licensing agreements
  - Royalties realized

I/UCRCs will also include evaluation conducted by independent evaluators who cannot be from the department(s) with the institution(s) receiving funding for the I/UCRC award. The center evaluator will be responsible for:

- Preparing an annual report of center activities with respect to industrial collaboration
- Conducting a survey of all center participants to probe the participant satisfaction with center activities
- Compiling a set of quantitative indicators determined by NSF to analyze the management and operation of the center
- Participating in I/UCRC center and informational meetings
- Reporting to NSF on the center's status using a checklist provided by NSF to help determine if the center is adhering to the IUCRC policy and guidelines
- Bi-annual reporting to NSF
- Reporting to NSF within a month of each Industrial Advisory Board meeting on the top research highlights, technology transfer, patents, and major discoveries that demonstrate successful investments
- Performing exit interviews to determine why members chose to withdraw from the center
- Participating in continuous quality process improvement by providing information to the NSF I/UCRC program

Use of the Information: The data collected will be used for NSF internal reports, historical data, and for securing future funding for continued I/UCRC program maintenance and growth.

Estimate of Burden: 8 hours per center (201 sites) for 71 centers for a total of 1,608 hours.

Respondents: Industry, academic institutions; non-profit institutions; government.

Estimated Number of Responses per Report: One from each of the 201 sites.

Dated: February 7, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–02803 Filed 2–9–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Astronomy and Astrophysics Advisory Committee (#13883).

Date and Time: June 22, 2017; 12:00 p.m.–4:00 p.m. EDT (via Teleconference).

Place: National Science Foundation, Room 390, Stafford I Building, 4201 Wilson Blvd., Arlington, VA 22230.

Dial-In Information

To join via Browser: *https://bluejeans.com/996692403/browser.*

To join via phone:

(1) Dial: +1.408.740.7256; +1.888.240.2560; or +1.408.317.9253 (see all numbers—*http://bluejeans.com/numbers?ll=en*).

(2) Enter Conference ID: 996692403.

Type of Meeting: Open.

Contact Person: Dr. Ralph Gaume, Acting Division Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703–292–2335.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

Agenda: To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: February 7, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–02785 Filed 2–9–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0256]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** (FR) on December 20, 2016, regarding notice of issuance of amendments to facility operating licenses and combined licenses. This action is necessary to correct an administrative error.

DATES: The correction is effective February 10, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0256 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0256. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* 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: Perry Buckberg, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1383, email: *Perry.Buckberg@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the FR on December 20, 2016 (81 FR 92863), FR Doc. 2016–256, on page 92877, in the top of the first column, under ''Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida,'' after ''Date of amendment request,'' the date ''April 31, 2016'' is corrected to read ''April 29, 2016.'' In the middle of the same column, under ''Amendment Nos.,'' ''236 and 186'' are changed to ''237 and 187.''

Dated at Rockville, Maryland, this 2nd day of February 2017.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–02793 Filed 2–9–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: We Need Information About Your Missing Payment, RI 38–31

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR), We Need Information about Your Missing Payment, RI 38–31.

DATES: Comments are encouraged and will be accepted until March 13, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent by email to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on September 28, 2016 at 81 FR 66702 allowing for a 60-day public comment period. No comments were received for this information collection.

OPM Form RI 38–31 is sent in response to a notification by an individual of the loss or non-receipt of a payment from the Civil Service Retirement and Disability Fund. Minor textual changes were made to request the information needed to enable OPM to trace and/or reissue payment. Missing payments may also be reported to OPM by a telephone call. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;
2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: We Need Information About Your Missing Payment.

OMB: 3206–0187.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 8,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 1,333 hours.

U.S. Office of Personnel Management.

Kathleen McGettigan,

Acting Director.

[FR Doc. 2017–02733 Filed 2–9–17; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add First-Class Package Service Contract 73 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–89, CP2017–118.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02747 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 293 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–87, CP2017–116.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02742 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Parcel Select & Parcel Return Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Parcel Select & Parcel Return Service Contract 6 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–88, CP2017–117.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02748 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 291 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–85, CP2017–114.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02744 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Parcel Select Contract 21 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–90, CP2017–119.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02746 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 290 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–84, CP2017–113.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02745 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 292 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2017–86, CP2017–115.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–02743 Filed 2–9–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79974; File No. 4–678]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Order Approving and Declaring Effective a Proposed Amended Plan for the Allocation of Regulatory Responsibilities Among the Financial Industry Regulatory Authority, Inc., Miami International Securities Exchange, LLC, and MIAX PEARL, LLC

February 6, 2017.

On January 12, 2017, Miami International Securities Exchange, LLC (''MIAX''), MIAX PEARL, LLC (''MIAX PEARL''), and the Financial Industry Regulatory Authority, Inc. (''FINRA'') (collectively, the ''Parties'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') an amended plan for the allocation of regulatory responsibilities, dated January 11, 2017 (''Amended 17d–2 Plan'' or the ''Amended Plan''). The Amended Plan was published for comment on January 19, 2017.[1] The Commission received no comments on the Amended Plan. This order approves and declares effective the Amended Plan.

I. Introduction

Section 19(g)(1) of the Securities Exchange Act of 1934 (''Act''),[2] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d) or Section 19(g)(2) of the Act.[3] Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''Common Members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[4] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[5] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[6] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[7] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[8] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors; to foster cooperation and coordination among the SROs; to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system; and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. Proposed Amended Plan

On November 19, 2014, the Commission declared effective the Plan entered into between FINRA and MIAX for allocating regulatory responsibility pursuant to Rule 17d–2.[9] The Plan is intended to reduce regulatory duplication for firms that are common members of both MIAX and FINRA. The plan reduces regulatory duplication for firms that are members of MIAX and FINRA by allocating regulatory

[1] *See* Securities Exchange Act Release No. 79779 (January 12, 2017), 82 FR 6674 (January 19, 2017).

[2] 15 U.S.C. 78s(g)(1).

[3] 15 U.S.C. 78q(d) and 15 U.S.C. 78s(g)(2), respectively.

[4] 15 U.S.C. 78q(d)(1).

[5] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[6] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[7] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[8] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[9] *See* Securities Exchange Act Release No. 73641 (November 19, 2014), 79 FR 70230 (November 25, 2014).

responsibility with respect to certain applicable laws, rules, and regulations. Included in the Plan is an exhibit that lists every MIAX rule for which FINRA bears responsibility under the Plan for overseeing and enforcing with respect to MIAX members that are also members of FINRA and the associated persons therewith (''Certification''). On January 12, 2017, the parties submitted the proposed Amended Plan. The primary purpose of the amendment is to add MIAX PEARL as a Participant to the Plan.

III. Discussion

The Commission finds that the proposed Amended Plan is consistent with the factors set forth in Section 17(d) of the Act [10] and Rule 17d–2(c) thereunder [11] in that the proposed Amended Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed Amended Plan should reduce unnecessary regulatory duplication by allocating to FINRA certain examination and enforcement responsibilities for Common Members that would otherwise be performed by MIAX, MIAX PEARL, and FINRA. Accordingly, the proposed Amended Plan promotes efficiency by reducing costs to Common Members. Furthermore, because MIAX, MIAX PEARL, and FINRA will coordinate their regulatory functions in accordance with the Amended Plan, the Amended Plan should promote investor protection.

The Commission notes that, under the Amended Plan, MIAX, MIAX PEARL, and FINRA have allocated regulatory responsibility for those MIAX and MIAX PEARL rules, set forth in the Certification, that are substantially similar to the applicable FINRA rules in that examination for compliance with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a Common Member's activity, conduct, or output in relation to such rule. In addition, under the Amended Plan, FINRA would assume regulatory responsibility for certain provisions of the federal securities laws and the rules and regulations thereunder that are set forth in the Certification. The Common Rules covered by the Amended Plan are specifically listed in the Certification, as may be amended by the Parties from time to time.

According to the Amended Plan, MIAX and MIAX PEARL will review the Certification, at least annually, or more frequently if required by changes in either the rules of MIAX, MIAX PEARL, or FINRA, and, if necessary, submit to FINRA an updated list of Common Rules to add MIAX and MIAX PEARL rules not included on the then-current list of Common Rules that are substantially similar to FINRA rules; delete MIAX and MIAX PEARL rules included in the then-current list of Common Rules that are no longer substantially similar to FINRA rules; and confirm that the remaining rules on the list of Common Rules continue to be MIAX and MIAX PEARL rules that are substantially similar to FINRA rules.[12] FINRA will then confirm in writing whether the rules listed in any updated list are Common Rules as defined in the Amended Plan. Under the Amended Plan, MIAX and MIAX PEARL will also provide FINRA with a current list of Common Members and shall update the list no less frequently than once each quarter.[13] The Commission believes that these provisions are designed to provide for continuing communication between the Parties to ensure the continued accuracy of the scope of the proposed allocation of regulatory responsibility.

The Commission is hereby declaring effective an Amended Plan that, among other things, allocates regulatory responsibility to FINRA for the oversight and enforcement of all MIAX and MIAX PEARL rules that are substantially similar to the rules of FINRA for Common Members of MIAX and FINRA, and MIAX PEARL and FINRA. Therefore, modifications to the Certification need not be filed with the Commission as an amendment to the Amended Plan, provided that the Parties are only adding to, deleting from, or confirming changes to MIAX or MIAX PEARL rules in the Certification in conformance with the definition of Common Rules provided in the Amended Plan. However, should the Parties decide to add a MIAX or MIAX PEARL rule to the Certification that is not substantially similar to a FINRA rule; delete a MIAX or MIAX PEARL rule from the Certification that is substantially similar to a FINRA rule; or leave on the Certification a MIAX or MIAX PEARL rule that is no longer substantially similar to a FINRA rule, then such a change would constitute an amendment to the Amended Plan, which must be filed with the Commission pursuant to Rule 17d–2 under the Act.[14]

IV. Conclusion

This Order gives effect to the Amended Plan filed with the Commission in File No. 4–678. The Parties shall notify all members affected by the Amended Plan of their rights and obligations under the Amended Plan.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Amended Plan in File No. 4–678, between FINRA, MIAX, and MIAX PEARL, filed pursuant to Rule 17d–2 under the Act, is approved and declared effective.

It is further ordered that MIAX and MIAX PEARL are relieved of those responsibilities allocated to FINRA under the Amended Plan in File No. 4–678.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02739 Filed 2–9–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78q(d).

[11] 17 CFR 240.17d–2(c).

[12] *See* paragraph 2 of the Amended Plan.

[13] *See* paragraph 3 of the Amended Plan.

[14] The Commission also notes that the addition to or deletion from the Certification of any federal securities laws, rules, and regulations for which FINRA would bear responsibility under the Amended Plan for examining, and enforcing compliance by, Common Members, also would constitute an amendment to the Amended Plan.

[15] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79975; File No. SR–NYSEArca–2017–08]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend NYSE Arca Equities Rule 5.2(j)(6)(v) To Add the EURO STOXX 50 Volatility Futures to the Definition of Futures Reference Asset

February 6, 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 27, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(6)(v) to add the EURO STOXX 50 Volatility (VSTOXX®) Futures (''VSTOXX Futures'') to the definition of Futures Reference Asset. 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

NYSE Arca Equities Rule 5.2(j)(6) provides for Exchange listing and trading, including listing pursuant to Rule 19b–4(e) under the Act,[4] of ''Index-Linked Securities'',[5] and, in particular, Futures-Linked Securities, which are Index-Linked Securities with a payment at maturity based on the performance of a Futures Reference Asset.[6] The proposed rule change is based on recently approved amendments to Bats BZX Exchange, Inc. (''BZX'') Rule 14.11(d) to add VSTOXX Futures to the definition of Futures Reference Asset for purposes of listing Index-Linked Securities on BZX.[7]

The Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(6)(v) in order to add VSTOXX Futures to the definition of Futures Reference Asset, which would allow the Exchange to list Futures-Linked Securities linked to VSTOXX Futures through generic listing standards pursuant to Rule 19b–4(e) under NYSE Arca Equities Rule 5.2(j)(6).[8] Prior to listing Futures-Linked Securities linked to VSTOXX Futures pursuant to Rule 5.2(j)(6), an issuer would be required to represent to the Exchange that it will advise the Exchange of any failure of the Futures-Linked Securities to comply with the continued listing requirements.

