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

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 490

[Docket No. FHWA–2013–0053; FHWA–2013–0054]

RIN 2125–AF53; 2125–AF54

National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program; National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Final regulations; delay of effective dates.

SUMMARY: In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' published in the **Federal Register** on January 24, 2017, the Department delays the effective dates of the following regulations until March 21, 2017: National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance program and Bridge Condition for the National Highway Performance Program, RIN 2125–AF53; and National Performance Management measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program, RIN 2125–AF54.

DATES: Effective February 13, 2017, the effective date of the final rules published on January 18, 2017, at 82 FR 5886 and January 18, 2017, at 82 FR 5970, respectively, is delayed to March 21, 2017.

The incorporation by reference of certain publications listed in the final rule published on January 18, 2017, at 82 FR 5886 is approved by the Director of the Federal Register as of March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Richardson, Assistant Chief Counsel for Legislation, Regulations, and General Law, Office of Chief Counsel, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–0761. Office hours are from 8:00 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the Notice of Proposed Rulemakings (NPRMs), all comments received, the Final Rules, and all background material may be viewed online at *http://www.regulations.gov* using the docket numbers listed above. A copy of this notice will be placed on each docket. Electronic retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's Web site at *http://www.ofr.gov* and the Government Publishing Office's Web site at *http://www.gpo.gov.*

Background

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

RIN	Title	Agency contact	Original effective date	Delayed effective date
2125–AF53	Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program.	Francine Shaw Whitson, Office of Infrastructure, 202–366–8028.	February 17, 2017 ...	March 21, 2017.
2125–AF54	Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program.	Francine Shaw Whitson, Office of Infrastructure, 202–366–8028.	February 17, 2017 ...	March 21, 2017.

Waiver of Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), FHWA generally offers interested parties the opportunity to comment on proposed regulations and publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that the requirement is impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B) and (d)(3)). There is good cause to waive both of these requirements here as the President's appointees and designees need to delay the effective dates of these

regulations to have adequate time to review new or pending regulations, and neither the notice and comment process nor delayed effective date could be implemented in time to allow for this review.

List of Subjects in 23 CFR Part 490

Bridges, Highway safety, Highways and roads, Incorporation by reference, Reporting and recordkeeping requirements.

Issued on: February 7, 2017.

Walter C. Waidelich, Jr.,

Acting Deputy Administrator, Federal Highway Administration.

[FR Doc. 2017–02860 Filed 2–10–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

[NPS–AKRO–22869; PPAKAKROZ5, PPMPRLE1Y.L00000]

RIN 1024–AE28

Alaska; Subsistence Collections

AGENCY: National Park Service, Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with a January 20, 2017, memorandum of the Chief of Staff for the White House, we, the National Park Service, are delaying the effective date of a rule we published on January 12, 2017.

DATES: The effective date of the rule that published on January 12, 2017, at 82 FR 3626, is delayed from February 13, 2017, to March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Andee Sears, Regional Law Enforcement Specialist, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. Phone (907) 644–3410. Email: *AKR_Regulations@nps.gov.*

SUPPLEMENTARY INFORMATION: On January 12, 2017, we published a rule to amend regulations for National Park System units in Alaska to allow qualified subsistence users to collect nonedible fish and wildlife parts and plants for creating handicrafts for barter and customary trade. The rule also clarifies that capturing, collecting or possessing living wildlife is generally prohibited and adopts restrictions on using human-produced foods to bait bears for subsistence uses. The rule was to be effective on February 13, 2017.

On January 20, 2017, the Chief of Staff for the White House issued a memorandum 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 12, 2017, at 82 FR 3626 (see **DATES**, above) to allow sufficient time for review of the rule relative to national wildlife management policy.

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 forego 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 the effective date of this regulation pursuant to the previously-noted memorandum of the Chief of Staff. 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. 3124; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Sec. 1035, Public Law 104–333, 110 Stat. 4240.

Maureen D. Foster,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2017–02890 Filed 2–10–17; 8:45 am]

BILLING CODE 4312–52–P

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation (LSC or the Corporation) is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines issued by the Department of Health and Human Services (HHS).

DATES: Effective February 13, 2017.

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

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act (Act), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance. Section 1611.3(c) of the Corporation's regulations establishes a maximum income level equivalent to 125% of the Federal Poverty Guidelines (Guidelines), which HHS is responsible for updating and issuing. 45 CFR 1611.3(c).

Each year, LSC publishes an update to Appendix A of 45 CFR part 1611 to provide client income eligibility standards based on the most recent Guidelines. The figures for 2017, set out below, are equivalent to 125% of the Guidelines published by HHS on January 31, 2017, 82 FR 8832.

In addition, LSC is publishing a chart listing income levels that are 200% of the Guidelines. This chart is for reference purposes only as an aid to recipients in assessing the financial eligibility of an applicant whose income is greater than 125% of the applicable Guidelines amount, but less than 200% of the applicable Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with 45 CFR 1611.3, 1611.4, and 1611.5).

Except where there are minor variances due to rounding, the amount by which the guideline increases for each additional member of the household is a consistent amount.

List of Subjects in 45 CFR Part 1611

Grant Programs—Law, Legal services.

For reasons set forth in the preamble, the Legal Services Corporation amends 45 CFR part 1611 as follows:

PART 1611—ELIGIBILITY

■ 1. The authority citation for part 1611 is revised to read as follows:

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

■ 2. Revise appendix A to part 1611 to read as follows:

Appendix A to Part 1611—Income Level for Individuals Eligible for Assistance

LEGAL SERVICES CORPORATION 2017 INCOME GUIDELINES *

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	$15,075	$18,825	$17,325
2	20,300	25,363	23,338
3	25,525	31,900	29,350
4	30,750	38,438	35,363
5	35,975	44,975	41,375
6	41,200	51,513	47,388
7	46,425	58,050	53,400
8	51,650	64,588	59,413
For each additional member of the household in excess of 8, add	5,225	6,538	6,013

* The figures in this table represent 125% of the Federal Poverty Guidelines by household size as determined by HHS.

REFERENCE CHART—200% OF FEDERAL POVERTY GUIDELINES

Size of household	48 Contiguous states and the District of Columbia	Alaska	Hawaii
1	$24,120	$30,120	$27,720
2	32,480	40,580	37,340
3	40,840	51,040	46,960
4	49,200	61,500	56,580
5	57,560	71,960	66,200
6	65,920	82,420	75,820
7	74,280	92,880	85,440
8	82,640	103,340	95,060
For each additional member of the household in excess of 8, add	8,360	10,460	9,620

Dated: February 7, 2017.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–02823 Filed 2–10–17; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 270

[Docket No. FRA–2011–0060, Notice No. 4]

RIN 2130–AC31

System Safety Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Final rule; stay of regulations.

SUMMARY: On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement a system safety program (SSP) to improve the safety of their operations. See 81 FR 53850. In this document we are issuing a stay of those requirements until March 21, 2017.

DATES: Effective February 10, 2017, 49 CFR part 270 is stayed until March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Matthew Navarrete, Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel; telephone: 202–493–0138; email: *Matthew.Navarrete@dot.gov.*

SUPPLEMENTARY INFORMATION: On August 12, 2016, FRA published a final rule requiring commuter and intercity passenger railroads to develop and implement an SSP to improve the safety of their operations. See 81 FR 53850. In this document we are issuing a stay of those requirements until March 21, 2017 consistent with guidance issued January 20, 2017, intended to provide the new Administration an adequate opportunity to review new and pending regulations.

Authority: 49 U.S.C. 20103, 20106–20107, 20118–20119, 20156, 21301, 21304, 21311; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Issued in Washington, DC, on February 8, 2017.

Patrick T. Warren,

Acting Administrator.

[FR Doc. 2017–02876 Filed 2–10–17; 8:45 am]

BILLING CODE 4910–06–P

Proposed Rules

Federal Register
Vol. 82, No. 28
Monday, February 13, 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 Parts 318, 319, 330, and 352

[Docket No. APHIS–2008–0076]

RIN 0579–AC98

Plant Pest Regulations; Update of Provisions

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 movement of plant pests to propose criteria regarding the movement and environmental release of biological control organisms, and to establish regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. The proposal would also revise our regulations regarding the movement of soil. 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 6980) is extended. We will consider all comments that we receive on or before April 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-2008-0076.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2008–0076, 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-2008-0076* 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. Colin D. Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits Branch, Plant Health Programs, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2237.

SUPPLEMENTARY INFORMATION:

On January 19, 2017, we published in the **Federal Register** (82 FR 6980–7005, Docket No. APHIS–2008–0076) a proposal to revise our regulations regarding the movement of plant pests to propose criteria regarding the movement and environmental release of biological control organisms and to establish regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We also proposed to revise our regulations regarding the movement of soil.

Comments on the proposed rule were required to be received on or before March 20, 2017. We are extending the comment period on Docket No. APHIS–2008–0076 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, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 7th day of February 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–02871 Filed 2–10–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0330]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Sarasota, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule of four bridges across the Gulf Intracoastal Waterway; Stickney Point, mile 68.6, Siesta Drive, mile 71.6, Cortez, mile, 87.4 and Anna Maria, mile 89.2, Drawbridges, Sarasota, FL. The request was made to the Coast Guard to change the operation of four drawbridges due to an increase in vehicle traffic throughout these areas at all times of the year. This proposed rulemaking would change the bridges' operating schedule from a three times an hour opening schedule to a twice an hour opening schedule throughout the year.

DATES: All comments and related material must be received by the Coast Guard on or before April 14, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0330 using Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, call or email, LT Ashley Holm, Coast Guard Sector St Petersburg, Florida; telephone (813) 228–2191 x8105, email *Ashley.E.Holm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

The Metropolitan Planning Office for Sarasota and Manatee Counties, along with the concurrence of the local mayors, have requested that the Coast Guard consider changing the bridge operating regulations for four bridges in this area to allow for the increase of vehicular traffic which is no longer associated with just the tourist season as in the past. For this reason, the Coast Guard is proposing to change the four bridge schedules to provide for both the reasonable needs of navigation and those of land transportation. The bridge owner, Florida Department of Transportation, concurs with these recommendations.

The current operating schedule for the Stickney Point Bridge, Gulf Intracoastal Waterway (GICW) mile 68.6, South Sarasota, Florida, opens on demand per 33 CFR 117.5. This bridge has a vertical clearance of 18 feet in the closed position and a horizontal clearance of 90 feet between fenders. This proposed rulemaking recommends that this bridge be changed to a twice an hour schedule from 6 a.m. to 7 p.m. daily, opening on the hour and half-hour.

The current operating regulation of the Siesta Drive Bridge, mile 71.6 at Sarasota, Florida is published in 33 CFR 117.287(c). This bridge has a vertical clearance of 25 feet in the closed position and a horizontal clearance of 90 feet between fenders. This proposed rulemaking recommends that this drawbridge be changed to a twice an hour schedule from 6 a.m. to 7 p.m. daily, opening on the quarter hour and three-quarter hour.

The current operating regulation of the Cortez (SR 684) Bridge, mile 87.4, is published in 33 CFR 117.287(d)(1). This drawbridge has a vertical clearance of 22 feet in the closed position and a horizontal clearance of 90 feet between fenders. This proposed rulemaking recommends that this drawbridge be changed to a twice an hour schedule from 6 a.m. to 7 p.m. daily, opening on the hour and half-hour.

The current operating regulation of the Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, is published in 33 CFR 117.287(d)(2). This drawbridge has a vertical clearance of 24 feet in the closed position and a horizontal clearance of 90 feet between fenders. This proposed rulemaking recommends that this drawbridge be changed to a twice an hour schedule from 6 a.m. to 7 p.m. daily, opening on the hour and half-hour.

III. Discussion of Proposed Rule

The Coast Guard proposes to amend the regulations of four drawbridges across the GCIW in the Sarasota County, Florida area. The proposed rulemakings would allow the bridges to open twice an hour rather than three times an hour or on-demand depending on the bridge to assist in reducing vehicular traffic problems.

This rule proposes to amend 33 CFR 117.287 as follows:

The Stickney Point Bridge, GICW mile 68.6, South Sarasota, Florida, will be added as paragraph (c)(1). This proposed rulemaking recommends that this bridge be changed to a twice an hour schedule from 6 a.m. to 7 p.m. daily, opening on the hour and half-hour. This will align this bridge's schedule with the opening schedule of the other bridges to the north.

The Siesta Drive Bridge, mile 71.6, at Sarasota, Florida, will be added as (c)(2). This proposed rulemaking recommends that this bridge be changed to a twice an hour schedule from 6 a.m. to 7 p.m. daily, opening on the quarter hour and three-quarter hour. This will align this bridge's schedule with the opening schedule of the other bridges to the north and south.

Paragraph (d)(1) will be amended so that the Cortez (SR 684) Bridge, mile 87.4, opens twice an hour from 6 a.m. to 7 p.m. daily, opening on the quarter hour and three-quarter hour. This will align this bridge's schedule with the opening schedule of the other bridges to the north and south.

Paragraph (d)(2) will be amended so that the Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2, opens twice an hour from 6 a.m. to 7 p.m. daily, opening on the quarter hour and three-quarter hour. This will align this bridge's schedule with the opening schedule of the other bridges to the south.

These proposed changes will meet the reasonable needs of vessel traffic passing through the bridges while taking into account the reasonable needs of other modes of transportation.

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 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 regulation change will not have a significant impact on navigation in this area as these proposed schedules will allow for vessels to pass through these bridges with minimum disruption. This regulatory action determination is further based on the ability that this meets the reasonable needs of both navigation and other modes of transportation. Vessels not requiring an opening may pass at any time.

B. Impact on Small Entities

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

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

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

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

not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides 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 which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph 32(e) of Figure 2–1 of Commandant Instruction M16475.1D.

Under paragraph 32(e) of Figure 2–1 of Commandant Instruction M16475.1D, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. 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, 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 or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.287 by revising paragraphs (c), (d)(1), and (d)(2) as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(c)(1) The Stickney Point Bridge, GICW mile 68.6, South Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m., daily, the draw need only open on the hour and half-hour.

(c)(2) The draw of the Siesta Drive Bridge, mile 71.6 at Sarasota, Florida shall open on signal, except that from 6 a.m. to 7 p.m., daily, the draw need only open on the hour and half-hour.

(d)(1) The draw of the Cortez (SR 684) Bridge, mile 87.4. The draw shall open on signal, except that from 6 a.m. to 7 p.m., daily, the draw need only open on the quarter hour and three-quarter hour.

(d)(2) The draw of the Anna Maria (SR 64) (Manatee Avenue West) Bridge, mile 89.2. The draw shall open on signal, except that from 6 a.m. to 7 p.m., daily, the draw need only open on the quarter hour and three-quarter hour.

* * * * *

S.A. Buschman,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2017–02896 Filed 2–10–17; 8:45 am]

BILLING CODE 9110–04–P

LEGAL SERVICES CORPORATION

45 CFR Part 1609

Fee-Generating Cases

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule revises the Legal Services Corporation (LSC or Corporation) regulation regarding fee-generating cases. This proposed rule clarifies the definition of ''fee-generating case,'' clarifies that brief advice is permitted by the regulation, and revises how a recipient accounts for attorneys' fees awards.

DATES: Comments must be submitted by March 15, 2017.

ADDRESSES: You may submit comments by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email: lscrulemaking@lsc.gov.* Include ''Comments on Revisions to Part 1609'' in the subject line of the message.

• *Fax:* (202) 337–6519.

• *Mail:* Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007, ATTN: Part 1609 Rulemaking.

• *Hand Delivery/Courier:* Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007, ATTN: Part 1609 Rulemaking.

Instructions: Electronic submissions are preferred via email with attachments in Acrobat PDF format. LSC will not consider written comments sent to any other address or received after the end of the comment period.

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), or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1007(b)(1) of the Legal Services Corporation Act of 1974 prohibits recipients from using LSC funds ''to provide legal assistance (except in accordance with guidelines promulgated by the Corporation) with respect to any fee-generating case[.]'' 42 U.S.C. 2996f(b)(1). LSC implemented this provision through 45 CFR part 1609. In the preamble to part 1609, LSC explained that the private bar is generally ''eager to accept contingent fee cases and cases in which there may be an award of attorneys' fees to be paid by the opposing party pursuant to [statute].'' 41 FR 38505, Sept. 10, 1976. LSC therefore drafted part 1609 to ''insure that recipients do not use scarce legal services resources when private attorneys are available to provide effective representation and . . . assist eligible clients to obtain appropriate and effective legal assistance.'' 45 CFR 1609.1(a), (b). Nevertheless, LSC recognized that ''there may be instances when no private attorney is willing to represent an individual, because the recovery of a fee is unlikely, the potential fee is too small, or some other reason.'' 41 FR 38505, Sept. 10, 1976.

To balance these considerations, part 1609 (1) defines ''fee-generating case'' to prohibit recipients from accepting cases that a private attorney would take, and (2) provides exceptions to the prohibition for when adequate representation by the private bar is unavailable and implements safeguards to prevent recipients from taking cases the private bar would accept. *Id.* The definition of ''fee-generating case'' includes ''every situation in which an attorney reasonably may expect to receive a fee for services from any source except the client.'' 41 FR 38505. Specifically, LSC defined ''fee-generating case'' as ''any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds, or from the opposing party.'' *Id.* Section 1609.3 then clarified circumstances in which a recipient may use LSC funds to provide legal assistance in a fee-generating case, such as after the case has been rejected by the local lawyer referral service or by two private attorneys. 45 CFR 1609.3(a)(1).

In 1996, LSC proposed two changes to clarify the meaning of ''fee-generating case.'' First, LSC proposed ''[a] technical numerical change'' to the definition of ''fee-generating case'' which was intended ''to clarify that the definition includes fees from three sources: an award (1) to a client, (2) from public funds, or (3) from the opposing party.'' 61 FR 45765, Aug. 29, 1996. This proposed change resulted in comments about whether LSC intended to make substantive changes to the definition. 62 FR 19398, Apr. 21, 1997. Because the Board did not intend to change the definition and sought to avoid confusion about its intent, the Board rejected the numerical changes to the proposed rule. *Id.*

Nevertheless, the Board adopted a second proposed change by adopting language that explained what is not a ''fee-generating case.'' *Id.* The revision excluded court appointments from the definition because such cases, even where fees are paid, are considered a professional obligation. *Id.* Additionally, the revision excluded situations where recipients undertake representation under a contract with a government agency or other entity and the agency or entity pays the recipient ''because a contract payment does not constitute fees that come from an award to a client or attorneys' fees that come from the losing party in a case, or from public funds.'' *Id.; see* 45 CFR 1609.2(b). LSC has not made substantive changes to the definition of ''fee-generating case'' since this revision. *See* 76 FR 23502, Apr. 27, 2011.

When a recipient may take a fee-generating case, Part 1609 also prescribes how recipients account for attorneys' fees received in the case. Part 1609 requires the proceeds be remitted to the recipient. 41 FR 38505. In 1984, LSC adopted a new section, § 1609.6, that required attorneys' fees received by the recipient to be returned to the fund from which the resources to litigate the case came. 49 FR 19657, May 9, 1984. In other words, if the recipient funded a particular case half with LSC funds and half with private funds, § 1609.6 required the recipient to allocate any attorneys' fees received to each fund in equal proportion. The new section also required that fees be recorded during the accounting period in which the program receives the award. *Id.*

In 1996, LSC's appropriation legislation provided that no LSC funds could be used to provide financial assistance to a recipient that receives attorneys' fees pursuant to any federal or state law. Sec. 504(a)(13), Public Law 104–134, 110 Stat. 1321, 1321–55; 75 FR 21507, Apr. 26, 2010. To implement this legislation, LSC created a separate rule, 45 CFR part 1642. 62 FR 25862, May 12, 1997 (final rule); 61 FR 45762, Aug. 29, 1996 (interim final rule). LSC moved § 1609.6 to part 1642 and revised the provision to require recipients to allocate fees from cases or matters supported in whole or in part with LSC funds to the LSC fund in the same proportion that the case or matter was funded with LSC funds. *Id.* In a departure from then-existing § 1609.6, LSC did not propose to dictate how recipients allocated remaining fees to their non-LSC accounts. *Id.*

In 2010, Congress repealed the prohibition on accepting and retaining attorneys' fees. Sec. 533, Public Law 111–117, 123 Stat. 3034, 3157. LSC subsequently repealed part 1642 but retained two provisions relevant to accounting for attorneys' fee awards and accepting reimbursement of costs from a client. 75 FR 6816, Feb. 11, 2010 (interim final rule); 75 FR 21506, Apr. 26, 2010 (final rule). LSC placed these two provisions in part 1609 at §§ 1609.4 and 1609.6, respectively. 75 FR 21508. LSC has made no changes to either section since then.

LSC added rulemaking on part 1609 to its annual rulemaking agenda in June, 2015. On July 18, 2016, the Committee voted to recommend that the Board authorize rulemaking on part 1609. On January 26, 2017, the Committee voted to recommend that the Board approve publication of this NPRM in the **Federal Register** for notice and comment. On January 28, 2017, the Board accepted the Committee's recommendation and voted to approve publication of this NPRM.

II. Proposed Changes

Section 1609.1 Purpose

LSC proposes to make no changes to this section.

Section 1609.2 Definition

Recipients have repeatedly requested guidance regarding what constitutes a ''fee-generating case'' as defined in § 1609.2(a). Questions have included whether paid court appointments are ''fee-generating cases'' and whether ''advice and counsel'' or ''brief services'' are prohibited if the case may, during the course of subsequent extended representation, develop into a ''fee-generating case.'' Recipients have also sought guidance regarding permissible sources of fees.

Section 1609.2 currently provides, ''*Fee-generating case* means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client, from public funds or from the opposing party.'' 45 CFR 1609.2(a). A reader could interpret ''award'' as modifying only ''to a client'' and not to include an ''award . . . from public funds or [an award] from the opposing party.'' Thus, under the current definition, a recipient might accept a case that may result in an award from public funds, a result not intended by LSC. Therefore, LSC proposes removing ''from public funds or from the opposing party'' from the definition.

Additionally, LSC proposes to revise part 1609 to clarify that a recipient may provide brief services to an eligible client despite the possibility that the case may result in fees otherwise restricted by part 1609. In AO–2015–002, LSC considered whether a recipient may provide ''advice and counsel'' or ''limited services'' (as defined in 45 CFR 1611.2(a) and (e)) to an eligible client where the matter might constitute a fee-generating case if extended services were provided. Based on the language of § 1609.3, which prohibits recipients from using LSC funds to provide assistance in ''every situation in which an attorney reasonably may expect to receive a fee[,]'' LSC concluded an ''attorney's reasonable expectation of such fees would not typically arise until *after* . . . initial advice or brief services was under way or had been completed.'' AO–2015–002, June 17, 2015. LSC proposes incorporating this clarification into part 1609 by adding a separate paragraph to § 1609.2(b). The new paragraph would explain that ''advice and counsel'' or ''limited services'' in matters that may later constitute fee-generating cases are not prohibited by part 1609.

Finally, in response to questions regarding court appointments, revised § 1609.2(b) states that a court appointment pursuant to a statute or court rule or practice that is equally applicable to all attorneys in the jurisdiction is not a fee-generating case. 45 CFR 1609.2.

Section 1609.3 General Requirements

LSC proposes a technical change to the heading of § 1609.3 to more accurately reflect the topic it addresses. Section 1609.3 briefly sets forth the general prohibition on a recipient's using LSC funds to provide legal assistance in a fee-generating case. The bulk of § 1609.3, however, prescribes the circumstances and procedures under which recipients may accept fee-generating cases. To more aptly reflect the substance of § 1609.3, LSC proposes to rename § 1609.3 ''Authorized representation in a fee-generating case.''

Section 1609.4 Accounting For and Use of Attorneys' Fees

LSC proposes to revise part 1609's accounting requirement for receipt of attorneys' fees. Currently § 1609.4 requires that attorneys' fees received by a recipient supported at least in part by LSC funds be allocated to the LSC grant account in the proportion to which the LSC funds were used. § 1609.4(a). This language requires this accounting only for attorneys' fees received by the *recipient,* which could be interpreted to mean that attorneys' fees awarded to a staff attorney in his or her own name need not be remitted to the recipient or be subject to the accounting requirement.

To clarify that attorneys' fee awards received by either the recipient or a recipient's staff attorney are subject to the accounting requirement, LSC proposes the following revisions to § 1609.4. First, LSC proposes to require recipients to file any petitions for attorneys' fees in the name of the recipient and not in the name of any staff attorney. To the extent a jurisdiction may allow an attorneys' fee petition in the recipient's name rather than a staff attorney, this change would help ensure that the court would award attorneys' fees to the organization and not to an individual staff attorney. LSC proposes placing this addition as § 1609.4(a), and redesignating the current paragraphs (a) and (b) of this section as paragraphs (b) and (c), respectively.

Second, LSC proposes to state explicitly that, in the event a jurisdiction requires that attorneys' fee petitions be made in a staff attorney's name, the staff attorney must remit the award to the recipient, which must then allocate an award of attorneys' fees to its LSC grant account in proportion to the amount of LSC funds used to obtain the award. LSC believes that these two changes will accommodate variations in state and local rules governing the award of attorneys' fees and help ensure that any attorneys' fee awards supported by LSC funds are adequately credited to LSC funds.

Finally, to more aptly describe the substance of § 1609.4, LSC proposes changing the heading to ''Requesting and receiving attorneys' fees.''

Section 1609.5 Acceptance of Reimbursement From a Client

To create consistency in the verbs used in the headings for § 1609.4 and § 1609.5 and more aptly describe the substance of the latter section, LSC proposes to change the heading to ''Receiving reimbursement from a client.'' LSC proposes no substantive changes to this section.

Section 1609.6 Recipient Policies, Procedures and Recordkeeping

LSC proposes to make no changes to this section.

List of Subjects in 45 CFR Part 1609

Administrative practice and procedure, Grant programs—law, Legal services.