NYSE Arca Equities Rule 5.2(j)(6)(B)(V) (''Futures-Linked Securities Listing Standards'') requires that a Futures-Linked Security meet one of the following standards: (1) That the Futures Reference Asset to which the security is linked shall have been reviewed and approved for the trading of Futures-Linked Securities or options or other derivatives by the Commission under Section 19(b)(2) of the Act and rules thereunder and the conditions set forth in the Commission's approval order, including with respect to comprehensive surveillance sharing agreements (''CSSAs''), continue to be satisfied; or (2) the pricing information for components of a Futures Reference Asset must be derived from a market which is a member or affiliate of a member of the Intermarket Surveillance Group (''ISG'') or a market with which the Exchange has a CSSA.[9] A Futures Reference Asset may include components representing not more than 10% of the dollar weight of such Futures Reference Asset for which the pricing information is derived from markets that do not meet requirement (2) above; provided, however, that no single component subject to this exception exceeds 7% of the dollar weight of the Futures Reference Asset. As proposed, adding VSTOXX Futures to the definition of Futures Reference Asset would satisfy the first criterion described above and the second criterion would be satisfied by virtue of Eurex Deutschland's (''Eurex'') membership in ISG, as further described below.

Further, any Futures-Linked Securities linked to VSTOXX Futures would also be required to meet both the initial and continued listing standards in NYSE Arca Equities Rule 5.2(j)(6)(B)(V) or be subject to delisting or removal proceedings, which include: (i) That the value of the Futures Reference Asset be calculated and widely disseminated by one or more major market data vendors on at least a 15-second basis during the Exchange's Core Trading Session (normally, 9:30 a.m. to 4:00 p.m., Eastern Time); (ii) for Futures-Linked Securities that are periodically redeemable, the indicative value of the subject Futures-Linked Securities must be calculated and widely disseminated by the Exchange or one or more major market data vendors on at least a 15-second basis during the Exchange's Core Trading Session; (iii) the aggregate market value or the principal amount of the Futures-Linked Securities must be at least $400,000; (iv) the value of the Futures Reference Asset is no longer calculated or available and a new Futures Reference Asset is substituted, unless the new Futures Reference Asset meets the requirements of Rule 5.2(j)(6); or (v) if such other event occurs or condition exists which in the opinion of the Exchange makes further dealings on the Exchange inadvisable. Any Futures-Linked Securities linked to VSTOXX Futures would also be required to meet the listing standards applicable to all Index-Linked Securities under NYSE Arca Equities Rule 5.2(j)(6)(A). Finally, all Index-Linked Securities listed pursuant to NYSE Arca Equities Rule 5.2(j)(6) are included within the definition of ''security'' or ''securities'' as such terms are used in the Exchange rules and, as such, are subject to Exchange rules and procedures that currently govern the trading of securities on the Exchange.

The Exchange believes that the proposed standards would continue to ensure transparency surrounding the listing process for Index-Linked Securities. The Exchange also believes that the existing standards for listing and trading Futures-Linked Securities are reasonably designed to promote a fair and orderly market for such

[4] Rule 19b–4(e) under the Act provides that the listing and trading of a new derivative securities product by a self-regulatory organization (''SRO'') shall not be deemed a proposed rule change, pursuant to section (c)(1) of Rule 19b–4, if the Commission has approved, pursuant to Section 19(b) of the Act, the SRO's trading rules, procedures, and listing standards for the product class and the SRO has a surveillance program for the product class.

[5] As defined in NYSE Arca Equities Rule 5.2(j)(6), the term ''Index-Linked Securities'' includes Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed Income Index-Linked Securities, Futures-Linked Securities and Multifactor Index-Linked Securities.

[6] As defined in NYSE Arca Equities Rule 5.2(j)(6)(v),''Futures Reference Asset'' includes ''an index of (a) futures on Treasury Securities, GSE Securities, supranational debt and debt of a foreign country or a subdivision thereof, or options or other derivatives on any of the foregoing; or (b) interest rate futures or options or derivatives on the foregoing in this subparagraph (b); or (c) CBOE Volatility Index (VIX) Futures.''

[7] *See* Securities Exchange Act Release No. 79069 (October 7, 2016), 81 FR 70714 (October 13, 2016) (SR–BatsBZX–2016–26) (''BATS Filing''). Additional information regarding the VSTOXX and VSTOXX Futures is included in the BATS Filing.

[8] The Exchange also proposes to delete as duplicative the word ''or'' in two places in NYSE Arca Equities Rule 5.2(j)(6)(v).

[9] ISG is comprised of an international group of exchanges, market centers, and market regulators that perform front-line market surveillance in their respective jurisdictions. *See https://www.isgportal.org/home.html.*

Futures-Linked Securities and the addition of VSTOXX Futures to Futures Reference Assets does not affect this. The proposed addition of VSTOXX Futures to those instruments included in Futures Reference Assets would also work in conjunction with the existing initial and continued listing criteria related to surveillance procedures and trading guidelines.

The Exchange believes that its surveillance procedures are adequate to continue to properly monitor the trading of Futures-Linked Securities linked to VSTOXX Futures in all trading sessions and to deter and detect violations of Exchange rules. The issuer of a series of Index-Linked Securities is and will continue to be required to comply with Rule 10A–3 under the Act [10] for the initial and continued listing of Index-Linked Securities, as provided in NYSE Arca Equities Rule 5.2(j)(6)(A)(f). The Exchange notes that the proposed change is not intended to amend any other component or requirement of NYSE Arca Equities Rule 5.2(j)(6).

Additional information regarding the VSTOXX and VSTOXX Futures can be found on the STOXX Limited (''STOXX'') Web site and the Eurex Web site, respectively.[11] The VSTOXX is based on EURO STOXX 50 Index (''Index'') real-time option prices that are listed on the Eurex and are designed to reflect the market expectations of near-term up to long-term volatility by measuring the square root of the implied variances across all options of a given time to expiration. The Index includes 50 stocks that are among the largest free-float market capitalization stocks from 12 Eurozone countries. VSTOXX Futures are cash settled and trade between the hours of 7:30 a.m. and 10:30 p.m. Central European Time (''CET'') (2:30 a.m. and 5:30 p.m. Eastern Time). The VSTOXX Futures contract value is 100 Euros per index point of the underlying and it is traded to two decimal places with a minimum price change of 0.05 points (equivalent to a value of 5 Euros). The daily settlement price is determined during the closing auction of the respective futures contract. The last trading day and final settlement day is 30 calendar days prior to the third Friday of the expiration month of the underlying options, which is usually the Wednesday prior to the second to last Friday of the respective maturity month.

STOXX will compute the Index on a real-time basis throughout each trading day, from 8:50 a.m. until 5:30 CET (3:50 a.m. until 12:30 p.m. Eastern Time. VSTOXX levels will be calculated by STOXX and disseminated by major market data vendors on a real-time basis throughout each trading day.

The Exchange believes that the proposed amendment to add VSTOXX Futures as an underlying Futures Reference Asset will provide investors with the ability to better diversify and hedge their portfolios using an exchange listed security without having to trade directly in the underlying futures contracts, and will facilitate the listing and trading of additional Futures-Linked Securities that will enhance competition among market participants, to the benefit of investors and the marketplace.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[13] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed amendment to add VSTOXX Futures as an underlying Futures Reference Asset will provide investors with the ability to better diversify and hedge their portfolios using an exchange-listed security without having to trade directly in the underlying futures contracts, and will facilitate the listing and trading of additional Futures-Linked Securities 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 relating to trading in Futures-Linked Securities and may obtain information regarding both the Futures-Linked Securities and VSTOXX Futures via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA. In addition, as noted above, investors will have ready access to information on an intraday basis regarding: (i) The value of the Futures Reference Asset, which will be calculated and widely disseminated by one or more major market data vendors on at least a 15-second basis during the Exchange's Core Trading Session; (ii) for Futures-Linked Securities that are periodically redeemable, the indicative value of the securities, which must be calculated and widely disseminated by the Exchange or one or more major market data vendors on at least a 15-second basis during the Exchange's Core Trading Session; and (iii) information regarding market price and trading of Futures-Linked Securities, which will be available on brokers' computer screens and other electronic services, and quotation and last sale information for the securities, which will be available on the facilities of the Consolidated Tape Association. Further, any Futures-Linked Securities linked to VSTOXX Futures would be required to meet both the initial and continued listing standards under NYSE Arca Equities Rule 5.2(j)(6)(B)(V) or be subject to delisting or removal proceedings, which include: (i) That the value of the Futures Reference Asset be calculated and widely disseminated by one or more major market data vendors on at least a 15-second basis during the Exchange's Core Trading Session; (ii) for Futures-Linked Securities that are periodically redeemable, the indicative value of the securities must be calculated and widely disseminated by the Exchange or one or more major market data vendors on at least a 15-second basis during the Exchange's Core Trading Session; (iii) the aggregate market value or the principal amount of the Futures-Linked Securities must be at least $400,000; (iv) the value of the Futures Reference Asset is no longer calculated or available and a new Futures Reference Asset is substituted, unless the new Futures Reference Asset meets the requirements of Rule 5.2(j)(6); or (v) if such other event occurs or condition exists which in the opinion of the Exchange makes further dealings on the Exchange inadvisable. Any Futures-Linked Securities linked to VSTOXX Futures would also be required to meet the listing standards applicable to all Index-Linked Securities in Rule 5.2(j)(6). All Index-Linked Securities listed pursuant to NYSE Arca Equities Rule 5.2(j)(6) are included within the definition of ''security'' or ''securities'' as such terms are used in the Exchange rules and, as such, are subject to Exchange rules and procedures that

[10] 17 CFR 240.10A–3.

[11] Eurex is a member of the ISG and, as such, the Exchange may obtain information regarding trading in the underlying VSTOXX Futures contracts. For a list of the current members and affiliate members of ISG, see *www.isgportal.com*.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

currently govern the trading of securities on the Exchange. Trading in the securities may be halted under the conditions specified in NYSE Arca Equities Rule 5.2(j)(6)(E).

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[14] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change would facilitate the listing and trading of additional types of Futures-Linked Securities, which will enhance competition among market participants, to the benefit of investors and the marketplace and provide investors with the ability to better diversify and hedge their portfolios using an exchange listed security without having to trade directly in the underlying futures contracts. The Exchange believes that this would reduce the time frame for bringing Futures-Linked Securities linked to VSTOXX Futures to market, thereby reducing the burdens on issuers and other market participants and promoting competition. The proposed rule change would enhance competition among listing exchanges because the proposed rule is based on an approved listing standard on BZX.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[17] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange asserts that waiving the operative delay would be consistent with the protection of investors and the public interest because the Commission has already approved a substantially identical proposed rule change submitted by another national securities exchange. In addition, the Exchange asserts that a waiver would accommodate listing and trading, including trading pursuant to unlisted trading privileges, of an issue of Future-Linked Securities based on VSTOXX Futures without additional delay, and would thereby promote intermarket competition in listing and trading such securities, to the benefit of the investing public.

The Commission believes that waiving the operative delay with respect to the proposed rule change is consistent with the protection of investors and the public interest because the proposal does not raise any regulatory issues that were not already addressed by the Commission when approving a substantially identical proposal by another national securities exchange.[19] Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[20]

At any time within 60 days of the filing of this proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings under Section 19(b)(2)(B)[21] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2017–08 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–2017–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–

[14] 15 U.S.C. 78f(b)(8).

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] *See* note 7, *supra*.

[20] For purposes only of waiving the operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78s(b)(2)(B).

NYSEArca–2017–08 and should be submitted on or before March 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–02735 Filed 2–9–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79976; File No. SR–NYSEArca–2017–02]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Certain Rules Related to Flexible Exchange Options

February 6, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on January 25, 2017, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain rules related to Flexible Exchange (''FLEX'') Options. 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 purpose of this filing is to amend certain rules related to FLEX Options, as described below.

FLEX Options are customized equity or index contracts that allow investors to tailor contract terms for exchange-listed equity and index options.[4] The Exchange is proposing to allow FLEX Options in ByRDs, make available additional settlement styles, modify how exercise prices and premiums are expressed, change certain provisions relating to floor-based trading, and modify other related provisions pertaining to FLEX Options.