For the reasons set forth in the preamble, the Legal Services Corporation proposes to amend 45 CFR part 1609 as follows:

PART 1609—FEE-GENERATING CASES

■ 1. The authority citation for part 1609 continues to read as follows:

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

■ 2. Revise paragraph (a) and add paragraph (b)(3) to § 1609.2 to read as follows:

§ 1609.2 Definitions.

(a) *Fee-generating case* means any case or matter which, if undertaken on behalf of an eligible client by an attorney in private practice, reasonably may be expected to result in a fee for legal services from an award to a client.

(b) * * *

(3) A recipient provides only advice and counsel or limited services, as those terms are defined in 45 CFR 1611.1(a) and (e), to an eligible client.

■ 3. Revise the heading of § 1609.3 to read as follows:

§ 1609.3 Authorized representation in a fee-generating case.

* * * * *

■ 4. Revise § 1609.4 to read as follows:

§ 1609.4 Requesting and receiving attorneys' fees.

(a) Any petition seeking attorneys' fees for representation supported in whole or in part with funds provided by LSC, shall, to the extent permitted by law, be filed in the name of the recipient.

(b) Attorneys' fees received by a recipient or an employee of a recipient for representation supported in whole or in part with funds provided by LSC shall be allocated to the fund in which the recipient's LSC grant is recorded in the same proportion that the amount of LSC funds expended bears to the total amount expended by the recipient to support the representation.

(c) Attorneys' fees received shall be recorded during the accounting period in which the money from the fee award is actually received by the recipient and may be expended for any purpose permitted by the LSC Act, regulations and other law applicable at the time the money is received.

■ 5. Revise the heading of § 1609.5 to read as follows:

§ 1609.5 Receiving reimbursement from a client.

* * * * *

Dated: February 6, 2017.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–02717 Filed 2–10–17; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 236 and 238

[Docket No. FRA–2013–0060; Notice No. 2]

RIN 2130–AC46

Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: On December 6, 2016, FRA published an NPRM proposing to amend its regulations on passenger equipment safety standards. By this document, FRA is reopening the NPRM's comment period, which closed February 6, 2017.

DATES: The comment period for the NPRM, (81 FR 88006, Dec. 6, 2016), is reopened. Written comments must be received by March 21, 2017. Comments received after that date will be considered to the extent practicable.

ADDRESSES: *Comments:* Comments related to Docket No. FRA–2013–0060 may be submitted by any of the following methods:

- *Web site:* The Federal eRulemaking Portal, *www.regulations.gov.* Follow the Web site's online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590.
- *Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name, docket name, and docket number or Regulatory Identification Number (RIN) for this rulemaking (2130–AC46). Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: To access the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or visit the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Devin Rouse, Mechanical Engineer, Passenger Rail Division, Office of Railroad Safety, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: 202–493–6185); or Mr. Michael Hunter, Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone: 202–493–0368).

SUPPLEMENTARY INFORMATION: The NPRM addresses three main subject areas: (1) Tier III trainset safety standards; (2) alternative crashworthiness and occupant protection performance requirements for Tier I passenger equipment; and (3) the maximum authorized speed for Tier II passenger equipment.

In a December 12, 2016 letter, the American Public Transportation Association (APTA) requested a 30-day extension of the NPRM's comment period. APTA stated it needs additional time to thoroughly review the NPRM and review and consolidate comments on the NPRM from its members and affiliates.

As the comment period for the NPRM closed on February 6, 2017, FRA is reopening the comment period consistent with guidance issued January 20, 2017, intended to provide the new Administration an adequate opportunity to review new and pending regulations. Written comments must be received by March 21, 2017. Comments received after that date will be considered to the extent practicable.

Privacy Act

Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), available at *www.dot.gov/privacy.*

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461, note; and 49 CFR 1.89.

Issued in Washington, DC, on February 8, 2017.

Patrick Warren,

Executive Director.

[FR Doc. 2017–02877 Filed 2–10–17; 8:45 am]

BILLING CODE 4910–06–P

Notices

Federal Register

Vol. 82, No. 28

Monday, February 13, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 8, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) 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; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 15, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency 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.

Departmental Management—Office of Homeland Security and Emergency Coordination

Title: USDA PIV Request for Credential.

OMB Control Number: 0505–0022.

Summary of Collection: The Homeland Security Presidential Directive (HSPD)–12 information collection is required for establishing the applicant's identity for Personal Identity Verification (PIV) credential issuance. The information requested must be must be provided by Federal contractors and other applicable individuals (including all employees and some affiliates) when applying for a USDA PIV credential (identification card), also known as ''LincPass.'' The information is necessary to comply with the requirements outlined in Homeland Security Presidential Directive (HSPD) 12, and Federal Information Processing Standard (FIPS) 201–2. USDA has implemented an automated identity proofing, registration, and issuance process consistent with the requirements outlined in FIPS 201–2.

Need and Use of the Information: Information will be collected using form AD 1197, Request for USDA Identification (ID) Badge, to issue a site badge to grant individuals short term assess to facilities. USDA has chosen to use GSA's USAccess program for HSPD–12 credentialing and identity management. The automated system includes six separate and distinct roles to ensure no one single individual can issue a credential without further validation from another authorized role holder. An automated notification workflow provides streamlined communication between role holder and the applicant, notifying each as to the respective steps in the process. If the information is not collected, Federal and non-Federal employees may not be permitted in some facilities and will not be allowed access to government computer systems.

Description of Respondents: Individuals or households.

Number of Respondents: 12,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 30,000.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–02857 Filed 2–10–17; 8:45 am]

BILLING CODE 3412–BA–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 8, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) 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; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 15, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency 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.

Animal and Plant Health Inspection Service

Title: Importation of Fresh Bananas from the Philippines into the Continental United States.

OMB Control Number: 0579–0394.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. The regulations in ''Subpart-Fruit and Vegetables'' (7 CFR 319.56, referred to as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

Need and Use of the Information: The Animal and Plant Health Inspection Service (APHIS) uses the following information collection activities to allow the import of fresh bananas from the Philippines into the continental United States in accordance with the requirements which will restrict any plant pests from entering the United States: (1) Bilateral Workplan; (2) Production Site Registration; (3) Monitoring and Oversight; (4) Maintain All Forms and Documents that Include Fruit Fly Detections and Updating Records; (5) Carton Marking with Production Site Number; (6) Hard Green Stage Harvest Certification; (7) Investigations; (8) Fruit Fly Trapping for Low Pest Prevalence; (9) Shipping Documents; and (10) Phytosanitary Certificates with Declaration. Failure to collect this information would cripple APHIS' ability to ensure that bananas from the Philippines are not carrying plant pests.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 41.

Frequency of Responses: Recordkeeping; Reporting: Other: One time.

Total Burden Hours: 1,330.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–02872 Filed 2–10–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0003]

Notice of Request for Reinstatement of an Information Collection; Federal Plant Pest and Noxious Weeds Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request the reinstatement of an information collection associated with the Federal plant pest and noxious weeds regulations.

DATES: We will consider all comments that we receive on or before April 14, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0003.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0003, 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-2017-0003* 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: For information regarding the Federal plant pest and noxious weeds regulations, contact Dr. Colin D. Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits Branch, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2237. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Federal Plant Pest and Noxious Weeds Regulations.

OMB Control Number: 0579–0054.

Type of Request: Reinstatement of an information collection.

Abstract: The Plant Protection Act (the Act, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, exportation, or interstate movement of plants, plant products, biological control organisms, noxious weeds, articles, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction of plant pests or noxious weeds into the United States or their dissemination within the United States. The associated regulations that were issued by the Animal and Plant Health Inspection Service (APHIS) are located in 7 CFR parts 330 and 360.

These regulations contain information collection activities that include, but are not limited to, applications, including applications for permits to import regulated articles (*e.g.,* plant pests, noxious weeds, or soil) or to move regulated articles interstate; labels; compliance agreements; and appeal, denial, and cancellation of permits. These information collection activities allow APHIS to evaluate the risks associated with the importation or interstate movement of plant pests, noxious weeds, and soil, and also assists with developing risk mitigations, if necessary, for the importation or interstate movement of plant pests, noxious weeds, and soil.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of

information is estimated to average 0.46 hours per response.

Respondents: Importers and shippers of plant pests, noxious weeds, and other regulated articles; State plant health officials; owners/operators of regulated garbage-handling facilities; Tribal groups; and individuals.

Estimated annual number of respondents: 4,805.

Estimated annual number of responses per respondent: 7.5.

Estimated annual number of responses: 36,173.

Estimated total annual burden on respondents: 16,723 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 7th day of February 2017.

Michael E. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–02868 Filed 2–10–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0103]

Notice of Availability of Proposed Changes to the National Poultry Improvement Plan Program Standards

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that proposed changes to the National Poultry Improvement Plan Program Standards are available for review and comment.

DATES: We will consider all comments that we receive on or before March 15, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0103.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2016–0103, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The proposed standards and any comments we receive may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0103* 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. Denise Brinson, DVM, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION: The National Poultry Improvement Plan (NPIP), also referred to below as ''the Plan,'' is a cooperative Federal-State-Industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs.

The Plan identifies States, flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 56, 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

In the past, APHIS has updated the regulations once every 2 years, following the Biennial Plan Conference of the NPIP General Conference Committee. The NPIP General Conference Committee advises the Secretary on poultry health and represents cooperating State agencies and poultry industry members. During its meetings and Biennial Conferences, the Committee discusses significant poultry health issues and makes recommendations to improve the NPIP.

However, while changes in diagnostic science, testing technology, and best practices for maintaining sanitation are continual, the rulemaking process can be lengthy. As a result, the regulations have, at times, become outdated. To remedy this problem, we determined that we needed a more flexible process for amending provisions of the Plan. On July 9, 2014, we published in the **Federal Register** (79 FR 38752–38768, Docket No. APHIS–2011–0101) a final rule [1] that, among other things, amended the regulations by removing tests and detailed testing procedures, as well as sanitation procedures, from part 147, and making these available in an NPIP Program Standards document.[2] The rule also amended the regulations to provide for the Program Standards document to be updated through the issuance of a notice in the **Federal Register** followed by a period of public comment. The latter change was intended to enable us to make the NPIP program more effective by allowing us to update some of the Plan provisions without the need for rulemaking.

We are advising the public that we have prepared updates to the NPIP Program Standards document. The proposed updates would amend the Program Standards by establishing new standards for biosecurity principles. We are also proposing to amend the hemagglutination inhibition test procedures for *Mycoplasma,* clarify the laboratory procedure recommended for the bacteriological examination of *Salmonella* in birds, amend the laboratory procedure recommended for polymerase chain reaction (PCR) tests for *Mycoplasma gallisepticum* and *M. synoviae,* and add new diagnostic tests for *Mycoplasma* and *Salmonella.* Finally, we note that the Program Standards are currently divided into subparts in the same way the regulations are. We are proposing to change the use of the word ''Subpart'' to ''Standard'' in the Program Standards for ease of distinguishing between references to the regulations and the Program Standards.

After reviewing any comments we receive on the proposed updates, we will publish a second notice in the **Federal Register** announcing our decision regarding the proposed changes.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

[1] To view the final rule and related documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0101.*

[2] This document may be viewed on the NPIP Web site at *http://www.poultryimprovement.org/documents/ProgramStandardsAugust2014.pdf,* or by writing to the Service at National Poultry Improvement Plan, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094.

Done in Washington, DC, this 7th day of February 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–02870 Filed 2–10–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0001]

Notice of Request for Revision of an Approved Information Collection (Advanced Meat Recovery)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a revision of the approved information collection regarding the regulatory requirements associated with the production of meat from advanced meat recovery systems. The OMB approval will expire on May 31, 2017. Based on a decrease in establishments that use advanced meat recovery systems, FSIS has decreased its total annual burden estimate by 4,050 hours.

DATES: Submit comments on or before April 14, 2017.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov*. Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2017–0001. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov*.

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6065, South Building, Washington, DC 20250; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Advanced Meat Recovery.

OMB Number: 0583–0130.

Expiration Date of Approval: 5/31/2017.

Type of Request: Revision of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*). The statute provides that FSIS is to protect the public by verifying that meat products are safe, wholesome, not adulterated, and properly labeled and packaged.

FSIS is announcing its intention to request a revision of the approved information collection regarding the regulatory requirements associated with the production of meat from advanced meat recovery systems. The OMB approval will expire on May 31, 2017. Based on a decrease in establishments that use advanced meat recovery systems, FSIS has decreased its total annual burden estimate by 4,050 hours.

FSIS requires that official establishments that produce meat from AMR systems (1) ensure that the bones used for the systems do not contain brain, trigeminal ganglia, or spinal cord and, if the establishments produce beef AMR product, are from cattle younger than 30 months of age; (2) test for calcium, iron, spinal cord, and dorsal root ganglia (DRG); (3) document their testing protocols; (4) handle product in a manner that does not cause product to be misbranded or adulterated; and (5) maintain records of their documentation and of their test results (9 CFR 318.24).

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of a half hour per response.

Respondents: Official establishments that produce meat from AMR systems.

Estimated Number of Respondents: 47.

Estimated Number of Annual Responses per Respondent: 900.

Estimated Total Annual Burden on Respondents: 21,159 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence SW., 6065, South Building, Washington, DC 20250; (202)720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register*.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides

automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on February 7, 2017.

Alfred V. Almanza,

Administrator.

[FR Doc. 2017–02831 Filed 2–10–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0002]

Notice of Request for Revision of a Currently Approved Information Collection (Nutrition Labeling of Major Cuts of Single-Ingredient Raw Meat or Poultry Products and Ground or Chopped Meat and Poultry Products)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a revision of the approved information collection regarding nutrition labeling of the major cuts of single-ingredient raw meat or poultry products and ground or chopped meat and poultry products. OMB approval will expire on May 31, 2017. Based on the latest available data, FSIS has increased its total annual burden estimate by 2,693 hours, to account for an increase in the number of retail operations making products subject to nutrition labeling requirements.

DATES: Submit comments on or before April 14, 2017.

ADDRESSES: FSIS invites interested persons to submit comments on this information collection. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2017–0002. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–164, Washington, DC 20250–3700 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6065, South Building, Washington, DC 20250; (202)720–5627.

SUPPLEMENTARY INFORMATION:

Title: Nutrition Labeling of Major Cuts of Single-Ingredient Raw Meat or Poultry Products and Ground or Chopped Meat and Poultry Products.

OMB Number: 0583–0148.

Expiration Date of Approval: 5/31/2017.

Type of Request: Revision of an approved information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). These statutes provide that FSIS is to protect the public by verifying that meat and poultry products are safe, wholesome, not adulterated, and properly labeled and packaged.

FSIS is announcing its intention to request a revision of the approved information collection regarding nutrition labeling of the major cuts of single-ingredient raw meat or poultry products and ground or chopped meat and poultry products. OMB approval will expire on May 31, 2017. Based on the latest available data, FSIS has increased its total annual burden estimate by 2,693 hours, to account for an increase in the number of retail operations making products subject to nutrition labeling requirements.

FSIS requires nutrition labeling of the major cuts of single-ingredient, raw meat and poultry products, unless an exemption applies. FSIS also requires nutrition labels on all ground or chopped meat and poultry products, with or without added seasonings, unless an exemption applies. Further, the nutrition labeling requirements for all ground or chopped meat and poultry products are consistent with the nutrition labeling requirements for multi-ingredient and heat processed products. (9 CFR 381.400(a), 9 CFR 317.300(a), 9 CFR 317.301(a), 9 CFR 381.401(a)).

FSIS has made the following estimates based upon an information collection assessment:

Estimate of Burden: FSIS estimates that it will take respondents an average of a half hour per response.

Respondents: Official establishments, grocery stores and warehouses.

Estimated Number of Respondents: 76,439.

Estimated Number of Annual Responses per Respondent: 1.8.

Estimated Total Annual Burden on Respondents: 68,755 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence SW., 6065, South Building, Washington, DC 20250; (202)720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, Fax: (202) 690–7442, *Email: program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: February 7, 2017.

Alfred V. Almanza,

Administrator.

[FR Doc. 2017–02832 Filed 2–10–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[Docket No. 170110047–7097–01]

XRIN 0691–XC053

Request for Comments; Notice of Revision of Confidentiality Pledge

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Department of Commerce (DOC) is announcing a revision to the confidentiality pledge it provides to its survey respondents under the International Investment and Trade in Services Survey Act. This revision is required by the enactment and implementation of provisions of the Cybersecurity Enhancement Act of 2015, which permit and require the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic, with the result of enhancing the protection of confidential data. DOC also invites the general public and other Federal agencies to comment on this revision to the confidentiality pledge.

DATES: *Effective Date:* February 13, 2017.

Comment Date: Written comments must be submitted on or before April 14, 2017.

ADDRESSES: You may submit comments to:

- *Email: PRAcomments@doc.gov.*
- *Mail:* Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Patricia Abaroa, Chief, Direct Investment Division (BE–50), Bureau of Economic Analysis, Department of Commerce, 4600 Silver Hill Road. Washington, DC 20233; phone: (301) 278–9591 or via email at *patricia.abaroa@bea.gov.*

SUPPLEMENTARY INFORMATION: Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. Many of the most valuable Federal statistics, including those of the Bureau of Economic Analysis (BEA), come from surveys that ask for highly sensitive information such as proprietary business data. Strong and trusted

confidentiality and exclusively statistical use pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in the BEA.

Under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108, as amended), BEA makes statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. This statute protects the confidentiality of information that BEA collects solely for statistical purposes and under a pledge of confidentiality; this information is protected from administrative, law enforcement, taxation, regulatory, or any other non-statistical use. Moreover, this statute carries criminal penalties for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016, signed on December 18, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (Pub. L. 114–113, Division N, Title II, Subtitle B, Sec. 223). This Act requires the Secretary of Homeland Security to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The technology currently used to provide this protection is known as Einstein 3A; it electronically searches Internet traffic in and out of Federal civilian agencies in real time for cyber threat indicators.

When such a signature is found, the Internet packets that contain the malware signature are segregated for further inspection by Department of Homeland Security (DHS) personnel. Because it is possible that such packets entering or leaving BEA's information system may contain a small portion of confidential statistical data, it can no longer promise its respondents that their responses will be seen only by BEA personnel or its sworn agents. However, BEA can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such information can be used only to protect information and information systems from cybersecurity risks.

Consequently, with enactment and implementation of the Federal Cybersecurity Enhancement Act of 2015 has provided the Federal statistical community with an opportunity to obtain the further protection of its confidential data that is offered by DHS' Einstein 3A cybersecurity protection program. The DHS cybersecurity program's objective is to provide a common baseline of security across the federal civilian executive branch and to help agencies manage their cyber risk. The Federal statistical system's objective is to ensure that the DHS Secretary performs those essential duties in a manner that honors the Government's statutory promises to the public to protect their confidential data. Given that DHS is not a Federal statistical agency, both DHS and the Federal statistical system have been successfully working to find a way to balance both objectives.

Accordingly, DHS and DOC have developed a Memorandum of Agreement for the deployment of Einstein 3A cybersecurity protection technology to monitor DOC's Internet traffic and have incorporated an associated Addendum on Highly Sensitive Agency Information that provides additional protection and enhanced security handling of confidential statistical data provided to BEA.

Since it is possible that DHS personnel could see some portion of those confidential data in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, statistical agencies need to revise their confidentiality pledges to reflect this process change. Therefore, DOC is providing this notice to alert the public to the confidentiality pledge revision for BEA surveys. Below is a listing of the current information collection numbers and titles for those BEA surveys with confidentiality pledges that will change to reflect the implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes in accordance with the requirements of the Federal Cybersecurity Enhancement Act of 2015. The BEA statistical confidentiality pledge for these surveys will be modified to include the following sentence: ''Per the Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through security monitoring of the BEA information systems.''

- 0608–0004: BE–577 Quarterly Survey of U.S. Direct Investment Abroad
- 0608–0009: BE–605 Quarterly Survey of Foreign Direct Investment in the United States
- 0608–0011: BE–30 Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers
- 0608–0011: BE–37 Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses
- 0608–0012: BE–29 Foreign Ocean Carriers' Expenses in the United States
- 0608–0034: BE–15 Annual Survey of Foreign Direct Investment in the United States
- 0608–0035: BE–13 Survey of New Foreign Direct Investment in the United States
- 0608–0042: BE–12 Benchmark Survey of Foreign Direct Investment in the United States
- 0608–0049: BE–10 Benchmark Survey of U.S. Direct Investment Abroad
- 0608–0053: BE–11 Annual Survey of U.S. Direct Investment Abroad
- 0608–0058: BE–120 Benchmark Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons
- 0608–0068: BE–9 Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States
- 0608–0062: BE–180 Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons
- 0608–0065: BE–185 Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons
- 0608–0066: BE–45 Quarterly Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons
- 0608–0067: BE–125 Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons
- 0608–0072: BE–150 Quarterly Survey of Payment Card and Bank Card Transactions Related to International Travel
- 0608–0073: BE–140 Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons

DOC invites the general public and other Federal agencies to provide comments on the revision to the confidentiality pledge as described above. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

PRA Departmental Lead, Office of the Chief Information Officer.

[FR Doc. 2017–02821 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: Effective February 13, 2017.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''the Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, except for the review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (''solar cells and modules'') from the People's Republic of China (''PRC''), the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

In the event the Department limits the number of respondents for individual examination in the administrative review of the antidumping duty order on solar cells and modules from the PRC, the Department intends to select respondents based on volume data contained in responses to Q&V Questionnaires. Further, the Department intends to limit the number of Q&V Questionnaires issued in the review based on CBP data for U.S. imports of solar cells and solar modules from the PRC. The units used to measure the imported quantities of solar cells and solar modules are ''number''; however, it would not be meaningful to sum the number of imported solar cells and the number of imported solar modules in attempting to determine the largest PRC exporters of subject merchandise by volume. Therefore, the Department will limit the number of Q&V Questionnaires issued based on the import values in CBP data which will serve as a proxy for imported quantities. Parties subject to the review to which the Department does not send a Q&V Questionnaire may file a response to the Q&V Questionnaire by the applicable deadline if they desire to be included in the pool of companies from which the Department will select mandatory respondents. The Q&V Questionnaire will be available on the Department's Web site at *http://trade.gov/enforcement/news.asp* on the date of publication of this notice in the **Federal Register**. The responses to the Q&V Questionnaire must be received by the Department no later than 21 days after the signature date of this initiation notice. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for antidumping duty administrative reviews, the Department does not intend to grant any extensions for the submission of responses to the Q&V Questionnaire. Parties will be given the opportunity to comment on the CBP

data used by the Department to limit the number of Q&V Questionnaires issued. We intend to place CBP data on the record within five days of publication of this notice in the **Federal Register**. Comments regarding the CBP data and respondent selection should be submitted seven days after placement of the CBP data on the record.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Furthermore, firms to which the Department issues a Q&V questionnaire in the antidumping duty administrative review of solar cells and modules from the PRC must submit a timely and complete response to the Q&V questionnaire, in addition to a timely and complete Separate Rate Application or Certification in order to receive consideration for separate-rate status. In other words, the Department will not give consideration to any timely Separate Rate Certification or Application made by parties to whom the Department issued a Q&V questionnaire but who failed to respond in a timely manner to the Q&V questionnaire. Exporters subject to the antidumping duty administrative review of solar cells and modules from the PRC to which the Department does not send a Q&V questionnaire may receive consideration for separate-rate status if they file a timely Separate Rate Application or a timely Separate Rate Certification without filing a response to the Q&V questionnaire. All information submitted by respondents in the antidumping duty administrative review of solar cells and modules from the PRC is subject to verification. As noted above, the Separate Rate Certification, the Separate Rate Application, and the Q&V questionnaire will be available on the Department's Web site on the date of publication of this notice in the **Federal Register**.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

the final results of these reviews not later than December 31, 2017.

	Period to be reviewed
Antidumping Duty Proceedings	
India: Carbazole Violet Pigment 23, A–533–838	12/1/15–11/30/16
Pidilite Industries Limited	
Mexico: Seamless Refined Copper Pipe and Tube,[4] A–201–838	11/1/15–10/31/16
Nacional de Cobre, S.A. de C.V.	
IUSA, S.A. de C.V.	
GD Affiliates S. de R.L. de C.V.	
Republic of Korea: Welded ASTM A–312 Stainless Steel Pipe, A–580–810	12/1/15–11/30/16
SeAH Steel Corporation	
Republic of Korea: Welded Line Pipe, A–580–876	12/1/15–11/30/16
AJU BESTEEL CO., Ltd.	
Daewoo International Corporation	
Dong Yang Steel Pipe	
Dongbu Incheon Steel Co.	
Dongkuk Steel Mill	
EEW Korea Co, Ltd.	
HISTEEL Co., Ltd.	
Husteel Co., Ltd.	
Hyundai HYSCO	
Hyundai Steel Company	
Keonwood Metals Co., Ltd.	
Kolon Global Corp.	
Korea Cast Iron Pipe Ind. Co., Ltd.	
Miju Steel MFG Co., Ltd.	
MSTEEL Co.,Ltd.	
NEXTEEL Co., Ltd.	
Poongsan Valinox (Valtimet Division)	
POSCO	
Sam Kang M&T Co., Ltd.	
SeAH Steel Corp.	
Sin Sung Metal Co., Ltd.	
Soon-Hong Trading Company	
Steel Flower Co., Ltd.	
TGS Pipe	
Taiwan: Steel Wire Garments Hangers, A–583–849	12/1/15–11/30/16
Gee Ten Enterprise Co., Ltd.	
Inmall Enterprises Co., Ltd.	
Mindful Life and Coaching Co., Ltd.	
Ocean Concept Corporation	
Su-Chia International Ltd.	
Taiwan Hanger Manufacturing Co., Ltd.	
Young Max Enterprises Co. Ltd.	
The People's Republic of China: Certain Cased Pencils, A–570–827	12/1/15–11/30/16
Ningbo Homey Union Co., Ltd.	
Orient International Holding Shanghai Foreign Trade Co., Ltd.	
Shandong Rongxin Import & Export Co., Ltd.	
Shangdong Wah Yuen Stationery Co., Ltd.	
Tianjin Tonghe Stationery Co. Ltd.	
Wah Yuen Stationery Co. Ltd.	
The People's Republic of China: Crystalline Silicon Photovoltaic Cells, Whether or Not assembled into Modules, A–570–979	12/1/15–11/30/16
Anji DaSol Solar Energy Science & Technology Co., Ltd.	
BYD (Shangluo) Industrial Co., Ltd.	
Canadian Solar International Limited	
Canadian Solar Manufacturing (Changshu) Inc.	
Canadian Solar Manufacturing (Luoyang) Inc.	
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd.	
Chint Solar (Zhejiang) Co., Ltd.	
De-Tech Trading Limited HK	
Dongguan Sunworth Solar Energy Co., Ltd.	
Eoplly New Energy Technology Co., Ltd.	
ERA Solar Co., Ltd.	
ET Solar Energy Limited	
ET Solar Industry Limited	
Hangzhou Sunny Energy Science and Technology Co., Ltd.	
Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	
Hengdian Group DMEGC Magnetics Co. Ltd.	
JA Solar Technology Yangzhou Co., Ltd.	