FLEX Options for Binary Return Derivatives Contracts (''ByRDs'')

The Exchange proposes to modify its rules to enable market participants to trade FLEX options contracts in ByRDs.[5] Specifically, the Exchange proposes to add a new definition of ''FLEX ByRDs,'' which would be a ''Binary Return Derivatives contract on any ByRD-eligible underlying security that is subject to the rules in this Section.''[6] The Exchange also proposes to revise Rule 5.30(b)(15) to include FLEX ByRDs in the definition of ''Series of FLEX Options.''[7] Because FLEX ByRDs would have to be settled in cash, based on the Volume-Weighted Average Price (or VWAP) of the underlying security, market participants could not modify these terms.[8] However, market participants may trade FLEX ByRDs with non-standard strike prices and/or non-standard expiration dates. Regarding position limits, the Exchange proposes to add paragraph (b)(ii) to Rule 5.35 to provide that positions in FLEX ByRDs shall be the same as Non-FLEX ByRDs, as set forth in Rule 5.86(a), except that positions in FLEX ByRDs shall be aggregated with positions in Non-FLEX ByRDs on the same or similar underlying for the purpose of calculating position limits.[9] The Exchange also proposes to include in proposed Rule 5.35(b)(ii) that ''[f]or purposes of the position limits established under this Rule, long positions in 'Finish Low' and short positions in 'Finish High' Binary Return Derivatives shall be considered to be on the same side of the market; and short positions in 'Finish Low' and long positions in 'Finish High' Binary Return Derivatives shall be considered to be on the same side of the market.''[10] Consistent with these changes, the Exchange also proposes to define Non-FLEX ByRDs as ''a Non-FLEX Option that is a Binary Return Derivatives contract,'' in new paragraph (b)(22) to Rule 5.30. The Exchange believes that FLEX ByRDs would enable market participants to negotiate terms that differ from standardized ByRDs, which would, in turn, provide greater opportunities for investors to manage risk through the use of FLEX Options.[11] The Exchange notes that the proposed rules related to FLEX ByRDs are materially identical to rules recently approved on another options exchange.[12]

Additional Settlement Styles for FLEX Options: Asian and Cliquet Style

The Exchange proposes to permit parties to FLEX Index Options on

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Rule 5.30(b)(4) (defining ''FLEX option''). *See generally* Section 4, Flexible Exchange Options, Rules 5.30–5.44.

[5] ByRDs are European-style option contracts on individual stocks, exchange-traded funds (''ETFs'') and Index-Linked Securities that have a fixed return in cash based on a set strike price; satisfy specified listing criteria; and may only be exercised at expiration pursuant to the Rules of the Options Clearing Corporation (the ''OCC''). *See* Rules 5.82(b), 5.90. For a description of ''Exchange-Traded Fund Shares'' and ''Index-Linked Securities,'' *see also* Rule 5.3(g) and (j).

[6] *See* proposed Rule 5.30(b)(19).

[7] *See* proposed Rule 5.30(b)(15) (proposing to add that a ''Series of FLEX Options'' would include, in the case of FLEX ByRDs, all such option contracts of the same class having the same expiration date, strike price, and exercise settlement amount).

[8] *See* ''Statutory Basis'' section herein (in the second paragraph) for further discussion.

[9] The Exchange also proposes to re-format Rule 5.35 to make clear the position limits that apply to each of FLEX Index Options and FLEX Equity Options. In this regard, the Exchange proposes to modify the title of the Rule 5.35 to remove reference to ''Index'' and re-titled it as ''Position Limits for FLEX Options.'' Further, the Exchange proposes reformatting changes to clarify that Rule 5.35(a), with proposed sub-parts (i) and (ii), refers to FLEX Index Options and proposed Rule 5.35(b), refers to FLEX Equity Options. Finally, the Exchange proposes to re-locate current paragraph (d) to Rule 5.35 regarding the aggregation of position limits for FLEX Index Options to proposed paragraph (a)(iii), which would add clarity and consistency to Exchange rules. *See* proposed Rule 5.35(a) and (b).

[10] *See* ''Statutory Basis'' section herein (in the third paragraph) for further discussion.

[11] The Exchange also proposes to modify Rule 5.32(f)(3)(ii) to provide that FLEX ByRDs must be settled the same as non-FLEX ByRDs. *See* proposed Rule 5.32(f)(3)(ii) (discussed herein under ''Additional Updates to Reflect Trading in FLEX Options''); *see also* Rule 5.89 (Determination of the Settlement Price of ByRDs).

[12] *See* Securities Exchange Act Release Nos. 79125 (October 19, 2016), 81 FR 73452 (October 25, 2016) (''MKT Approval Order '') (order approving modifications to FLEX Options, including adding FLEX ByRDs); 78348 (July 15, 2016), 81 FR 47469 (July 21, 2016) (''MKT Notice'') (SR–NYSEMKT–2016–48). *See also* NYSE MKT Rules 900G(b)(16),(17), (22); 903G(c)(3)(i)–(ii); 906G(b)(ii).

Broad-Based Index Options to designate Asian style settlement and Cliquet style settlement, both of which are currently offered on another options exchange.[13]

As proposed in new paragraph (e)(5) of Rule 5.32 and new paragraph (b)(20) of Rule 5.30, FLEX Index Options on Broad-Based Index Options with Asian style settlement would be cash-settled call[14] option contracts for which the final payout would be based on an arithmetic average of specified closing prices of an underlying Broad-Based Index taken on twelve predetermined monthly observation dates, including the expiration date (''Asian option''). The monthly observation dates would be determined by working backwards from the farthest out observation date prior to the expiration date. When the scheduled observation date for an Asian option occurs on a holiday or a weekend, the observation would occur on the immediately preceding business day. The exercise settlement amount for Asian options would be calculated similarly to other options (*i.e.,* the difference between the strike price and the averaged settlement value would determine the value, or ''moneyness'' of the contract at expiration). Asian options would have a term of approximately one year and would expire anytime from 350 to 371 days (*i.e.,* approximately 50 to 53 calendar weeks) from the date of initial listing. The contract multiplier (or Index Multiplier) for an Asian option that settles in U.S. dollars would be $100, for example.[15] Finally, because settlement value is determined by observations taken over a 12-month period, Asian style settlement requires European-style exercise. An example of an Asian FLEX call option expiring in-the-money follows. On January 21, 2015, an investor hedging the value of XYZ Index over a year purchases a call option expiring on January 22, 2016 with a strike price of 2000 and a contract multiplier of $100. The option has monthly observation dates occurring on the 23rd of each month.

Monthly observation date	XYZ index closing value
23–Feb–15	2025.36.
23–Mar–15	2049.34.
23–Apr–15	2019.77.
*22–May–15**	1989.65.
23–Jun–15	2005.64.
23–Jul–15	2035.10.
*21–Aug–15**	2032.15.
23–Sep–15	2076.18.
23–Oct–15	2099.01.
23–Nov–15	2109.32.
23–Dec–15	2085.42.
22–Jan–16	2084.81.
Exercise (Averaged) Settlement Value.	24,611.75/12 = 2050.98.

* Because Asian FLEX options use the ''preceding business day convention,'' the dates of May 23, 2015 and August 23, 2015, were not used in the above example because those dates will fall on a weekend or a holiday. Instead the business days immediately preceding those dates were used as the monthly observation date.

If, in the above example, the strike price for the Asian FLEX call option was 2060, that contract would have expired out-of-the-money. This is because the exercise settlement value for this 2060 call option is equal to 2050.98 (when rounded). Since the strike price of 2060 is more than the 2050.98 exercise settlement value, this option would not be exercised and would expire worthless.

As proposed in new paragraph (e)(6) of Rule 5.32 and new paragraph (b)(21) of Rule 5.30, FLEX Index Options on Broad-Based Index Options with Cliquet style settlement would be cash-settled call[16] option contracts for which the final payout would be based on the sum of monthly returns (*i.e.,* percent changes in the closing value of the underlying Broad-Based Index from one month to the next), subject to a monthly return ''cap'' (*e.g.,* 3%), applied over twelve monthly observation dates (''Cliquet option''). Cliquet options would have a term of approximately one year and would expire anytime from 350 to 371 days (which is approximately 50 to 53 calendar weeks) from the date of initial listing. The contract multiplier for a Cliquet option that settles in U.S. dollars, for example, would be $100.[17]

The parties to a Cliquet option would designate a set of monthly observation dates for each contract and an expiration date for each contract. The monthly observation date would be the date each month on which the price of the underlying broad-based index would be observed for the purpose of calculating the exercise settlement value for Cliquet FLEX Options. Each Cliquet FLEX Option would have 12 consecutive monthly observation dates (which includes an observation on the expiration date) and each observation would be based on the closing price of the underlying broad-based index. The specific monthly observation dates would be determined by working backwards from the farthest out observation date prior to the expiration date. When the scheduled observation date for a Cliquet option occurs on a holiday or a weekend, the observation would occur on the immediately preceding business day. The parties may not designate a subsequent business day convention for Cliquet options.

The parties to a Cliquet option would designate a capped monthly return (percent change in the closing values of the underlying broad-based index from one month to the next month) for the contract, which would be the maximum monthly return that would be included in the calculation of the exercise settlement value for the contract. On each monthly observation date, the Exchange would determine the actual monthly return (the percent change of the underlying broad-based index) using the closing value of the broad-based index on the current monthly observation date and the closing value of the broad-based index on the previous monthly observation date. The Exchange would then compare the actual monthly return to the capped monthly return. The value to be included as the monthly return for a Cliquet option would be the lesser of the actual monthly return or the capped monthly return.

For example, if the actual monthly return of the underlying broad-based index was 1.75% and the designated capped monthly return for a Cliquet option was 2%, the 1.75% value would be included (and not the 2%) as the value for the observation date to determine the exercise settlement value. Using this same example, if the actual monthly return of the underlying broad-based index was 3.30%, the 2% value would be included (and not the 3.30%) as the value of the observation date to determine the exercise settlement value. This latter example illustrates that Cliquet options have a capped upside. Cliquet options do not, however, have a capped downside for the monthly return that would be included in determining the exercise settlement value. Drawing on this same example, if the actual monthly return of the underlying broad-based index was −4.07%, the −4.07% value would be included as the value for the observation date to determine the exercise settlement value. There would be, however, be a global floor for Cliquet

[13] *See e.g.,* Chicago Board Options Exchange, Inc. (''CBOE'') Rules 24A.1 (Definitions), 24A.4 (Terms of FLEX Options), 24B.1 (Definitions) and 24B.4 (Terms of FLEX Options). *See also* NYSE MKT Rules 900G(b)(18), (19); 903G(b)(4),(5). FLEX ByRDs could not be settled using Asian or Cliquet settlement. *See, e.g., supra* note 11.

[14] Puts would not be permitted.

[15] *See* Rule 5.30(b)(9) providing that Index Multiplier means the monetary amount, stated in terms of the settlement currency specified in the contract, by which the current index value is to be multiplied to arrive at the value required to be delivered to the holder of a call or by the holder of a put upon valid exercise of the option and setting forth the established Index Multipliers for FLEX Index Options on domestic indices.

[16] Puts would not be permitted.

[17] *See id.*

options so that if the sum of the monthly returns is negative, a Cliquet option would expire worthless.

Unlike other options, Cliquet options would not have a traditional exercise (strike) price. Rather, the exercise (strike) price field for a Cliquet option would represent the designated capped monthly return for the contract and would be expressed in dollars and cents. For example, a capped monthly return of 2.25% would be represented by the dollar amount of $2.25. The ''strike'' price for a Cliquet option may only be expressed in a dollar and cents amount and the ''strike'' price for a Cliquet option may only span a range between $0.05 and $25.95. In addition, the ''strike'' price for a Cliquet option may only be designated in $0.05 increments, *e.g.,* $1.75, $2.50, $4.15. Increments of $0.01 in the ''strike'' price field (representing the capped monthly return) would not be permitted.

The first ''monthly'' return for a Cliquet option would be based on the initial reference value, which would be the closing value of the underlying broad-based index on the date a new Cliquet option is listed. The time period measured for the first ''monthly'' return would be between the initial listing date and the first monthly observation date. For example, if a Cliquet option was opened on January 1 and the parties designated the 31st of each month as the monthly observation date, the measurement period for the first monthly return would span the time period from January 1 to January 31. The time period measured for the second monthly return, and all subsequent monthly returns, would run from the 31st of one month to the 31st of the next month (or the last Exchange business day of each month depending on the actual number of calendar days in each month covered by the contract).