	Period to be reviewed
Jiangsu High Hope Int'l Group	
Jiangsu Sunlink PV Technology Co., Ltd.	
Jiawei Solarchina (Shenzhen) Co., Ltd.	
Jiawei Solarchina Co., Ltd.	
JingAo Solar Co., Ltd.	
Jinko Solar Co., Ltd.	
Jinko Solar Import and Export Co., Ltd.	
JinkoSolar International Limited	
LERRI Solar Technology Co., Ltd.	
Lightway Green New Energy Co., Ltd.	
Ningbo ETDZ Holdings, Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Risen Energy Co., Ltd.	
Shanghai BYD Co., Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
Shenzhen Sungold Solar Co., Ltd.	
Shenzhen Topray Solar Co., Ltd.	
Sumec Hardware & Tools Co., Ltd.	
Sunpreme Jiaxing Ltd.	
Systemes Versilis, Inc.	
Taizhou BD Trade Co., Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
Toenergy Technology Hangzhou Co., Ltd.	
Wuxi Suntech Power Co., Ltd/Luoyang Suntech Power Co., Ltd.	
Wuxi Tianran Photovoltaic Co., Ltd	
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy, Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd., /Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy, Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing, Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd.	
Zhejiang ERA Solar Technology Co., Ltd.	
Zhejiang Jinko Solar Co., Ltd.	
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	
Zhongli Talesun Solar Co. Ltd.	
The People's Republic of China: Fresh Garlic,[5] A–570–831	11/1/15–10/31/16
Qingdao Joinseafoods Co., Ltd.	
Zhengzhou Yudi Shengjin Agricultural Trade Co., Ltd.	
Zhengzhou Yudi Shengjin Farm Products Co., Ltd.	
The People's Republic of China: Honey, A–570–863	12/1/15–11/30/16
Shanghai Sunbeauty Trading Co., Ltd.	
Shayang Xianghe Food Co., Ltd.[6]	
The People's Republic of China: Malleable Cast Iron Pipe Fittings, A–570–881	12/1/15–11/30/16
Beijing Sai Lin Ke Hardware Co. Ltd.	
Jinan Meide Casting Co., Ltd.	
Langfang Pannext Pipe Fitting Co., Ltd.	
LDR Industries, Inc.	
The People's Republic of China: Multilayered Wood Flooring, A–570–970	12/1/15–11/30/16
A&W (Shanghai) Woods Co., Ltd.	
Anhui Boya Bamboo & Wood Products Co., Ltd.	
Anhui Longhua Bamboo Product Co., Ltd.	
Anhui Suzhou Dongda Wood Co., Ltd.	
Baishan Huafeng Wood Product Co., Ltd.	
Baishan Huafeng Wooden Product Co., Ltd.	
Baiying Furniture Manufacturer Co., Ltd.	
Benxi Wood Company	
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.	
Changzhou Hawd Flooring Co., Ltd.	
Cheng Hang Wood Co., Ltd.	
Chinafloors Timber (China) Co., Ltd.	
Dalian Dajen Wood Co., Ltd.	
Dalian Guhua Wooden Product Co., Ltd.	
Dalian Huade Wood Product Co., Ltd.	
Dalian Huilong Wooden Products Co., Ltd.	
Dalian Jaenmaken Wood Industry Co., Ltd.	
Dalian Jiahong Wood Industry Co., Ltd	
Dalian Jiuyuan Wood Industry Co., Ltd.	
Dalian Kemian Wood Industry Co., Ltd.	
Dalian Penghong Floor Products Co., Ltd.	
Dalian Qianqiu Wooden Product Co., Ltd.	
Dalian Xinjinghua Wood Co., Ltd.	
Dongtai Fuan Universal Dynamics, LLC	
Dongtai Zhangshi Wood Industry Co. Ltd.	
Dunhua City Jisen Wood Industry Co., Ltd.	

	Period to be reviewed
Dunhua City Dexin Wood Industry Co., Ltd.	
Dunhua City Hongyuan Wood Industry Co., Ltd.	
Dunhua City Wanrong Wood Industry Co., Ltd.	
Dunhua Shengda Wood Industry Co.,Ltd.	
Fine Furniture (Shanghai)Limited	
Fu Lik Timber (HK) Co., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	
Fusong Jinqiu Wooden Product Co., Ltd.	
Fusong Qianqiu Wooden Product Co., Ltd.	
GTP International Ltd.	
Guangdong Yihua Timber Industry Co., Ltd.	
Guangzhou Homebon Timber Manufacturing Co., Ltd.	
Guangzhou Panyu Kangda Board Co., Ltd.	
Guangzhou Panyu Southern Star Co., Ltd.	
HaiLin LinJing Wooden Products, Ltd.	
HaiLin XinCheng Wooden Products, Ltd.	
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.)	
Hangzhou Huahi Wood Industry Co., Ltd.	
Huber Engineering Wood Corp.	
Hunchun Forest Wolf Wooden Industry Co., Ltd.	
Hunchun Xingjia Wooden Flooring Inc.	
Huzhou City Nanxun Guangda Wood Co., Ltd.	
Huzhou Chenghang Wood Co., Ltd.	
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	
Huzhou Fuma Wood Co., Ltd.	
Huzhou Jesonwood Co., Ltd.	
Huzhou Muyun Wood Co., Ltd.	
Huzhou Sunergy World Trade Co., Ltd.	
Jiafeng Wood (Suzhou) Co., Ltd.	
Jiangsu Guyu International Trading Co., Ltd.	
Jiangsu Keri Wood Co., Ltd.	
Jiangsu Kentier Wood Co., Ltd.	
Jiangsu Mingle Flooring Co.	
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	
Jiangsu Simba Flooring Co., Ltd.	
Jiangsu Yuhui International Trade Co., Ltd.	
Jiashan Huijiale Decoration Material Co., Ltd.	
Jiashan On-Line Lumber Co., Ltd.	
Jiaxing Hengtong Wood Co., Ltd.	
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	
Jilin Xinyuan Wooden Industry Co., Ltd.	
Karly Wood Product Limited	
Kember Flooring, Inc.	
Kemian Wood Industry (Kunshan) Co., Ltd.	
Kingman Floors Co., Ltd.	
Les Planchers Mercier, Inc.	
Linyi Anying Wood Co., Ltd.	
Linyi Bonn Flooring Manufacturing Co., Ltd.	
Linyi Youyou Wood Co., Ltd.	
Metropolitan Hardwood Floors, Inc.	
Mudanjiang Bosen Wood Industry Co., Ltd.	
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	
Power Dekor Group Co. Ltd.	
Qingdao Barry Flooring Co., Ltd	
Scholar Home (Shanghai) New Material Co. Ltd.	
Shandong Kaiyuan Wood Industry Co., Ltd.	
Shanghai Anxin (Weiguang) Timber Co., Ltd.	
Shanghai Eswell Timber Co., Ltd.	
Shanghai Lairunde Wood Co., Ltd.	
Shanghai Lizhong Wood Products Co., Ltd.	
Shanghai New Sihe Wood Co., Ltd.	
Shanghai Shenlin Corporation	
Shenyang Haobainian Wooden Co., Ltd.	
Shenzhenshi Huanwei Woods Co., Ltd.	
Sino-Maple (Jiangsu) Co., Ltd.	
Suzhou Dongda Wood Co., Ltd.	
Tongxiang Jisheng Import and Export Co., Ltd.	
Vicwood Industry (Suzhou) Co. Ltd.	
Xiamen Yung De Ornament Co., Ltd.	
Xuzhou Antop International Trade Co., Ltd.	
Xuzhou Shenghe Wood Co., Ltd.	
Yekalon Industry, Inc.	

	Period to be reviewed
Yihua Lifestyle Technology Co., Ltd.	
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	
Yixing Lion-King Timber Industry	
Zhejiang AnJi Xinfeng Bamboo and Wood Industry Co., Ltd.	
Zhejiang Biyork Wood Co., Ltd.	
Zhejiang Dadongwu Green Home Wood Co., Ltd.	
Zhejiang Desheng Wood Industry Co., Ltd.	
Zhejiang Fudeli Timber Industry Co., Ltd.	
Zhejiang Fuerjia Wooden Co., Ltd.	
Zhejiang Fuma Warm Technology Co., Ltd.	
Zhejiang Haoyun Wooden Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	
Zhejiang Shiyou Timber Co., Ltd.	
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	
Zhejiang Simite Wooden Co., Ltd.	
The People's Republic of China: Seamless Refined Copper Pipe and Tube,[7] A–570–964	11/1/15–10/31/16
Hong Kong Hailiang Metal	
Shanghai Hailiang Copper Co., Ltd.	
Zhejiang Hailiang Co., Ltd.	
Turkey: Welded Line Pipe, A–489–822	5/22/15–11/30/16
Borusan Istikbal Ticaret	
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	
Cayirova Boru Sanayii ve Ticaret A.S.	
Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti.	
Emek Boru Makina Sanayi ve Ticaret A.S.	
Erbosan Erciyas Tube Industry and Trade Co. Inc.	
Erciyas Celik Boru Sanayii A.S.	
Guven Celik Boru Sanayii ve Ticaret Ltd. Sti	
Has Altinyagmur celik Boru Sanayii ve Ticaret Ltd. Sti.	
HDM Steel Pipe Industry & Trade Co. Ltd.	
Metalteks Celik Urunleri Sanayii	
MMZ Onur Boru Profil Uretim Sanayii ve Ticaret A.S.	
Noksel Steel Pipe Co. Inc.	
Ozbal Celik Boru	
Toscelik Profile and Sheet Industry, Co.	
Tosyali Dis Ticaret A.S.	
Umran Celik Boru Sanayii	
YMS Pipe & Metal Sanayii A.S.	
Yucelboru Ihracat Ithalat Pazzarlam	
Countervailing Duty Proceedings	
Canada: Supercalendered Paper, C–122–845	8/3/15–12/31/15
Catalyst Paper Corporation, Catalyst Pulp and Paper Sales Inc,	
Catalyst Paper (USA) Inc.	
Irving Paper Limited	
Port Hawkesbury Paper LP	
Resolute FP Canada Inc. and Resolute FP US Inc.	
India: Carbazole Violet Pigment 23, C–533–839	1/1/15–12/31/15
Pidilite Industries Limited	
The People's Republic of China: Crystalline Silicon Photovoltaic Cells, Whether or Not assembled into Modules, C–570–980	1/1/15–12/31/15
Baoding Jiasheng Photovoltaic Technology Co., Ltd.	
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	
Beijing Tianneng Yingli New Energy Resources Co., Ltd.	
BYD (Shangluo) Industrial Co., Ltd.	
Canadian Solar Manufacturing (Changshu), Inc.	
Canadian Solar Inc.	
Canadian Solar International, Ltd.	
Canadian Solar Manufacturing (Luoyang), Inc.	
Changzhou Trina Solar Energy Co., Ltd.	
Changzhou Trina Solar Yabang Energy Co., Ltd.	
Chint Solar (Zhejiang) Co., Ltd.	
Dongguan Sunworth Solar Energy Co., Ltd.	
ERA Solar Co., Ltd.	
ET Solar Energy Limited	
ET Solar Industry Limited	
Hainan Yingli New Energy Resources Co., Ltd.	
Hangzhou Sunny Energy Science and Technology Co., Ltd.	
Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.	
Hengdian Group DMEGC Magnetics Co., Ltd.	
Hengshui Yingli New Energy Resources Co., Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
JA Solar Technology Yangzhou Co., Ltd.	