Cliquet options would have European-style exercise and may not be exercised prior to the expiration date. The exercise settlement value for Cliquet options would be equal to the initial reference price of the underlying broad-based index multiplied by the sum of the monthly returns (with the cap applied) on the 12 consecutive monthly observation dates, which include the expiration date of the option, provided that the sum is greater than 0. If the sum of the monthly returns (with the applied cap) is 0 or a less, the option would expire worthless.

An example of a Cliquet option follows. On January 21, 2015, an investor hedging the value of the S&P 500 Index over a year purchases a Cliquet FLEX call option expiring on January 22, 2016 with a capped monthly return of 2% and a contract multiplier of $100. The initial reference price of the S&P 500 Index (closing value) on January 21, 2015 is 2000. The option has monthly observation dates occurring on the 23rd of each month.

Monthly observation date	S&P 500 index closing value (Si)	Actual monthly return %	Capped monthly return (CMRi) %	Sum of monthly returns %
23-Feb-15	2025.36	1.27	1.27	1.27
23-Mar-15	2049.34	1.18	1.18	2.45
23-Apr-15	2019.77	−1.44	−1.44	1.01
*22-May-15**	1989.65	−1.49	−1.49	−0.48
23-Jun-15	2005.64	0.80	0.80	0.32
23-Jul-15	2035.10	1.47	1.47	1.79
*21-Aug-15**	2032.15	−0.14	−0.14	1.65
23-Sep-15	2076.18	2.17	***2.00*	3.65
23-Oct-15	2099.01	1.10	1.10	4.75
23-Nov-15	2109.32	0.49	0.49	5.24
23-Dec-15	2085.42	−1.13	−1.13	4.11
22-Jan-16	2084.81	−0.03	−0.03	4.08
Exercise Settlement Value	[(4.08% * 2000.00)] + 2 = 83.60			

* Because Cliquet FLEX options use the ''preceding business day convention,'' the dates of May 23, 2015, and August 23, 2015, were not used in the above example because those dates fall on a weekend or a holiday. Instead the business days immediately preceding those dates were used as the monthly observation dates.

** Monthly capped return applied.

The exercise settlement amount for this January 22, 2016 Cliquet option, with a capped monthly 2% return (''strike price'') and a contract multiplier of $100 would be equal to $8,360. This value would be calculated by summing the monthly capped returns (equal to 4.08%) and multiplying that amount by the initial reference price (equal to 2000), which equals 81.60. The ''strike price'' (2%) amount would then be added to that amount (81.60) to arrive at an exercise settlement value of 83.60. Because the ''strike price'' field for a Cliquet option would be the manner in which the designated capped monthly return would be identified for the contract and because the designated monthly return for the contract would have been already substantively applied to determine the exercise settlement value, the ''strike price'' of 2.0 would be subtracted from the exercise settlement value before the contract multiplier ($100) would be applied [(83.60—2) * 100]. Accordingly, resulting payout for this contract would be $8,160.

If the sum of the monthly capped returns had been negative, this option would have expired worthless.

Regarding the proposed settlement styles, the Exchange would use the same surveillance procedures currently utilized for the Exchange's other FLEX Options, including FLEX Index Options.[18] The Exchange further represents that these surveillance procedures will be adequate to monitor trading in these option products. For surveillance purposes, the Exchange would have access to information regarding trading activity in the pertinent underlying securities.

FLEX Exercise Prices and Premiums

The Exchange also proposes to modify how exercise prices and premiums for FLEX Options may be expressed, which would reflect recent changes in the marketplace. The Exchange notes that when it adopted rules for FLEX Options,

[18] *See* ''Statutory Basis'' section herein (in the fourth paragraph) for further discussion.

strike prices were designated in one-eighth of a dollar, and options were priced in fractions of a dollar.[19] Now that decimalization has been applied to options trading, including trading in FLEX Options, certain exchange rules have been revised to reflect the decimal equivalent of a previously approved fractional term. Thus, the Exchange proposes to collapse current Rules 5.32(f)(2) and (f)(5) into a revised Rule 5.32(f)(2), to provide that exercise prices and premiums may be stated in terms of:

(i) A dollar amount; (ii) a method for fixing such a number at the time a FLEX Request for Quote or FLEX Order is traded; or (iii) a percentage of the price of the underlying security at the time of the trade or as of the close of trading on the Exchange on the trade date.

The Exchange notes that this change would align with the Exchange's treatment of FLEX Index Options as well as the rules of other exchanges.[20] In addition, the Exchange proposes to modify Rule 5.32 by adding new paragraph (e)(2)(C) and modifying paragraph (f)(2) to provide that:

Exercise prices may be rounded to the nearest minimum tick or other decimal increment determined by the Exchange on a class-by-class basis that may not be smaller than $0.01. Premiums will be rounded to the nearest minimum tick. For exercise prices and premiums stated using a percentage-based methodology, such values may be stated in a percentage increment determined by the Exchange on a class-by-class basis that may not be smaller than 0.01% and will be rounded as provided above.[21]

The Exchange notes that this proposed change is consistent with the rules of another options exchange.[22] The Exchange believes this change would provide greater flexibility in terms of describing an option contract tailored to the needs of the investor.

Additional Updates To Reflect Trading in FLEX Options

The Exchange is also proposing the following modifications to streamline and update FLEX Options Rules:

• ''*FLEX*'' *Options.* The Exchange proposes to define ''FLEX'' as shorthand for Flexible Options in the title of Section 4.[23]

• *Flex Post Official.* The Exchange proposes to modify the name of ''FLEX Post Official'' to eliminate ''Post'' from the title to more accurately reflect the position.[24] When the Exchange first began trading FLEX Options, it designated FLEX Post Officials to refer to specially qualified Trading Officials stationed at specific FLEX posts to address the nuances related to those products (*e.g.,* the method for announcing a Request for Quotes and appointing FLEX Qualified Market Makers). However, as trading in FLEX Options gained popularity, it became apparent that liquidity for FLEX Options was more readily available at trading posts where the standard options in the underlying security traded rather than at a specific FLEX post. Thus, the Exchange proposes to change the name of ''FLEX Post Official'' in Rules 5.30(b)(7) and 5.38 to eliminate the reference to physical FLEX posts and to refer simply to ''FLEX Officials'', which would better reflect the realities of trading FLEX Options on the Exchange and clarify and add transparency to Exchange rules.[25]

• *FLEX Trading Procedures and Principles.* The Exchange proposes to modify Rule 5.33 (FLEX Trading Procedures and Principles) to likewise update the rule text to accurately reflect trading in FLEX Options. First, the Exchange proposes to modify paragraphs (a)(1) and (2) of Rule 5.33, which provide that FLEX Market Makers handle Requests for Quotes from OTP Holders and OTP Firms when, [sic] to more appropriately reflect that FLEX Officials conduct this work on the Exchange. Thus, the Exchange proposes to replace references to FLEX Market Maker with FLEX Official in Rule 5.33(a)(1)–(2).[26] The Exchange notes that FLEX Officials are Exchange employees that report to the regulatory officer of the Exchange. As such, the Exchange would ensure that each FLEX Official, or any other designated qualified employees called in to assist the FLEX Official, are properly qualified and meet any necessary requirements.[27] The Exchange believes the regulatory oversight of FLEX transactions by a properly qualified FLEX Official could help to ensure that FLEX transactions comply with the FLEX rules.[28] The proposal to replace certain duties of a FLEX Market Maker with respect to FLEX Options transactions with duties assigned to a FLEX Official, who is an Exchange employee, is consistent with the FLEX rules of other exchanges.[29] Second, consistent with the foregoing changes, the Exchange proposes to modify Rule 5.33(a)(2) and (c)(1)–(3) to more accurately reflect the handling of FLEX Quotes and requests for such quotes. When the Exchange introduced FLEX Options, the Exchange displayed FLEX Request for Quotes and FLEX Quotes at the FLEX post. However, over time, Floor Participants would ask Floor Brokers to communicate the existence of trading interest in particular FLEX Options through various means to their customers and correspondents. Thus, the Exchange proposes to revise the rules to reflect that the FLEX Request for Quotes or the FLEX Quotes are ''disseminated'' (rather than displayed), which would add clarity and transparency to Exchange rules.[30]

• *Obsolete Foreign Currencies.* The Exchange proposes to modify rule text relating to FLEX Options to remove obsolete references to foreign currencies that are no longer in circulation, which would add clarity and transparency to Exchange rules. Specifically, the Exchange proposes to remove references in the FLEX rules to Deutsche Marks and French Francs.[31]

• *FLEX Options Trading.* The Exchange proposes to collapse the two separate current Rules 5.31(a) (Hours of Trading) and 5.31(b) (Trading Rotations) into a single proposed Rule 5.31, FLEX Option Trading, with the paragraphs (a) and (b) providing the same headings and substantive rule text, which would add internal consistency to the format of Exchange rules.[32]

[19] *See* Rule 5.32(f)(2) (providing that exercise prices may be rounded to the nearest .10 or one-eighth of a dollar) and (f)(5) (providing that exercise prices may be rounded to the nearest .10).

[20] *See, e.g.,* Rule 5.32(e)(2); CBOE Rule 24A.4(b)(2) and (c)(2); NYSE MKT Rules 903G(b)(1), (c)(2).

[21] *See* proposed Rule 5.32(e)(2)(C) and (f)(2). The proposed rule removes reference to exercise prices being rounded to the nearest tenth or one-eighth of a dollar. *See id.*

[22] *See, e.g.,* CBOE Rule 24A.4(b)(2) (permitting bids and offers, strikes and premiums to be expressed in increments determined by the Exchange, which increments may be no smaller than $0.01). *See also* NYSE MKT Rules 903G(b)(1), (c)(2).

[23] *See* proposed Section 4 (Flexible Exchange (''FLEX'') Options). The Exchange also proposes to revise Rule 5.30(b)(2) to remove an errant semi-colon from the term ''BBO Improvement Interval.''

[24] *See* proposed Rule 5.30(b)(7) and 5.38.

[25] *See* proposed Rules 5.30(b)(7), 5.37(c), and 5.38. Similarly, because there are no longer physical posts on the Trading Floor that are solely ''FLEX posts,'' the Exchange proposes to remove the FLEX modifier from Rule 5.33(b)(1) and Rule 6.78(e)(1)(C) and (E) (Transactions Off the Exchange), such that the revised rule text refers only to a ''post.'' *See* proposed Rules 5.33(b)(1) and 6.78(e)(1)(C), (E).

[26] The Exchange notes that reference to FLEX Official is consistent with proposed Rule 5.30(b)(7).

[27] *See* proposed Rule 5.38 (detailing duties of Exchange employees designated to act as FLEX Officials).

[28] *See id.*

[29] *See, e.g.,* CBOE Rule 24A.5(a)(i) and (ii), 24A.12(b) ; MKT Rule 900G(21) and 910G [sic].

[30] *See* proposed Rule 5.33(a)(2) and (c)(1)–(3).

[31] *See* proposed Rules 5.30(b)(9), 5.32(e)(4), 5.33(g).

[32] *See* proposed Rule 5.31. The Exchange proposes two non-substantive revisions to existing rule text to add the word ''Options'' after ''FLEX'' and capitalizing the ''o'' in Options at the end of paragraph (a). Both changes would add clarity to

Continued

• *Terms of FLEX Options.* The Exchange proposes to modify several aspects of Rule 5.32 (Terms of FLEX Options). First, the Exchange proposes to clarify that each FLEX Request for Quote and FLEX contract must contain the underlying security in the case of FLEX Equity Options or (rather than ''and'') underlying index, in the case of FLEX Index Options.[33] The Exchange believes this change would add clarity and transparency to Exchange rules.

Second, the Exchange proposes to modify Rule 5.32(b)(7) to make clear that the minimum size of one contract for FLEX Options applies to both transactions (per current rule text) ''and quotations'' (per proposed rule text). This proposed change corresponds to the Commission's approval, in 2014, of the Exchange's proposal to adopt on a permanent basis its pilot program regarding minimum value sizes for opening transactions in new series of FLEX Options and FLEX Quotes.[34] The Exchange believes this change would add clarity and transparency to Exchange rules.

The Exchange is proposing to modify Rule 5.32(f)(3) to address exercise settlement of FLEX Options that are FLEX ByRDs, as the current rule only addresses exercise settlement by physical delivery.[35] Specifically, the Exchange proposes to designate the current description of exercise settlement by physical delivery as paragraph (3)(i) and to make clear this provisions applies solely to FLEX Equity Options other than FLEX ByRDs. Finally, the Exchange proposes paragraph (3)(ii) to state that exercise settlement and style of FLEX ByRDs would be the same as Non-FLEX ByRDs, pursuant to the VWAP settlement provision set forth in Rule 5.89 and pursuant to the European exercise style set forth in Rule 5.82(b)(1).''[36]

Finally, the Exchange also proposes to modify Commentary .01 to Rule 5.32, to provide that FLEX Options may be permitted in puts and calls that do not have identical terms, including, as proposed, ''the same settlement style.'' Commentary .01 to Rule 5.32 is designed to prevent the trading of a FLEX Option that has the exact same terms (underlying security, exercise style, expiration date, exercise price and, as proposed, settlement style) as a Standard or (non-FLEX) Option. In other words, as long as just one term of the FLEX Option is different from an existing ''regular'' or ''non-FLEX'' option it may be traded as a FLEX Option.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[37] in general, and furthers the objectives of Section 6(b)(5) of the Act,[38] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposal to add FLEX ByRDs would remove impediments to and perfect the mechanism of a free and open market as FLEX ByRDs would enable market participants to negotiate terms that differ from standardized ByRDs, which would, in turn provide greater opportunities for investors to manage risk through the use of FLEX Options to the benefit of investors and the public interest. The Exchange notes that ByRDs are subject to heightened initial and continued listing standards and the settlement price based on an all-day VWAP, which should address any potential manipulation concerns.[39] The Exchange believes that specifying that FLEX ByRDs can only be traded on ByRDs-eligible underlying securities that meet the same heightened initial and continued listing standards as ByRDs, thereby helping to ensure that only highly capitalized, actively traded stocks and ETFs will underlie cash-settled FLEX ByRDs, as well as requiring settlement based on all-day VWAP (as required for standardized ByRDs), should help to mitigate concerns about manipulation in the underlying security to benefit a position in FLEX ByRDs.[40]

The Exchange further believes that establishing position limits for FLEX ByRDs to be the same as Non-FLEX ByRDs position limits, which are currently 25,000 contracts on the same side of the market,[41] and aggregating positions in Flex ByRDs with Non-FLEX ByRDs on the same or similar underlying security for purposes of calculating position limits is reasonable and consistent with the Act. In approving position limits for ByRDs, the Commission noted that these position limits appeared to reasonably balance the promotion of a free and open market for these securities with minimization of incentives for market manipulation.[42] By establishing the same position limits for FLEX ByRDs as for Non-FLEX ByRDs and, importantly, aggregating such positions on the same side of the market,[43] the Exchange similarly believes that the position limit requirements for FLEX ByRDs should help to ensure that the trading of FLEX ByRDs would not increase the potential for manipulation and could help to minimize such incentives. Moreover, as noted above, because FLEX ByRDs must, like standardized ByRDs, be cash settled, European-style exercise, with a settlement price based on an all-day VWAP (and meet heightened listing and continued listing standards), unlike other FLEX Options, the only non-standardized terms that can be flexed are strike prices and expiration dates. Further, the Exchange would surveil trading in FLEX ByRDs utilizing existing surveillance procedures pertaining to Non-FLEX ByRDs and FLEX Options. Finally, the Exchange notes that its proposal to offer FLEX ByRDs is consistent with the rules of another options exchange and therefore raise no novel issues for the Commission.[44]

The Exchange believes that the proposal to permit additional settlement types—Asian and Cliquet—would remove impediments to and perfect the

Exchange rules by consistently referring to the defined term ''FLEX Options.'' *See* proposed Rule 5.31(a).

[33] *See* proposed Rule 5.32(b)(1). The Exchange also proposes to modify the punctuation Rule 5.32(b)(6) from a period to a semi-colon and to add the word ''and'' to add internal consistency to Exchange rules.

[34] *See* Securities and Exchange Act Release No. 72537 (July 3, 2014) 79 FR 39442 (July 10, 2014) (SR–NYSEArca–2014–25). In addition, the Exchange proposes to eliminate text from Rule 5.36(b)–(c) (Exercise Limits) that contradicts the approved one contract minimum size for FLEX transactions.

[35] Rule 5.32(f)(3) currently provides that ''[e]xercise settlement shall be by physical delivery of the underlying security or Exchange-Traded Fund Shares.''

[36] *See* proposed Rule 5.32(f)(3)(i)–(ii).

[37] 15 U.S.C. 78f(b).

[38] 15 U.S.C. 78f(b)(5).

[39] *See* Securities Exchange Act Release No. 56251 (August 14, 2007), 72 FR 46523, 46524 (August 20, 2007) (SR–Amex–2004–27) (''ByRDs Order''). *See also* Securities Exchange Act Release No. 77044 (February 3, 2016), 81 FR 6908 (February 3, 2016) (SR–Arca–2016–16) (immediate effectiveness filing adopting rules relating to ByRDs).

[40] *See* MKT Approval Order, *supra* note 12, 81 FR at 73457.

[41] The exercise limits for FLEX ByRDs will be equivalent to the position limits for FLEX ByRDs described in proposed Rule 5.35(b)(ii). *See* Rule 5.36.

[42] *See* ByRDs Order, *supra* note 39, 72 FR at 76525.

[43] For purposes of these position limits, long positions in ''Finish Low'' and short positions in ''Finish High'' ByRDs would be considered to be on the same side of the market; and short positions in ''Finish Low'' and long positions in ''Finish High'' ByRDs would be considered to be on the same side of the market. See proposed Rule 5.35 (b)(ii).

[44] *See* MKT Approval Order, *supra* note 12.

mechanism of a free and open market because the proposed rule change would provide OTP Holders with enhanced methods to manage risk by more finely tailoring a FLEX Option, within specified limits, to the underlying security or index through a variety of settlement calculations and styles. In addition, this proposal would promote just and equitable principles of trade and protect investors and the general public because the additional settlement styles for FLEX Options would provide investors with additional trading and hedging tools. The Exchange also believes that the Exchange's proposal to allow Asian and Cliquet style settlement for FLEX Index Options on Broad-Based Index Options may give investors and other market participants the ability to individually tailor, within specified limits, certain terms of those options. Furthermore, the Exchange believes that, since both Asian and Cliquet settlement styles depend on multiple measurements in determining the settlement value, both settlement styles could to help mitigate the potential for manipulation in the underlying security(ies). Further, the Exchange notes that its proposal to offer Asian and Cliquet-style settlement for FLEX Index Options is consistent with the rules of another options exchange and therefore raise no novel issues for the Commission.[45]

The Exchange believes the proposed changes to FLEX Exercise Prices and Premiums would remove impediments to and perfect the mechanism of a free and open market as this change would provide greater flexibility in terms of describing an option contract tailored to the needs of the investor. In addition, the Exchange believes that the proposal to specify how exercise prices and premium for FLEX Index Options and FLEX Equity Options will be rounded and how they will be stated using a percentage-based methodology should provide greater clarity and allow market participants to specify contracts that meet their particular needs. In addition, the proposed changes would promote internal consistency in our own rules (including by removing a reference to fraction pricing to be consistent with the shift to decimal pricing found elsewhere in Exchange rules) and would align our rules with that of another options exchange and therefore raise no novel issues for the Commission.[46]

Regarding the proposed settlement styles, the Exchange would use the same surveillance procedures currently utilized for the Exchange's other FLEX Options, including FLEX Index Options. The Exchange further represents that these surveillance procedures shall be adequate to monitor trading in options on these option products. For surveillance purposes, the Exchange would have complete access to information regarding trading activity in the pertinent underlying securities.

The Exchange believes the proposal to provide that FLEX Officials, and not FLEX Market Makers, would be responsible for assuring that a Request for Quotes is submitted properly as a FLEX Option and for displaying the terms and specifications of the Request for Quotes would remove impediments to and perfect the mechanism of a free and open market as the regulatory oversight of FLEX transactions by a properly qualified FLEX Official could help to ensure that FLEX transactions comply with the FLEX rules.

Finally, the remaining proposed changes to FLEX Options would remove impediments to and perfect the mechanism of a free and open market as the changes correct inaccuracies in rule text and update the rules to better reflect the Exchange's current practices with respect to FLEX Options, which have evolved over time. In particular, the Exchange believes that the proposed changes to refer to FLEX Requests for Quotes and FLEX Quotes as being disseminated and remove the concept of a post specific to the trading of FLEX options will align the rules with current trading practices on the Exchange's floor. The Exchange believes the proposed changes would provide transparency and internal consistency within Exchange rules and operate to protect investors and the investing public by making the Exchange rules easier to navigate and comprehend.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors because it is designed to provide investors seeking to effect FLEX Option orders with the opportunity for different methods of settling option contracts at expiration. The proposed changes are also designed to update Exchange rules regarding FLEX Options, including by removing obsolete references, which should likewise improve the competitiveness of the Exchange by making it a more attractive venue for trading.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. The Exchange also believes the proposed rule change promotes competition because it would enable the Exchange to provide market participants with FLEX Options transaction possibilities that are similar to that of other options exchanges. The Exchange believes the proposed rules encourage competition amongst market participants to provide tailored FLEX Options contracts.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[47] and Rule 19b–4(f)(6) thereunder.[48] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[49] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[45] *See supra* note 13.

[46] *See supra* note 20.

[47] 15 U.S.C. 78s(b)(3)(A)(iii).

[48] 17 CFR 240.19b–4(f)(6).

[49] 15 U.S.C. 78s(b)(2)(B).

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–2017–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–02, and should be submitted on or before March 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[50]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–02736 Filed 2–9–17; 8:45 am]

BILLING CODE 8011–01–P

[50] 17 CFR 200.30–3(a)(12).

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 Advisory Committee on Small and Emerging Companies will hold a public meeting on Wednesday, February 15, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC.

The meeting will begin at 9:30 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On January 30, 2017, the Commission published notice of the Committee meeting (Release No. 33–10292), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging companies under the federal securities laws.

For further information, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: February 8, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–02906 Filed 2–8–17; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 9880]

Notice of Availability of the Draft Supplemental Environmental Impact Statement (SEIS) for the Proposed Enbridge Energy, Limited Partnership Line 67 Expansion Project and Announcement of a Public Meeting

AGENCY: Department of State.

ACTION: Notice; solicitation of comments.

SUMMARY: The U.S. Department of State (Department) announces availability for the public review and comment of the *Draft Supplemental Environmental Impact Statement for the Line 67 Expansion* (Draft SEIS). This document analyzes the potential environmental effects of issuing a Presidential Permit authorizing an increase in flow of liquid hydrocarbons through the Line 67 pipeline border segment. The Draft SEIS was prepared consistent with the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] Section 4321, *et seq.*), the regulations of the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500–1508), and the Department's NEPA implementing regulations (22 CFR part 161).

DATES: The Department invites U.S. agencies, organizations, tribal governments, and members of the public to submit comments to assist the Department in identifying environmental and other relevant issues, any measures that might be adopted to reduce the proposed Project's environmental impacts, and other information relevant to the Draft SEIS. The 45-day public comment period begins with the publication of this Notice on February 10, 2017 and ends on March 27, 2017. Comments submitted electronically through *www.regulations.gov* as described below are strongly encouraged, but all comments will be given equal weight. The Department will consider comments received or postmarked by March 27, 2017.

All comments received during the public comment period may be made public, no matter how initially submitted. Comments are not private and will not be edited to remove identifying or contact information. The Department cautions commenters against including any information that they would not want publicly disclosed. The Department further requests that any party soliciting or aggregating comments from other persons direct those persons not to include any identifying or contact information, or information they would not want publicly disclosed, in their comments.

The Department will hold a public meeting on Tuesday March 7, 2017 at the Sanford Center, 1111 Event Center Drive NE., Bemidji, Minnesota from 4:30 to 7:30 p.m.