	Period to be reviewed
Jiangsu High Hope Int'l Group	
Jiawei Solarchina Co., Ltd.	
Jiawei Solarchina (Shenzhen) Co., Ltd.	
JingAo Solar Co., Ltd.	
Jinko Solar Co., Ltd.	
Jinko Solar Import and Export Co., Ltd.	
Jinko Solar International Limited	
Jinko Solar (U.S.) Inc.	
Lightway Green New Energy Co., Ltd.	
Lixian Yingli New Energy Resources Co., Ltd.	
Luoyang Suntech Power Co., Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Risen Energy Co., Ltd.	
Shanghai BYD Co., Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
Shenzhen Glory Industries Co., Ltd.	
Shenzhen Topray Solar Co., Ltd.	
Sumec Hardware & Tools Co. Ltd.	
Systemes Versilis, Inc.	
Taizhou BD Trade Co., Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
Tianjin Yingli New Energy Resources Co., Ltd.	
Toenergy Technology Hangzhou Co., Ltd.	
Trina Solar (Changzhou) Science & Technology Co., Ltd.	
Wuxi Suntech Power Co., Ltd.	
Yancheng Trina Solar Energy Technology Co., Ltd.	
Yingli Energy (China) Co., Ltd.	
Yingli Green Energy Holding Company Limited	
Yingli Green Energy International Trading Company Limited	
Zhejiang Era Solar Technology Co., Ltd.	
Zhejiang Jinko Solar Co., Ltd.	
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	
The People's Republic of China: Multilayered Wood Flooring, C–570–971	1/1/15–12/31/15
A&W (Shanghai) Woods Co., Ltd.	
Anhui Boya Bamboo & Wood Products Co., Ltd.	
Anhui Longhua Bamboo Product Co., Ltd.	
Anhui Suzhou Dongda Wood Co., Ltd.	
Baishan Huafeng Wood Product Co., Ltd.	
Baiying Furniture Manufacturer Co., Ltd.	
Benxi Wood Company	
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.	
Changzhou Hawd Flooring Co., Ltd.	
Cheng Hang Wood Co., Ltd.	
Chinafloors Timber (China) Co. Ltd.	
Dalian Dajen Wood Co., Ltd.	
Dalian Huade Wood Product Co., Ltd.	
Dalian Huilong Wooden Products Co., Ltd.	
Dalian Jaenmaken Wood Industry Co., Ltd.	
Dalian Jiahong Wood Industry Co., Ltd.	
Dalian Jiuyuan Wood Industry Co., Ltd.	
Dalian Kemian Wood Industry Co., Ltd.	
Dalian Penghong Floor Products Co., Ltd.	
Dalian Xinjinghua Wood Co., Ltd.	
Dongtai Fuan Universal Dynamics, LLC	
Dongtai Zhangshi Wood Industry Co., Ltd.	
Double F Limited	
Dun Hua Sen Tai Wood Co., Ltd.	
Dunhua City Dexin Wood Industry Co., Ltd.	
Dunhua City Hongyuan Wood Industry Co., Ltd.	
Dunhua City Jisen Wood Industry Co., Ltd.	
Dunhua City Wanrong Wood Industry Co., Ltd.	
Dunhua Shengda Wood Industry Co., Ltd.	
Fine Furniture (Shanghai) Limited	
Fu Lik Timber (HK) Co., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	
Fusong Qianqiu Wooden Product Co., Ltd.	
GTP International Ltd.	
Guangdong Yihua Timber Industry Co., Ltd.	
Guangzhou Homebon Timber Manufacturing Co., Ltd.	
Guangzhou Panyu Kangda Board Co., Ltd.	
Guangzhou Panyu Southern Star Co., Ltd.	
HaiLin LinJing Wooden Products, Ltd.	
HaiLin XinCheng Wooden Products, Ltd.	

	Period to be reviewed
Hangzhou Dazhuang Floor Co., Ltd.	
Hangzhou Hanje Tec Co., Ltd.	
Hangzhou Huahi Wood Industry Co., Ltd.	
Huber Engineering Wood Corp.	
Hunchun Forest Wolf Wooden Industry Co., Ltd.	
Hunchun Xingjia Wooden Flooring Inc.	
Huzhou Chenghang Wood Co., Ltd.	
Huzhou City Nanxun Guangda Wood Co., Ltd.	
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	
Huzhou Fuma Wood Co., Ltd.	
Huzhou Fuma Wood Bus. Co., Ltd.	
Huzhou Jesonwood Co., Ltd.	
Huzhou Muyun Wood Co., Ltd.	
Huzhou Sunergy World Trade Co., Ltd.	
Jiafeng Wood (Suzhou) Co., Ltd.	
Jiangsu Guyu International Trading Co., Ltd	
Jiangsu Kentier Wood Co., Ltd.	
Jiangsu Keri Wood Co., Ltd.	
Jiangsu Mingle Flooring Co., Ltd.	
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	
Jiangsu Simba Flooring Co., Ltd.	
Jiangsu Yuhui International Trade Co., Ltd.	
Jiashan HuiJiaLe Decoration Material Co., Ltd.	
Jiashan On-Line Lumber Co., Ltd.	
Jiaxing Hengtong Wood Co., Ltd.	
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	
Jilin Xinyuan Wooden Industry Co., Ltd.	
Karly Wood Product Limited	
Kember Flooring, Inc.	
Kemian Wood Industry (Kunshan) Co., Ltd.	
Kingman Floors Co., Ltd.	
Les Planchers Mercier, Inc.	
Linyi Anying Wood Co., Ltd.	
Linyi Bonn Flooring Manufacturing Co., Ltd.	
Linyi Youyou Wood Co., Ltd.	
Metropolitan Hardwood Floors, Inc.	
Mudanjiang Bosen Wood Industry Co., Ltd.	
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	
Power Dekor Group Co., Ltd. (Exp)	
Qingdao Barry Flooring Co., Ltd.	
Shandong Kaiyuan Wood Industry Co., Ltd.	
Shanghai Anxin (Weiguang) Timber Co., Ltd.	
Shanghai Eswell Timber Co., Ltd.	
Shanghai Lairunde Wood Co., Ltd.	
Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai	
Shanghai New Sihe Wood Co., Ltd.	
Shanghai Shenlin Corporation	
Shenyang Haobainian Wooden Co., Ltd.	
Shenzhenshi Huanwei Woods Co., Ltd.	
Sino-Maple (Jiangsu) Co., Ltd.	
Suzhou Dongda Wood Co., Ltd.	
Tongxiang Jisheng Import and Export Co., Ltd.	
Vicwood Industry (Suzhou) Co. Ltd.	
Xiamen Yung De Ornament Co., Ltd.	
Xuzhou Antop International Trade Co., Ltd.	
Xuzhou Shenghe Wood Co., Ltd.	
Yekalon Industry, Inc. (Exp)	
Yihua Lifestyle Technology Co., Ltd.	
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	
Yixing Lion-King Timber Industry	
Zhejiang Anji Xinfeng Bamboo and Wood Industry Co., Ltd.	
Zhejiang Biyork Wood Co., Ltd.	
Zhejiang Dadongwu Green Home Wood Co., Ltd.	
Zhejiang Desheng Wood Industry Co., Ltd.	
Zhejiang Fudeli Timber Industry Co., Ltd.	
Zhejiang Fuerjia Wooden Co., Ltd.	
Zhejiang Fuma Warm Technology Co., Ltd	
Zhejiang Haoyun Wooden Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	
Zhejiang Simite Wooden Co., Ltd.	
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	
Zhejiang Shiyou Timber Co., Ltd.	

	Period to be reviewed
Turkey: Welded Line Pipe, C–489–823	3/20/15–12/31/15
Borusan Istikbal Ticaret	
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	
Cayirova Boru Sanayii ve Ticaret A.S.	
Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti.	
Emek Boru Makina Sanayi ve Ticaret A.S.	
Erbosan Erciyas Tube Industry and Trade Co. Inc.	
Erciyas Celik Boru Sanayii A.S.	
Guven Celik Boru Sanayii ve Ticaret Ltd. Sti	
Has Altinyagmur celik Boru Sanayii ve Ticaret Ltd. Sti.	
HDM Steel Pipe Industry & Trade Co. Ltd.	
Metalteks Celik Urunleri Sanayii	
MMZ Onur Boru Profil Uretim Sanayii ve Ticaret A.S.	
Noksel Steel Pipe Co. Inc.	
Ozbal Celik Boru	
Toscelik Profile and Sheet Industry, Co.	
Tosyali Dis Ticaret A.S.	
Umran Celik Boru Sanayii	
YMS Pipe & Metal Sanayii A.S.	
Yucelboru Ihracat Ithalat Pazzarlam	
Suspension Agreements	
Mexico: Sugar, A–201–845	12/1/15–11/30/16
Mexico: Sugar,[8] C–201–846	1/1/16–12/31/16

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under

[4] In the initiation notice covering cases with November anniversary dates, the Department inadvertently omitted Seamless Refined Copper Pipe and Tube from Mexico. This is a correction to the January 13, 2017, initiation notice (82 FR 4294).

[5] The companies listed above were misspelled in the initiation notice that published on January 13, 2017 (82 FR 4294). The correct spellings are listed above.

[6] On January 3, 2016, the American Honey Producers Association and Sioux Honey Association (''Petitioners'') requested an administrative review of Jiangsu Runchen Agricultural/Sideline Foodstuff Co., Ltd. (''Jiangsu Runchen'') and subsequently withdrew their request on January 26, 2017. As such, the Department is not initiating a review on Jiangsu Runchen. *See* Letter to the Secretary from Petitioners, ''Honey from the People's Republic of China—Request for Administrative Review; 2015–2016'' (January 3, 2017); Letter to the Secretary from Petitioners, ''Honey from the People's Republic of China—Petitioners' Withdrawal of Request for Administrative Review of Jiangsu Runchen Agricultural/Sideline Foodstuff Co., Ltd.'' (January 26, 2017).

[7] The companies listed above were misspelled in the initiation notice that published on January 13, 2017 (82 FR 4294). The correct spellings are listed above.

[8] In the ongoing administrative review of this suspension agreement, the Department exercised its discretion to expand the 12/19/14–12/31/14 period of review to include calendar year 2015. Accordingly, the next period of review is calendar year 2016. The Department extended the opportunity to request a review for this CVD suspension agreement from December 31, 2016 to January 31, 2017, to offer the opportunity to request a review of entries that otherwise would not have occurred until the final day for the review to be requested. The period of review will remain 01/01/16–12/31/16.

which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[9] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[10] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: February 8, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–02869 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See* section 782(b) of the Act.

[10] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Open Meeting of the President's Advisory Council on Doing Business in Africa

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an Open Meeting.

SUMMARY: The President's Advisory Council on Doing Business in Africa (Council) will hold a meeting via teleconference to deliberate and vote on the adoption of a letter outlining the Council's priority recommendations to the President. The final agenda will be posted at least one week in advance of the meeting on the Council's Web site at *http://trade.gov/pac-dbia.*

DATES: This teleconference will be held on February 28, 2017 at 9:00 a.m. (EST). The deadline for members of the public to register to participate in or listen to the meeting is 5:00 p.m. (EST), February 20, 2017.

ADDRESSES: The meeting will be held by conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including for auxiliary aids) and any written comments should be submitted to: President's Advisory Council on Doing Business in Africa, U.S. Department of Commerce, M–800, 1300 Pennsylvania Avenue NW., Washington, DC 20230, *OACIO@trade.gov.* Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Joe Holecko, Executive Secretary, President's Advisory Council on Doing Business in Africa, Ronald Reagan International Trade Center, 1300 Pennsylvania Ave. NW., Suite 800M Department of Commerce, Washington, DC, 20004 telephone: 202–482–4783, email: *dbia@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: President Barack Obama directed the Secretary of Commerce to establish the President's Advisory Council on Doing Business in Africa by Executive Order No. 13675 dated August 5, 2014. The Council was established by charter on November 4, 2014, to advise the President, through the Secretary of Commerce, on strengthening commercial engagement between the United States and Africa, with a focus on advancing the President's Doing Business in Africa Campaign as described in the U.S. Strategy Toward Sub-Saharan Africa of June 14, 2012. The Council's charter was renewed in September 2016. This Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

Public Submissions: The public is invited to submit written statements to the Council. Statements must be received by 5:00 p.m. February 21, 2017 by either of the following methods:

a. Electronic Submissions

Submit statements electronically to Joe Holecko, Executive Secretary, President's Advisory Council on Doing Business in Africa, via email: *dbia@trade.gov.*

b. Paper Submissions

Send paper statements to Joe Holecko, Executive Secretary, President's Advisory Council on Doing Business in Africa, Ronald Reagan International Trade Center, 1300 Pennsylvania Ave. NW., Suite 800M Department of Commerce, Washington, DC, 20004.

Statements will be provided to the members in advance of the meeting for consideration and also will be posted on the President's Advisory Council on Doing Business in Africa Web site (*http://trade.gov/pac-dbia*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting on the Council's Web site at *http://trade.gov/pac-dbia.*

Dated: February 8, 2017.

Joe Holecko,

Executive Secretary President's Advisory Council on Doing Business in Africa.

[FR Doc. 2017–02956 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF177

Pacific Island Pelagic Fisheries; Deep-Set Tuna Longline Fisheries

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

ACTION: Notice of intent to prepare a Programmatic Environmental Impact Statement; public meetings; request for comments.