ADDRESSES: Parties may submit comments at *http://www.regulations.gov* by entering the ''Enbridge Line 67'' into the search field and following the prompts. Written comments should be addressed to: Ms. Mary D. Hassell, U.S. Department of State, 2201 C Street NW., Room 2727, Washington, DC 20520. As described above, comments are not private. All comments from agencies or organizations should indicate a contact person for the agency or organization.

FOR FURTHER INFORMATION CONTACT: Project details on the Enbridge application for a new Presidential Permit for Line 67 (including the amendment thereto), as well as the Draft SEIS and information on the Presidential Permit process, are available on the following Web site: *http://www.state.gov/e/enr/applicant/applicants/.*

Please refer to this Web site or contact Ms. Mary D. Hassell at the address listed in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION: The Department evaluates Presidential Permits under Executive Order (E.O.) 13337 and 11423, as amended. E.O. 13337 delegates to the Secretary of State the President's authority to receive applications for permits for the construction, operation or maintenance of facilities for the exportation and importation of petroleum, petroleum products, coal or other fuels (except natural gas) at the borders of the United States, and to issue or deny such Presidential Permits upon a national interest determination. To make this determination, the Department considers many factors, including but not limited to foreign policy; energy security; environmental, cultural and economic impacts; and compliance with applicable law and policy.

On March 15, 2013, the Department issued a *Notice of Intent (NOI) To Prepare a Supplemental Environmental Impact Statement (SEIS) and To Conduct Scoping and To Initiate Consultation consistent With the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) for the Proposed Enbridge Energy, Limited Partnership, Line 67 Capacity Expansion Project* (2013 NOI) in the **Federal Register** (78 FR 16565). The 2013 NOI informed the public that the Department would be preparing an SEIS in support of its review of a November 2012 application from Enbridge Energy, Limited Partnership (Enbridge) for a new Presidential Permit that would, if granted, authorize Enbridge to operate its existing Line 67 at the pipeline's full design capacity. In June 2014, Enbridge informed the Department that Enbridge intends to increase pumping capacity outside of the Line 67 ''border segment'' (the portion of Line 67 from the Canadian border to the first mainline shut-off valve in the United States, which is the segment that would be covered by a Presidential Permit), and to interconnect Line 67 with another Enbridge pipeline (Line 3) on both sides of the border segment. In light of the changes in the project description, the Department issued an amended NOI (2014 NOI) on August 18, 2014 (79 FR 48817) and conducted additional public scoping. A description of the proposed project is included in the 2014 NOI and within Chapter 2 of the Draft SEIS.

Availability of the Draft SEIS

Copies of the Draft SEIS have been distributed to state and governmental agencies, tribal governments, and other interested parties. Printed copies of the document may be obtained by visiting the libraries listed below or by contacting Mary Hassell at the above address. The Draft SEIS is available on the project Web site at *http://www.state.gov/e/enr/applicant/applicants/.*

A.C. Clark Library, Bemidji, MN
Bemidji Public Library, Bemidji, MN
Cass Lake Community Library, Cass Lake, MN
Cloquet Public Library, Cloquet, MN
Duluth Public Library, Duluth, MN
Grand Rapids Public Library, Grand Rapids, MN
Hallock Public Library, Hallock, MN
Northwest Regional Library, Thief River Falls, MN
Pembina School and Public Library, Pembina, ND
Superior Public Library, Superior, WI

Barton J. Putney,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2017–02749 Filed 2–9–17; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 9881]

Notice of Receipt of TransCanada Keystone Pipeline, L.P.'s Re-Application for a Presidential Permit To Construct, Connect, Operate, and Maintain Pipeline Facilities on the Border of the United States and Canada

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: TransCanada Keystone Pipeline, L.P. (''TransCanada'') applied on May 4, 2012 to the U.S. Department of State (''Department'') for a Presidential Permit that would authorize the construction, connection, operation, and maintenance of pipeline facilities on the U.S./Canadian border in Phillips County, Montana for the importation of crude oil. The border facilities would be part of a proposed 875-mile pipeline and related facilities (the Keystone XL project) that is designed to transport up to 830,000 barrels per day of crude oil from Alberta, Canada and the Bakken shale formation in North Dakota and Montana. The pipeline would cross the U.S. border near Morgan, Montana and continue through Montana, North Dakota, South Dakota, and Nebraska, where it would connect to existing pipeline facilities near Steele City, Nebraska for onward delivery to Cushing, Oklahoma and the U.S. Gulf Coast Region.

On November 6, 2015, the Department announced the Secretary of State's determination under Executive Order 13337 that issuing a Presidential Permit to TransCanada for the proposed Keystone XL pipeline's border facilities would not serve the national interest, and denied the Permit application. On January 24, 2017, President Donald J. Trump issued a Presidential Memorandum (the ''Presidential Memorandum'') on the Construction of the Keystone XL Pipeline which, *inter alia,* invited TransCanada ''to re-submit its application to the Department of State for a Presidential permit for the construction and operation of the Keystone XL Pipeline. . . .'' The Presidential Memorandum is reproduced in its entirety at the end of this notice.

The Department has received a re-submitted application from TransCanada and will conduct a review of the application in accordance with the Presidential Memorandum and any other applicable requirements.

On February 5, 2014, the Department invited members of the public to comment on any factor they deem relevant to the national interest determination that will be made for the Keystone XL project application (79 FR 6984) and it is not inviting further public comment at this time.

Background information related to the application, including a copy of TransCanada's re-submitted application may be found at *http://www.keystonepipeline-xl.state.gov.*

FOR FURTHER INFORMATION CONTACT: Director, Energy Resources Bureau, Energy Governance and Access, Policy Analysis and Public Diplomacy (ENR/EGA/PAPD), United States Department

of State, 2201 C St. NW., Suite 4422, Washington, DC 20520.

Richard W. Westerdale II,

Director, Energy Resources Bureau, Energy Governance and Access, Policy Analysis and Public Diplomacy (ENR/EGA/PAPD), Bureau of Energy Resources, Department of State.

Presidential Memorandum Regarding Construction of the Keystone XL Pipeline

MEMORANDUM FOR THE SECRETARY OF STATE, THE SECRETARY OF THE ARMY, THE SECRETARY OF THE INTERIOR

SUBJECT: Construction of the Keystone XL Pipeline

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

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

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

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

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

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

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

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

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

(iv) The agency notification and fifteen-day delay requirements of sections 1(g), 1(h), and 1(i) of Executive Order 13337 are hereby waived on the basis that, under the circumstances, observance of these requirements would be unnecessary, unwarranted, and a waste of resources.

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

(c) Department of the Interior. The Secretary of the Interior, as well as the Directors of the Bureau of Land Management and the United States Fish and Wildlife Service, shall, if the application referred to in section 2 is submitted and a Presidential permit issued, take all steps necessary and appropriate to review and approve as warranted, in an expedited manner, requests for approvals related to the Keystone XL Pipeline, to the maximum extent permitted by law, including: (i) requests for grants of right-of-way and temporary use permits from the Bureau of Land Management; (ii) requests under the United States Fish and Wildlife Service's regulations implementing the Migratory Bird Treaty Act, 16 U.S.C. 703 *et seq.;* and (iii) requests for approvals or other relief related to other applicable laws and regulations.

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

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

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

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

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

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

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

Donald J. Trump

[FR Doc. 2017–02740 Filed 2–9–17; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Colorado

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies related to the Central 70 project in Denver and Aurora, Colorado, that are final within the meaning of 23 U.S.C. 139(l)(1).

DATES: By this notice, FHWA is advising the public of final agency actions subject to the statute of limitations in 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 10, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Chris Horn, Senior Area Engineer, Federal Highway Administration Colorado Division, 12300 W. Dakota Avenue, Lakewood, CO 80228, 720–963–3017, *Chris.Horn@dot.gov,* normal business hours are 7:00 a.m. to 3:30 p.m. (Mountain time); or Vanessa Henderson, I–70 East Environmental Manager, Colorado Department of Transportation, 2000 South Holly Street, Denver, CO 80222, 303–512–5902, *vanessa.henderson@state.co.us,* normal

business hours are 7:00 a.m. to 4:30 p.m. (Mountain time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA and other agencies have taken final agency action within in the meaning of 23 U.S.C. 139(l)(1) by approving the Central 70 highway project in the State of Colorado in the Record of Decision issued January 19, 2017. Project Overview: I–70 between I–25 and Chambers Road is one of Colorado's economic backbones. The corridor is home to 1,200 businesses, connecting the region to Denver International Airport and carrying upwards of 200,000 vehicles per day. The purpose of the project is to implement a transportation solution that improves safety, access, and mobility and addresses congestion on I–70 in the project area. The Central 70 project proposes to reconstruct and improve a 10-mile stretch of I–70, which will include adding one new express lane in each direction, removing the interstate from an aging viaduct and placing it below grade, and constructing a four-acre cover over a portion of the lowered section. The actions by the Federal agencies on the project, and the laws under which such actions were taken, are described in the I–70 East from I–25 to Tower Road Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation signed on December 18, 2015, in the Central 70 Record of Decision (ROD) signed January 19, 2017, and in other key project documents. The FEIS, ROD, and other key documents for the project are available by contacting FHWA or the Colorado Department of Transportation at the addresses provided above. The EIS and ROD documents can be viewed and downloaded from the project Web sites at *www.I-70east.com.*

This notice applies to all Federal agency decisions, actions, approvals, licenses, and permits on the project as of the issuance date of this notice, including but not limited to those arising under the following laws:

1. *General:* National Environmental Policy Act [42 U.S.C. 4321–4370h]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)] (transportation conformity).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Section 6(f) of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 4601];

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(e)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966 [54 U.S.C. 306108]); Archaeological Resources Protection Act of 1977 [16 U.S.C. 470aa–470mm]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469c–2]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251–1387] (Section 404, Section 401, Section 319); Land and Water Conservation Fund Act [16 U.S.C. 460l–4–460l–11]; Safe Drinking Water Act [42 U.S.C. 300f–300j–9.]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Transportation Equity Act for the 21st Century (TEA–21) [23 U.S.C. 103(b)(6)(m), 133(b)(11)] (wetlands mitigation banking); Flood Disaster Protection Act of 1973 [42 U.S.C. 4001–4129].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

Authority: 23 U.S.C. 139(l)(1).

Issued on: January 20, 2017.

John M. Cater,

Division Administrator, Lakewood, Colorado.

[FR Doc. 2017–02660 Filed 2–9–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF VETERANS AFFAIRS

Geriatrics and Gerontology Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Geriatrics and Gerontology Advisory Committee will be held on April 4–5, 2017, in Room 630 on the 4th and in Room 530 on the 5th at the Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC. On April 4th, the session will begin at 8:30 a.m. and end at 5 p.m. On April 5th, the session will begin at 8 a.m. and end at 12 noon. This meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of VA and the Under Secretary for Health on all matters pertaining to geriatrics and gerontology. The Committee assesses the capability of VA health care facilities and programs to meet the medical, psychological, and social needs of older Veterans and evaluates VA programs designated as Geriatric Research, Education, and Clinical Centers.

The meeting will feature presentations and discussions on VA's geriatrics and extended care programs, aging research activities, updates on VA's employee staff working in the area of geriatrics (to include training, recruitment and retention approaches), Veterans Health Administration (VHA) strategic planning activities in geriatrics and extended care, recent VHA efforts regarding dementia and program advances in palliative care, and performance and oversight of VA Geriatric Research, Education, and Clinical Centers.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments for review by the Committee to Mrs. Alejandra Paulovich, Program Analyst, Geriatrics and Extended Care Services (10P4G), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or via email at *Alejandra.Paulovich@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Due to an increase in security protocols, and in order to prevent delays in clearance processing, you should allow an additional 30 minutes before the meeting begins. Individuals who wish to attend the meeting should contact Mrs. Paulovich at (202) 461–6016.

Dated: February 7, 2017.

LaTonya L. Small,

Committee Management Officer.

[FR Doc. 2017–02765 Filed 2–9–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: VA National Academic Affiliations Council Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that the VA National Academic Affiliations Council will meet via conference call on March 2, 2017, from 1:00 p.m. to 3:00 p.m. EST. The meeting is open to the public.