SUMMARY: NMFS, in coordination with the Western Pacific Fishery Management Council (Council), intends to prepare a Programmatic Environmental Impact Statement (PEIS) to analyze the environmental impacts of the continued authorization and management of U.S. Pacific Island deep-set tuna longline fisheries under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP) and other applicable laws. The analysis would include certain longline fisheries based in Hawaii, the U.S. west coast, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI). Publication of this notice begins the public scoping process to determine the scope of the environmental issues for consideration in the PEIS and allowing interested parties to suggest fishery management issues to be considered in the PEIS. The PEIS is intended to support management of U.S. pelagic longline fisheries.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates. NMFS must receive comments by April 14, 2017.

ADDRESSES: You may submit comments on this action, identified by NOAA–NMFS–2017–0010, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/docket?D=NOAA-NMFS-2017-0010,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.
- *Scoping Meeting:* Submit written comments at a scoping meeting.

Instructions: You must submit comments by the above methods to ensure that NMFS receives, documents, and considers your comments. NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. NMFS will consider all comments received as part of the public record and will generally post comments for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the FEP, amendments, and previous EISs are available at *http://www.regulations.gov/docket?D=NOAA-NMFS-2017-0010.*

FOR FURTHER INFORMATION CONTACT: Ariel Jacobs, NMFS, Pacific Islands Regional Office, (808) 725–5182.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage domestic longline fisheries in U.S. Exclusive Economic Zone (EEZ or Federal waters; generally 3–200 nautical miles from shore) around the U.S. Pacific Islands and on the high seas according to the FEP, as authorized by the Magnuson-Stevens Fishery Conservation and Management Act. Shallow-set longline vessels target swordfish near the surface; the shallow-set fisheries are covered by a separate analysis and will not be analyzed under the PEIS. Deep-set vessels target tunas deeper than 100 m. The deep-set fisheries have more participants, greater fishing effort, catch, and higher total revenues than the shallow-set fisheries.

The primary deep-set longline fisheries are in Hawaii and American Samoa. Access to the Hawaii longline fisheries is limited to 164 vessels, of which about 140 are typically active. Of these, about 20 may also shallow-set during any given year. For example, in 2014 there were 1,350 deep-set trips and 81 shallow-set trips. Most vessels with Hawaii longline permits are based in Hawaii, and about 10 operate from ports on the U.S. west coast.

Access to the American Samoa deep-set tuna fishery is also limited, with a maximum of 60 permits divided into four classes based on vessel size. About 30 vessels are active in the American Samoa fishery, mostly Class D (vessels over 70 ft). Historically, a few deep-set tuna longline vessels operated out of Guam and the CNMI, but these fisheries have been inactive since 2011.

Management provisions governing deep-set tuna longline fisheries include, but are not limited to the following requirements:

- Limited entry/access programs;
- Vessel size limits;
- Mandatory permits and reporting of catch and effort;
- Areas where fishing is prohibited;
- Monitoring by on-board observers;
- Satellite-based vessel monitoring system;
- Catch limits or prohibitions for some fish species;
- Gear configuration requirements; and
- Specific methods for handling and releasing bycatch.

See Title 50 of the Code of Federal Regulations Part 665 for most of the regulations. There are additional requirements under other authorities, including the Marine Mammal Protection Act, the Endangered Species Act, marine sanctuaries and

monuments, international requirements, and other laws regulating shipping, pollution, etc.

NMFS has evaluated the potential environmental impacts of the deep-set longline fisheries in previous National Environmental Policy Act (NEPA) analyses. In a 2001 EIS, NMFS evaluated the potential impacts on target and non-target stocks, protected marine species (sea turtles, marine mammals, etc.), fishermen, and other parameters. In a 2005 EIS, NMFS evaluated the potential impacts on seabirds. In a 2009 PEIS, NMFS evaluated the potential impacts when the Council and NMFS developed and implemented five geographically based FEPs, including the Pelagic FEP. Additionally, NMFS has evaluated, through separate NEPA analyses, the potential impacts of several FEP amendments and additional regulatory changes since 2009.

In the current PEIS, NMFS and the Council will evaluate the direct, indirect, and cumulative environmental impacts of U.S. Pacific Island deep-set longline fisheries. The proposed federal action is the continued authorization of the U.S. Pacific Island deep-set tuna longline fisheries of American Samoa, Guam, CNMI, and Hawaii, including vessels based on the U.S. west coast, as managed under the FEP and other applicable laws.

The purpose of the proposed action is to maintain viable domestic deep-set tuna longline fisheries, while ensuring the long-term sustainability of fishery resources, and the conservation of protected species and their habitats. The need for the proposed action is to manage deep-set tuna longline fisheries under an adaptive management framework that allows for timely management responses to changing environmental conditions, consistent with domestic and international conservation and management measures.

Although each deep-set longline fishery managed under the FEP generally operates in a similar manner, each fishery is subject to a unique set of conservation and management issues and regulatory framework. Accordingly, the scope of the analyses would be programmatic in nature.

Public Involvement

We are notifying the public that NMFS intends to prepare a PEIS, and will hold a series of public scoping meetings to describe the management of deep-set longline fisheries under the FEP. We invite comments from the public at the early stage of environmental effects analysis planning. Specifically, NMFS is seeking input from the public on issues that NMFS should address in the draft PEIS related to management of the deep-set longline fisheries, including catch of target species (*e.g.,* tunas) and non-target species (*e.g.,* sharks), interactions with protected species, and impacts on the pelagic ecosystem. This will assist NMFS and the Council in determining the scope of the environmental issues, and in developing of a reasonable range of fishery management alternatives to analyze in the draft PEIS.

There will be an opportunity for the public to comment on the draft PEIS when it is published. You may find more information about deep-set tuna longline fisheries managed under the FEP and the progress of the PEIS at *http://www.fpir.noaa.gov/SFD/SFD_regs_index.html.*

Meetings

NMFS will hold public meetings at the dates and locations below. All meetings will be from 6 p.m. to 9 p.m.

1. Hilo, HI

Tuesday, February 21, 2017, Edith Kanakaole Hall, Room 122, University of Hawaii at Hilo, 200 W. Kawili St., Hilo, HI 96720.

2. Honolulu, HI

Thursday, February 23, 2017, Nuuanu Elementary School, Cafeteria, 3055 Puiwa Ln., Honolulu, HI 96817.

3. Pago Pago, AS

Tuesday, February 28, 2017, Sadie's By the Sea, Upstairs Conference Room, Utulei Beach, Rte. 1, Pago Pago, AS 96799.

4. Tafuna, AS

Wednesday, March 1, 2017, NOAA GMD/PIFSC Compound Tafuna (West Location), 8043 Tasi St., Tafuna, AS 96799.

5. Pago Pago, AS

Thursday, March 2, 2017, PC Mauga Tasi Asuega Fale Tele (East Location), Village of Pago Pago, AS 96799.

6. Saipan, MP

Tuesday, March 7, 2017, Pedro P. Tenorio Multipurpose Center, Beach Rd., Susupe, Saipan, MP 96950.

7. Mangilao, GU

Thursday, March 9, 2017, University of Guam, CNAS 127, University Dr., Mangilao, GU 96923.

Special Accommodations

NMFS will make every attempt to make these meetings accessible to people with disabilities. Direct any requests for sign language interpretation, physical assistance, or other auxiliary aids to Ariel Jacobs at (808) 725–5182 at least five days prior to the meeting date.

Dated: February 7, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–02820 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF220

Fisheries of the Gulf of Mexico and Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 54 Data webinar for HMS Sandbar Shark.

SUMMARY: The SEDAR 54 assessment process of HMS Sandbar Shark will consist of a series of assessment webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 54 Data webinar will be held March 9, 2017, from 10 a.m. to 12 p.m., Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop.

The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the Data webinar are as follows:

Panelists will present summary data and discuss data needs and treatments.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 8, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–02888 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Advisory Committee for the Sustained National Climate Assessment

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA) Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee for the Sustained National Climate Assessment will hold its next meeting at the time and location listed below.

DATES: The public meeting will be held on Tuesday, March 7 and Wednesday, March 8, 2017. Registration, written statements, requests to make oral comments, and requests for special accommodations should be received at one of the addresses below on or before February 28, 2017.

The meeting is scheduled for 8:00 a.m. EST to 5:30 p.m. EST both days. There will be a 30-minute public comment period on March 7 from 4:30 to 5:00 p.m. These times and the agenda topics described below are subject to change. Please refer to the Web page *http://sncaadvisorycommittee.noaa.gov/Meetings.aspx* for the most up-to-date meeting times and agenda.

ADDRESSES: The meeting will be held at the DoubleTree, 8120 Wisconsin Ave., Bethesda, Maryland 20814–3624.

Individuals and groups may register, submit written statements, request to make oral comments, and/or request special accommodations (see additional information below) by either of the following methods:

- Send an email message to *snca.advisorycommittee@noaa.gov.* Please include 'March 2017 Meeting' on the subject line; or
- Send paper statements to Laura Letson, Advisory Committee Executive Director, SSMC3, Room 11359, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Laura Letson, Advisory Committee Executive Director, SSMC3, Room 11359, 1315 East-West Highway, Silver Spring, MD 20910; Email: *snca.advisorycommittee@noaa.gov;* or visit the Advisory Committee Web site *http://sncaadvisorycommittee.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Matters to be Considered: The meeting will include updates on:(1) The Fourth National Climate Assessment process; (2) data and tools developed to support sustained assessment; (3) approaches to sustained partnerships developed in regional science organizations and other groups; (4) state-level assessment activities; and (5) the Advisory Committee's work plan. Meeting material, including work products will be made available on the Advisory Committee's Web site: *http://sncaadvisorycommittee.noaa.gov/Meetings.aspx.*

Written Comments: Pursuant to section 10(a) (3) of the FACA and 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written comments to the Advisory Committee in response to the stated agenda and meeting material. The Advisory Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. Comments may be submitted to Executive Director at the contact information indicated above. Written comments should be received in the Executive Director's Office by February 28 to provide sufficient time for Advisory Committee review. Written comments received by the Executive Director after February 28, will be distributed to the Advisory Committee, but may not be reviewed prior to the meeting date.

Oral Comments: In addition to written statements, members of the public may present oral comments during the public comment period on March 7, 2017. Time will be allocated on a first-come, first-served basis. Time allotted for an individual's comment period will be limited to no more than 3 minutes. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments can be submitted in lieu of oral comments. To request to make oral comments, please use the contact information indicated above.

Registration: Individuals and groups who wish to attend the public meeting are requested to pre-register by February 28, 2017. To register, please use the contact information indicated above.

Special Accommodations: These meetings are physically accessible to people with disabilities. Please submit requests for special accommodations by 5:00 p.m. ET on February 28, 2017 to the contact information indicated above.

Dated: _February 8, 2017.

Paul Johnson

Acting Deputy Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–02894 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF221

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) District Advisory Panels (DAPs) for Puerto Rico, St. Croix and St. Thomas/St. John, USVI, will hold a joint meeting.

DATES: The meeting will be held on March 7–8, 2017, from 9:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Verdanza Hotel, Tartak St., Isla Verde, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The DAPs will meet to discuss the items contained in the following agenda:

March 7, 2017, 9:30 a.m.
—Call to Order
—Welcome—Miguel A. Rolón
—Council Process—Helena Antoun
—DAP Members Outreach and Education—Alida Ortíz
—USVI Fishery Advisory Committees Update
  —St. Thomas/St. John
  —St. Croix
—Issues and Questions to be Answered by the DAPs

March 7, 2017, 1:30 p.m.–2 p.m.
—Breakout Sessions

March 7, 2017, 3 p.m.–3:15
—Coffee Break

March 7, 2017, 3:15 p.m.–4:30 p.m.
—Report on Breakout Discussions—DAP Chairs
  —Puerto Rico
  —St. Croix
  —St. Thomas/St. John

March 8, 2017, 9:30 a.m.–12 noon
—Separate DAP Meetings to Discuss Issues Related to Providing Recommendations to the CFMC (April 2017 meeting)

March 8, 2017, 1:30 p.m.–3 p.m.
—Reports by the DAP Chairs on the Morning Session
  —Puerto Rico
  —St. Croix
  —St. Thomas/St John

March 8, 2017, 3 p.m.–3:15 p.m.
—Coffee Break

March 8, 2017, 3:15 p.m.–4:30 p.m.
—All Three DAPs Session: Discussion and Recommendations
—Other Business
—Adjourn

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Special Accommodations

This meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: February 8, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–02889 Filed 2–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Notice

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of public business meeting.

SUMMARY: Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (Board) public business meeting described below.

TIME AND DATE: 10:00 a.m.–12:00 p.m., February 21, 2017.

PLACE: Defense Nuclear Facilities Safety Board Headquarters, 625 Indiana Ave. NW., Washington, DC 20004–2901.

STATUS: Open.