The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On March 2, 2017, the Council will explore the implementation and funding status of the Veterans Access, Choice, and Accountability Act of 2014's Graduate Medical Education expansion plan; examine the breadth and scope of VA's partnerships with historically black colleges and universities (HBCUs) and Hispanic serving institutions (HSIs); and discuss planning efforts for VA's Congressionally-directed symposium on HBCU engagement that is tentatively scheduled for June 2017. The Council will receive public comments from 2:45 p.m. to 3:00 p.m. EST.

Interested persons may attend and/or present oral statements to the Council. The dial in number to attend the conference call is: 1–800–767–1750. At the prompt, enter access code 45206 then press #. Individuals seeking to present oral statements are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting or at any time, by email to *Steve.Trynosky@va.gov,* or by mail to Stephen K. Trynosky J.D., M.P.H., M.M.A.S., Designated Federal Officer, Office of Academic Affiliations (10A2D), 810 Vermont Avenue NW., Washington, DC 20420. Any member of the public wishing to participate or seeking additional information should contact Mr. Trynosky via email or by phone at (202) 461–6723.

Dated: February 7, 2017,

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–02764 Filed 2–9–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Friday,

No. 27 February 10, 2017

Part II

Department of the Treasury

31 CFR Part 50
Office of Foreign Assets Control
31 CFR Parts 501, 535, 536, *et al.*
Financial Crimes Enforcement Network
31 CFR Part 1010

Inflation Adjustment of Civil Monetary Penalties; Final Rule

DEPARTMENT OF THE TREASURY

31 CFR Part 50

Office of Foreign Assets Control

31 CFR Parts 501, 535, 536, 538, 539, 541, 542, 543, 544, 546, 547, 548, 549, 560, 561, 566, 576, 588, 592, 594, 595, 597, and 598

Financial Crimes Enforcement Network

31 CFR Part 1010

Inflation Adjustment of Civil Monetary Penalties

AGENCY: Departmental Offices, Financial Crimes Enforcement Network, and Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Department'' or ''Treasury'') publishes this final rule to adjust its civil monetary penalties (''CMPs'') for inflation as mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (collectively referred to herein as ''the Act''). This rule adjusts CMPs within the jurisdiction of certain components of the Department to the maximum amount required by the Act.

DATES: Effective February 10, 2017.

FOR FURTHER INFORMATION CONTACT: For information regarding the Terrorism Risk Insurance Program's CMPs, contact Richard Ifft, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Room 1410 MT, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–2922 (not a toll-free number), Kevin Meehan, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, at (202) 622–7009 (not a toll-free number), or Lindsey Baldwin, Senior Policy Analyst, Federal Insurance Office, at (202) 622–3220 (not a toll free number). Persons who have difficulty hearing or speaking may access these numbers via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

For information regarding Financial Crimes Enforcement Network's CMPs, contact the FinCEN Resource Center at (800) 767–2825 or email *frc@fincen.gov*.

For information regarding the Office of Foreign Assets Control's CMPs, contact the Assistant Director for Enforcement, tel.: 202–622–2430; Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

I. Background

In order to improve the effectiveness of CMPs and to maintain their deterrent effect, the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (''the Inflation Adjustment Act''), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74) (''the 2015 Act''), requires Federal agencies to adjust each CMP provided by law within the jurisdiction of the agency. The 2015 Act requires agencies to adjust the level of CMPs with an initial ''catch-up'' adjustment through an interim final rulemaking and to make subsequent annual adjustments for inflation, notwithstanding 5 U.S.C. 553. The Department's initial catch-up adjustment interim final rules were published on June 30, 2016 (FinCEN) (81 FR 42503), July 1, 2016 (OFAC) (81 FR 43070), and December 7, 2016 (Departmental Offices) (81 FR 88600). The 2015 Act provides that any increase in a CMP shall apply to CMPs that are assessed after the date the increase takes effect, regardless of whether the underlying violation predated such increase.[1]

II. Method of Calculation

The method of calculating CMP adjustments applied in this final rule is required by the 2015 Act. Under the 2015 Act and the Office of Management and Budget guidance required by the 2015 Act, annual inflation adjustments subsequent to the initial catch-up adjustment are to be based on the percent change between the Consumer Price Index for all Urban Consumers (''CPI–U'') for the October preceding the date of the adjustment and the prior year's October CPI–U. As set forth in Office of Management and Budget Memorandum M–17–11, the adjustment multiplier for 2017 is 1.01636. In order to complete the 2017 annual adjustment, each CMP (as revised by the catch-up adjustment) is multiplied by the 2017 adjustment multiplier. Under the 2015 Act, any increase in CMP must be rounded to the nearest multiple of $1.

Procedural Matters

1. Administrative Procedure Act

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701(b)) requires agencies, effective 2017, to make annual adjustments for inflation to CMPs notwithstanding 5 U.S.C. 553. Additionally, the methodology used, effective 2017, for adjusting CMPs for inflation is provided by statute, with no discretion provided to agencies regarding the substance of the adjustments for inflation to CMPs. The Department is charged only with performing ministerial computations to determine the dollar amount of adjustments for inflation to CMPs. Accordingly, prior public notice and an opportunity for public comment are not required for this rule.

2. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

3. Executive Order 12866

This rule is not a significant regulatory action as defined in section 3.f of Executive Order 12866.

4. Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised recordkeeping or reporting requirements.

List of Subjects

31 CFR Part 50

Insurance, Terrorism.

31 CFR Parts 501, 535, 536, 538, 539, 541, 542, 543, 544, 546, 547, 548, 549, 560, 561, 566, 576, 588, 592, 594, 595, 597, and 598

Administrative practice and procedure, Banks, Banking, Blocking of assets, Exports, Foreign trade, Licensing, Penalties, Sanctions.

31 CFR Part 1010

Authority delegations (Government agencies), Banks and banking, Currency, Investigations, Law enforcement, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, part 50, chapter V, and part

[1] However, the increased CMPs apply only with respect to underlying violations occurring after the date of enactment of the 2015 Act, *i.e.,* after November 2, 2015.

1010 of title 31 of the Code of Federal Regulations are amended as follows:

PART 50—TERRORISM RISK INSURANCE PROGRAM

■ 1. The authority citation for part 50 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 321; Title I, Pub. L. 107–297, 116 Stat. 2322, as amended by Pub. L. 109–144, 119 Stat. 2660, Pub. L. 110–160, 121 Stat. 1839 and Pub. L. 114–1, 129 Stat. 3 (15 U.S.C. 6701 note); Pub. L. 114–74, 129 Stat. 601, Title VII (28 U.S.C. 2461 note).

■ 2. Revise § 50.83(a) to read as follows:

§ 50.83 Adjustment of civil monetary penalty amount.

(a) *Inflation adjustment.* Any penalty under the Act and these regulations may not exceed the greater of $1,333,312 and, in the case of any failure to pay, charge, collect or remit amounts in accordance with the Act or these regulations such amount in dispute.

* * * * *

PART 501—REPORTING, PROCEDURES AND PENALTIES REGULATIONS

■ 3. The authority citation for part 501 continues to read as follows:

Authority: 8 U.S.C. 1189; 18 U.S.C. 2332d, 2339B; 19 U.S.C. 3901–3913; 21 U.S.C. 1901–1908; 22 U.S.C. 287c; 22 U.S.C. 2370(a), 6009, 6032, 7205; 28 U.S.C. 2461 note; 31 U.S.C. 321(b); 50 U.S.C. 1701–1706; 50 U.S.C. App. 1–44.

Subpart D—Trading With the Enemy Act (TWEA) Penalties

■ 4. Revise the note to paragraph (a)(1) and paragraph (a)(3) of § 501.701 to read as follows:

§ 501.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, TWEA provides for a maximum civil penalty not to exceed $85,236.

* * * * *

(3) The Secretary of the Treasury may impose a civil penalty of not more than $85,236 per violation on any person who violates any license, order, or regulation issued under TWEA.

Note to paragraph (a)(3): The current civil penalty cap may be adjusted for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

* * * * *

■ 5. Revise paragraphs (i) and (ii) and the note to paragraph (a) of section V.B.2.a of appendix A to part 501 to read as follows:

Appendix A to Part 501—Economic Sanctions Enforcement Guidelines

* * * * *

V. Civil Penalties

* * * * *

B. * * *

2. * * *

a. * * *

i. In a non-egregious case, if the apparent violation is disclosed through a voluntary self-disclosure by the Subject Person, the base amount of the proposed civil penalty in the Pre-Penalty Notice shall be one-half of the transaction value, capped at a maximum base amount of $144,619 per violation, except where the statutory maximum penalty applicable to the apparent violation is less than $289,238, in which case the base amount of the proposed civil penalty in the Pre-Penalty Notice shall be capped at one-half the statutory maximum penalty applicable to the apparent violation.

ii. In a non-egregious case, if the apparent violation comes to OFAC's attention by means other than a voluntary self-disclosure, the base amount of the proposed civil penalty in the Pre-Penalty Notice shall be the ''applicable schedule amount,'' as defined above. For apparent violations where the statutory maximum penalty applicable to the apparent violation is $289,238 or greater, the maximum base amount shall be capped at $289,238. For apparent violations where the statutory maximum penalty applicable to the apparent violation is less than $289,238, the maximum base amount shall be capped at the statutory maximum penalty amount applicable to the apparent violation.

* * * * *

Note to paragraph (a): As of January 15, 2017, the applicable statutory maximum civil penalty per violation for each statute enforced by OFAC is as follows: International Emergency Economic Powers Act (IEEPA)—greater of $289,238 or twice the amount of the underlying transaction; Trading with the Enemy Act (TWEA)—$85,236; Foreign Narcotics Kingpin Designation Act (FNKDA)—$1,437,153; Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)—greater of $76,351 or twice the amount of which a financial institution was required to retain possession or control; and Clean Diamond Trade Act (CDTA)—$13,066. The civil penalty amounts authorized under these statutes are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

The following matrix represents the base amount of the proposed civil penalty for each category of violation:

BASE PENALTY MATRIX

Voluntary Self-Disclosure	Egregious Case: NO	Egregious Case: YES
YES	(1) One-Half of Transaction Value (capped at lesser of $144,619 or one-half of the applicable statutory maximum per violation)	(3) One-Half of Applicable Statutory Maximum
NO	(2) Applicable Schedule Amount (capped at lesser of $289,238 or the applicable statutory maximum per violation)	(4) Applicable Statutory Maximum

* * * * *

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

■ 6. The authority citation for part 535 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2332d; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011; E.O. 12170, 44 FR 65729, 3 CFR, 1979 Comp., p. 457; E.O. 12205, 45 FR 24099, 3 CFR, 1980 Comp., p. 248; E.O. 12211, 45 FR 26685, 3 CFR, 1980 Comp., p. 253; E.O. 12276, 46 FR 7913, 3 CFR, 1981 Comp., p. 104; E.O. 12279, 46 FR 7919, 3 CFR, 1981 Comp., p. 109; E.O. 12280, 46 FR 7921, 3 CFR, 1981 Comp., p. 110; E.O. 12281, 46 FR 7923, 3 CFR, 1981 Comp., p. 112; E.O. 12282, 46 FR 7925, 3 CFR, 1981 Comp., p. 113; E.O. 12283, 46 FR 7927, 3 CFR, 1981 Comp., p. 114; and E.O. 12294, 46 FR 14111, 3 CFR, 1981 Comp., p. 139.

Subpart G—Penalties

■ 7. Revise the note to paragraph (a)(1) of § 535.701 to read as follows:

§ 535.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 536—NARCOTICS TRAFFICKING SANCTIONS REGULATIONS

■ 8. The authority citation for part 536 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011; E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

Subpart G—Penalties

■ 9. Revise the note to paragraph (a)(1) of § 536.701 to read as follows:

§ 536.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 538—SUDANESE SANCTIONS REGULATIONS

■ 10. The authority citation for part 538 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); 22 U.S.C. 7201–7211; Pub. L. 109–344, 120 Stat. 1869; Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13067, 62 FR 59989, 3 CFR, 1997 Comp., p. 230; E.O. 13412, 71 FR 61369, 3 CFR, 2006 Comp., p. 244.

Subpart G—Penalties

■ 11. Revise the note to paragraph (a)(1) of § 538.701 to read as follows:

§ 538.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 539—WEAPONS OF MASS DESTRUCTION TRADE CONTROL REGULATIONS

■ 12. The authority citation for part 539 continues to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 2751–2799aa–2; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, 3 CFR, 1998 Comp., p. 200.

Subpart G—Penalties

■ 13. Revise the note to paragraph (a)(1) of § 539.701 to read as follows:

§ 539.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 541—ZIMBABWE SANCTIONS REGULATIONS

■ 14. The authority citation for part 541 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13288, 68 FR 11457, 3 CFR, 2003 Comp., p. 186; E.O. 13391, 70 FR 71201, 3 CFR, 2005 Comp., p. 206; E.O. 13469, 73 FR 43841, 3 CFR, 2008 Comp., p. 1025.

Subpart G—Penalties

■ 15. Revise the note to paragraph (a)(1) of § 541.701 to read as follows:

§ 541.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 542—SYRIAN SANCTIONS REGULATIONS

■ 16. The authority citation for part 542 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 18 U.S.C. 2332d; 22 U.S.C. 287c; 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1701 note); E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; E.O. 13399, 71 FR 25059, 3 CFR, 2006 Comp., p. 218; E.O. 13460, 73 FR 8991, 3 CFR 2008 Comp., p. 181; E.O. 13572, 76 FR 24787, 3 CFR 2011 Comp., p. 236; E.O. 13573, 76 FR 29143, 3 CFR 2011 Comp., p. 241; E.O. 13582, 76 FR 52209, 3 CFR 2011 Comp., p. 264; E.O. 13606, 77 FR 24571, 3 CFR 2012 Comp., p. 243.

Subpart G—Penalties

■ 17. Revise the note to paragraph (a)(1) of § 542.701 to read as follows:

§ 542.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 543—COTE D'IVOIRE SANCTIONS REGULATIONS

■ 18. The authority citation for part 543 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13396, 71 FR 7389, 3 CFR, 2006 Comp., p. 209.

Subpart G—Penalties

■ 19. Revise the note to paragraph (a)(1) of § 543.701 to read as follows:

§ 543.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 544—WEAPONS OF MASS DESTRUCTION PROLIFERATORS SANCTIONS REGULATIONS

■ 20. The authority citation for part 544 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Public Law 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Public Law 110–96, 121 Stat. 1011; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, 3 CFR, 1998 Comp., p. 200; E.O. 13382, 70 FR 38567, 3 CFR, 2005 Comp., p. 170.

Subpart G—Penalties

■ 21. Revise the note to paragraph (a)(1) of § 544.701 to read as follows:

§ 544.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 546—DARFUR SANCTIONS REGULATIONS

■ 22. The authority citation for part 546 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13067, 62 FR 59989, 3 CFR, 1997 Comp., p. 230; E.O. 13400, 71 FR 25483, 3 CFR, 2006 Comp., p. 220.

Subpart G—Penalties

■ 23. Revise the note to paragraph (a)(1) of § 546.701 to read as follows:

§ 546.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 547—DEMOCRATIC REPUBLIC OF THE CONGO SANCTIONS REGULATIONS

■ 24. The authority citation for part 547 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13413, 71 FR 64105, 3 CFR, 2006 Comp., p. 247.

Subpart G—Penalties

■ 25. Revise the note to paragraph (a)(1) of § 547.701 to read as follows:

§ 547.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 548—BELARUS SANCTIONS REGULATIONS

■ 26. The authority citation for part 548 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13405, 71 FR 35485; 3 CFR, 2007 Comp., p. 231.

Subpart G—Penalties

■ 27. Revise the note to paragraph (a)(1) of § 548.701 to read as follows:

§ 548.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 549—LEBANON SANCTIONS REGULATIONS

■ 28. The authority citation for part 549 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13441, 72 FR 43499, 3 CFR, 2008 Comp., p. 232.

Subpart G—Penalties

■ 29. Revise the note to paragraph (a)(1) of § 549.701 to read as follows:

§ 549.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 560—IRANIAN TRANSACTIONS AND SANCTIONS REGULATIONS

■ 30. The authority citation for part 560 continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 22 U.S.C. 2349aa–9; 22 U.S.C. 7201–7211; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); Pub. L. 111–195, 124 Stat. 1312 (22 U.S.C. 8501–8551); Pub. L. 112–81, 125 Stat. 1298 (22 U.S.C. 8513a); Pub. L. 112–158, 126 Stat. 1214 (22 U.S.C. 8701–8795); E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217; E.O. 13599, 77 FR 6659, 3 CFR, 2012 Comp., p. 215; E.O. 13628, 77 FR 62139, 3 CFR, 2012 Comp., p. 314.

Subpart G—Penalties

■ 31. Revise the note to paragraph (a)(1) of § 560.701 to read as follows:

§ 560.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 561—IRANIAN FINANCIAL SANCTIONS REGULATIONS

■ 32. The authority citation for part 561 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); Pub. L. 111–195, 124 Stat. 1312 (22 U.S.C. 8501–8551); Pub. L. 112–81, 125 Stat. 1298 (22 U.S.C. 8513a); Pub. L. 112–158, 126 Stat. 1214 (22 U.S.C. 8701–8795); E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 13553, 75 FR 60567, 3 CFR, 2010 Comp., p. 253; E.O. 13599, 77 FR 6659, February 8, 2012; E.O. 13622, 77 FR 45897, August 2, 2012; E.O. 13628, 77 FR 62139, October 12, 2012.

Subpart G—Penalties

■ 33. Revise the note to paragraph (a) of § 561.701 to read as follows:

§ 561.701 Penalties.

(a) * * *

Note to paragraph (a): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 566—HIZBALLAH FINANCIAL SANCTIONS REGULATIONS

■ 34. The authority citation for part 566 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); Pub. L. 114–102.

Subpart G—Penalties

■ 35. Revise the note to paragraph (a) of § 566.701 to read as follows:

§ 566.701 Penalties.

(a) * * *

Note to paragraph (a): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 576—IRAQ STABILIZATION AND INSURGENCY SANCTIONS REGULATIONS

■ 36. The authority citation for part 576 continues to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 110–96, 121 Stat. 1011; E.O. 13303, 68 FR 31931, 3 CFR, 2003 Comp., p. 227; E.O. 13315, 68 FR 52315, 3 CFR, 2003 Comp., p. 252; E.O. 13350, 69 FR 46055, 3 CFR, 2004 Comp., p. 196; E.O. 13364, 69 FR 70177, 3 CFR, 2004 Comp., p. 236; E.O. 13438, 72 FR 39719, 3 CFR, 2007 Comp., p. 224.

Subpart G—Penalties

■ 37. Revise the note to paragraph (a)(1) of § 576.701 to read as follows:

§ 576.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 588—WESTERN BALKANS STABILIZATION REGULATIONS

■ 38. The authority citation for part 588 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13219, 66 FR 34777, 3 CFR, 2001 Comp., p. 778; E.O. 13304, 68 FR 32315, 3 CFR, 2004 Comp. p. 229.

Subpart G—Penalties

■ 39. Revise the note to paragraph (a)(1) of § 588.701 to read as follows:

§ 588.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of IEEPA is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 592—ROUGH DIAMONDS CONTROL REGULATIONS

■ 40. The authority citation for part 592 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); Pub. L. 108–19, 117 Stat. 631 (19 U.S.C. 3901–3913); E.O. 13312, 68 FR 45151 3 CFR, 2003 Comp., p. 246.

Subpart F—Penalties

■ 41. Revise the note to paragraph (a)(1) of § 592.601 to read as follows:

§ 592.601 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is $13,066.

* * * * *

PART 594—GLOBAL TERRORISM SANCTIONS REGULATIONS

■ 42. The authority citation for part 594 continues to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13268, 67 FR 44751, 3 CFR, 2002 Comp., p. 240; E.O. 13284, 68 FR 4075, 3 CFR, 2003 Comp., p. 161; E.O. 13372, 70 FR 8499, 3 CFR, 2006 Comp., p. 159.

Subpart G—Penalties

■ 43. Revise the note to paragraph (a)(1) of § 594.701 to read as follows:

§ 594.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 595—TERRORISM SANCTIONS REGULATIONS

■ 44. The authority citation for part 595 continues to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 319; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13372, 70 FR 8499, 3 CFR, 2006 Comp., p. 159.

Subpart G—Penalties

■ 45. Revise the note to paragraph (a)(1) of § 595.701 to read as follows:

§ 595.701 Penalties.

(a) * * *

(1) * * *

Note to paragraph (a)(1): As of January 15, 2017, the applicable maximum civil penalty per violation of the Act is the greater of $289,238 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

* * * * *

PART 597—FOREIGN TERRORIST ORGANIZATIONS SANCTIONS REGULATIONS

■ 46. The authority citation for part 597 continues to read as follows:

Authority: 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–132, 110 Stat. 1214, 1248–53 (8 U.S.C. 1189, 18 U.S.C. 2339B).

Subpart G—Penalties

■ 47. Revise the note to paragraph (b) of § 597.701 to read as follows:

§ 597.701 Penalties.

* * * * *

(b) * * *

Note to paragraph (b): As of January 15, 2017, the applicable maximum civil penalty per violation is $76,351 or twice the amount of which a financial institution was required to retain possession or control.

* * * * *

PART 598—FOREIGN NARCOTICS KINGPIN SANCTIONS REGULATIONS

■ 48. The authority citation for part 598 continues to read as follows:

Authority: 3 U.S.C. 301; 21 U.S.C. 1901–1908; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note).

Subpart G—Penalties

■ 49. Revise the note to paragraph (a)(3) of § 598.701 to read as follows:

§ 598.701 Penalties.

(a) * * *

(3) * * *

Note to paragraph (a)(3): As of January 15, 2017, the maximum civil penalty is $1,437,153 per violation.

* * * * *

PART 1010—GENERAL PROVISIONS

■ 50. The authority citation for part 1010 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314 and 5316–5332; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 701. Pub. L. 114–74, 129 Stat. 599.

■ 51. Amend § 1010.821 by revising Table 1 of paragraph (b) to read as follows:

§ 1010.821 Penalty adjustment and table.

* * * * *

(b) * * *

TABLE 1 OF § 1010.821—PENALTY ADJUSTMENT TABLE

U.S. Code citation	Civil monetary penalty description	Penalties as last amended by statute	New maximum penalty amounts or range of minimum and maximum penalty amounts for penalties assessed after 8/1/2016 but before 1/16/2017	New maximum penalty amounts or range of minimum and maximum penalty amounts for penalties assessed after 1/15/2017
12 U.S.C. 1829b(j)	Relating to Recordkeeping Violations For Funds Transfers.	$10,000	$19,787	$20,111
12 U.S.C. 1955	Willful or Grossly Negligent Recordkeeping Violations.	10,000	19,787	20,111
31 U.S.C. 5318(k)(3)(C)	Failure to Terminate Correspondent Relationship with Foreign Bank.	10,000	13,384	13,603
31 U.S.C. 5321(a)(1)	General Civil Penalty Provision for Willful Violations of Bank Secrecy Act Requirements.	25,000 – $100,000	53,907 – $215,628	54,789 – $219,156
31 U.S.C. 5321(a)(5)(B)(i)	Foreign Financial Agency Transaction—Non-Willful Violation of Transaction.	10,000	12,459	12,663
31 U.S.C. 5321(a)(5)(C)	Foreign Financial Agency Transaction—Willful Violation of Transaction.	100,000	124,588	126,626
31 U.S.C. 5321(a)(6)(A)	Negligent Violation by Financial Institution or Non-Financial Trade or Business.	500	1,078	1,096
31 U.S.C. 5321(a)(6)(B)	Pattern of Negligent Activity by Financial Institution or Non-Financial Trade or Business.	50,000	83,864	85,236
31 U.S.C. 5321(a)(7)	Violation of Certain Due Diligence Requirements, Prohibition on Correspondent Accounts for Shell Banks, and Special Measures.	1,000,000	1,338,420	1,360,317
31 U.S.C. 5330(e)	Civil Penalty for Failure to Register as Money Transmitting Business.	5,000	7,954	8,084

David R. Pearl,

Executive Secretary.

[FR Doc. 2017–01637 Filed 2–9–17; 8:45 am]

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