MATTERS TO BE CONSIDERED: This public meeting will be conducted pursuant to the Government in the Sunshine Act, the Board's implementing regulations for the Government in the Sunshine Act, and the Board's Operating Procedures. The purpose of this meeting is for Board members to discuss and deliberate on business of the Board. The meeting will proceed in accordance with the meeting agenda, which is posted on the Board's public Web site at *www.dnfsb.gov.* The Chairman will provide opening remarks followed by discussion led by the members of the Board. The Board will receive comments from the public prior to the close of the meeting. The Chairman will then provide closing remarks. The public is invited to view this business meeting and provide comments. A transcript of the business meeting will be made available by the Board for inspection and viewing by the public on the Board's public Web site. The Board specifically reserves its right to further schedule and otherwise regulate the course of business of this meeting, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its rights under the Atomic Energy Act, the Government in the Sunshine Act and the Board's Operating Procedures.

CONTACT PERSON FOR MORE INFORMATION: Mark Welch, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016.

SUPPLEMENTARY INFORMATION: Public participation in the meeting is invited during the public comment period of the agenda. The Board is setting aside time for presentations and comments from the public. Individual oral comments may be limited by the time available, depending on the number of persons who wish to comment.

Dated: February 7, 2017.

Sean Sullivan,

Chairman.

[FR Doc. 2017–02918 Filed 2–9–17; 11:15 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; State Personnel Development Grants (SPDG) Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

State Personnel Development Grants (SPDG) Program Notice inviting applications for new awards for fiscal year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.323A.

DATES: *Applications Available:* February 13, 2017.

Deadline for Transmittal of Applications: April 14, 2017.

Deadline for Intergovernmental Review: June 13, 2017.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program, authorized by the Individuals with Disabilities Education Act (IDEA), is to assist State educational agencies (SEAs) in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

Priorities: This notice contains two absolute priorities and one competitive preference priority. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 2 is from sections 651 through 655 of IDEA, as amended by the Every Student Succeeds Act (ESSA). In accordance with 34 CFR 75.105(b)(2)(v), the competitive preference priority is from allowable activities specified in the statute (see IDEA section 654(a)(3)(B)(iii)).

Absolute Priorities: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet both of these priorities.

These priorities are:

Absolute Priority 1—Effective and Efficient Delivery of Professional Development

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority to assist SEAs in reforming and improving their systems for personnel (as that term is defined in section 651(b) of IDEA) preparation and professional development of individuals providing early intervention, educational, and transition services in order to improve results for children with disabilities.

In order to meet this priority, an applicant must demonstrate in the SPDG State Plan it submits, as part of its application under section 653(a)(2) of IDEA, that its proposed project will—

(1) Use professional development practices that are supported by a ''strong theory'' of evidence (as defined in this notice) that will increase implementation of practices supported by evidence and result in improved outcomes for children with disabilities;

(2) Provide ongoing assistance to personnel receiving SPDG-supported professional development that supports the implementation of practices supported by evidence with fidelity (as defined in this notice); and

(3) Use technology to more efficiently and effectively provide ongoing professional development to personnel, including to personnel in rural areas and to other populations, such as personnel in urban or high-need local educational agencies (LEAs) (as defined in this notice).

Absolute Priority 2—State Personnel Development Grants

Statutory Requirements. To meet this priority, an applicant must meet the following statutory requirements:

1. State Personnel Development Plan

An applicant must submit a State Personnel Development Plan that identifies and addresses the State and local needs for the personnel preparation and professional development of personnel, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

(a) Is designed to enable the State to meet the requirements of section 612(a)(14) of IDEA, as amended by the ESSA and section 635(a)(8) and (9) of IDEA;

(b) Is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel who serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

(1) Current and anticipated personnel vacancies and shortages; and

(2) The number of preservice and inservice programs;

(c) Is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the ESSA; the Rehabilitation Act of 1973, as amended; and the Higher Education Act of 1965, as amended (HEA);

(d) Describes a partnership agreement that is in effect for the period of the grant, which agreement must specify—

(1) The nature and extent of the partnership described in accordance with section 652(b) of IDEA and the respective roles of each member of the partnership, including, if applicable, an individual, entity, or agency other than the SEA that has the responsibility under State law for teacher preparation and certification; and

(2) How the SEA will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

(e) Describes how the strategies and activities the SEA uses to address identified professional development and personnel needs will be coordinated with activities supported with other public resources (including funds provided under Part B and Part C of IDEA and retained for use at the State level for personnel and professional development purposes) and private resources;

(f) Describes how the SEA will align its personnel development plan with the plan and application submitted under sections 1111 and 2101(d), respectively, of the ESEA, as amended by the ESSA;

(g) Describes strategies the SEA will use to address the identified professional development and personnel needs and how such strategies will be implemented, including—

(1) A description of the programs and activities that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

(2) How such strategies will be integrated, to the maximum extent possible, with other activities supported by grants funded under section 662 of IDEA, as amended by the ESSA;

(h) Provides an assurance that the SEA will provide technical assistance to LEAs to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

(i) Provides an assurance that the SEA will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving those children;

(j) Describes how the SEA will recruit and retain teachers who meet the qualifications described in section 612(a)(14)(C) of IDEA, as amended by the ESSA and other qualified personnel in geographic areas of greatest need;

(k) Describes the steps the SEA will take to ensure that economically

disadvantaged and minority children are not taught at higher rates by teachers who do not meet the qualifications described in section 612(a)(14)(C) of IDEA, as amended by the ESSA; and

(l) Describes how the SEA will assess, on a regular basis, the extent to which the strategies implemented have been effective in meeting the performance goals described in section 612(a)(15) of IDEA, as amended by the ESSA.

2. Partnerships

Required Partners

Applicants must establish a partnership with LEAs and other State agencies involved in, or concerned with, the education of children with disabilities, including—

(a) Not less than one institution of higher education (IHE); and

(b) The State agencies responsible for administering Part C of IDEA, early education, child care, and vocational rehabilitation programs.

Other Partners

An SEA must work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

(a) The Governor;

(b) Parents of children with disabilities ages birth through 26;

(c) Parents of nondisabled children ages birth through 26;

(d) Individuals with disabilities;

(e) Parent training and information centers or community parent resource centers funded under sections 671 and 672 of IDEA, respectively;

(f) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

(g) Personnel as defined in section 651(b) of IDEA;

(h) The State advisory panel established under Part B of IDEA;

(i) The State interagency coordinating council established under Part C of IDEA;

(j) Individuals knowledgeable about vocational education;

(k) The State agency for higher education;

(l) Public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

(m) Other providers of professional development who work with infants, toddlers, preschoolers, and children with disabilities;

(n) Other individuals; and

(o) An individual, entity, or agency as a partner in accordance with section 652(b)(3) of IDEA, if State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the SEA.

3. Use of Funds

(a) Professional Development Activities—Each SEA that receives a grant under this program must use the grant funds to support activities in accordance with the State's Personnel Development Plan, including one or more of the following:

(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

(i) Provide teacher mentoring, team teaching, reduced class schedules and caseloads, and intensive professional development;

(ii) Use standards or assessments for guiding beginning teachers that are consistent with challenging State academic achievement standards and with the requirements for professional development, as defined in section 8101 of the ESEA, as amended by the ESSA; and

(iii) Encourage collaborative and consultative models of providing early intervention, special education, and related services.

(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

(i) Into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decision making, school improvement efforts, and accountability;

(ii) To enhance learning by children with disabilities; and

(iii) To effectively communicate with parents.

(3) Providing professional development activities that—

(i) Improve the knowledge of special education and regular education teachers concerning—

(A) The academic and developmental or functional needs of students with disabilities; or

(B) Effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement;

(ii) Improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices, and that—

(A) Provide training in how to teach and address the needs of children with different learning styles and children who are English learners;

(B) Involve collaborative groups of teachers, administrators, and, in appropriate cases, related services personnel;

(C) Provide training in methods of—

(I) Positive behavioral interventions and supports to improve student behavior in the classroom;

(II) Scientifically based reading instruction, including early literacy instruction;

(III) Early and appropriate interventions to identify and help children with disabilities;

(IV) Effective instruction for children with low-incidence disabilities;

(V) Successful transitioning to postsecondary opportunities; and

(VI) Classroom-based techniques to assist children prior to referral for special education;

(D) Provide training to enable personnel to work with and involve parents in their child's education, including parents of low income and children with disabilities who are English learners;

(E) Provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate individualized education programs (IEPs); and

(F) Provide training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving those students;

(iii) Train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

(iv) Train early intervention, preschool, and related services providers, and other relevant school personnel in conducting effective individualized family service plan (IFSP) meetings.

(4) Developing and implementing initiatives to promote the recruitment and retention of special education teachers who meet the qualifications described in section 612(a)(14)(C) of IDEA, as amended by the ESSA, particularly initiatives that have proven effective in recruiting and retaining teachers who meet those qualifications, described in section 612(a)(14)(C) of IDEA, as amended by the ESSA, including programs that provide—

(i) Teacher mentoring from exemplary special education teachers, principals, or superintendents;

(ii) Induction and support for special education teachers during their first three years of employment as teachers; or

(iii) Incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

(i) Innovative professional development programs (which may be provided through partnerships with IHEs), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy and that are consistent with the definition of professional development in section 8101 of the ESEA, as amended by the ESSA; and

(ii) The development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

(6) Carrying out programs and activities that are designed to improve the quality of early intervention personnel, including paraprofessionals and primary referral sources, such as—

(i) Professional development programs to improve the delivery of early intervention services;

(ii) Initiatives to promote the recruitment and retention of early intervention personnel; and

(iii) Interagency activities to ensure that early intervention personnel are adequately prepared and trained.

(b) Other Activities—Each SEA that receives a grant under this program must use the grant funds to support activities in accordance with the State's Personnel Development Plan, including one or more of the following:

(1) Reforming special education and regular education teacher certification (including re-certification) or licensing requirements to ensure that—

(i) Special education and regular education teachers have—

(A) The training and information necessary to address the full range of needs of children with disabilities across disability categories; and

(B) The necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

(ii) Special education and regular education teacher certification (including re-certification) or licensing requirements are aligned with challenging State academic content standards; and

(iii) Special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students with disabilities meet challenging State academic achievement standards.

(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for individuals with a baccalaureate or master's degree who meet the qualifications described in section 612(a)(14)(C) of IDEA, as amended by the ESSA, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(4) Developing and implementing mechanisms to assist LEAs and schools in effectively recruiting and retaining special education teachers who meet the qualifications described in section 612(a)(14)(C) of IDEA, as amended by the ESSA.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensure, consistent with title II of the HEA (20 U.S.C. 1021 *et seq.*).

(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this absolute priority may lead to the weakening of any State teacher certification or licensing requirement.

(7) Assisting LEAs to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(8) Developing, or assisting LEAs in developing, merit-based performance systems and strategies that provide differential and bonus pay for special education teachers.

(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments for all children with disabilities, to improve instructional practices and improve the academic achievement of children with disabilities.

(10) When applicable, coordinating with, and expanding centers established under section 2113(c)(18) of the ESEA, as such section was in effect on the day before the date of enactment of the ESSA, to benefit special education teachers.

(c) Contracts and Subgrants—An SEA that receives a grant under this program—

(1) Must award contracts or subgrants to LEAs, IHEs, parent training and information centers, or community parent resource centers, as appropriate, to carry out the State Personnel Development Plan; and

(2) May award contracts and subgrants to other public and private entities, including the lead agency under Part C of IDEA, to carry out the State plan.

(d) Use of Funds for Professional Development—An SEA that receives a grant under this program must use—

(1) Not less than 90 percent of the funds the SEA receives under the grant for any fiscal year for the Professional Development Activities described in paragraph (a); and

(2) Not more than 10 percent of the funds the SEA receives under the grant for any fiscal year for the Other Activities described in paragraph (b).

Additional SPDG Requirements

Projects funded under this program must:

(a) Budget for a three-day project directors' meeting in Washington, DC, during each year of the project;

(b) Budget $4,000 annually for support of the SPDG Program Web site currently administered by the University of Oregon (*www.signetwork.org*); and

(c) If a project receiving assistance under this program authority maintains a Web site, include relevant information and documents in a form that meets a government or industry-recognized standard for accessibility.

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:

Evidence of Promise Supporting Methods To Improve Outcomes for Children With Disabilities

State plans that are supported by evidence of promise must meet the

conditions set out in the definition of ''evidence of promise'' (as defined in this notice). The Secretary gives priority to plans that improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices, through the provision of training in any of the following areas, described in section 654(a)(3)(B)(iii) of IDEA, if the methods used are supported by evidence of promise (3 points):

(1) Positive behavioral interventions and supports to improve student behavior in the classroom;

(2) Reading instruction, including early literacy instruction, supported by evidence;

(3) Early and appropriate interventions to identify and help children with disabilities;

(4) Effective instruction for children with low incidence disabilities;

(5) Successful transitioning to postsecondary opportunities; and

(6) Using classroom-based techniques to assist children prior to referral for special education.

Note: An applicant addressing this competitive preference priority must identify up to two study citations that meet the evidence of promise standard and clearly mark them in the reference list of the proposal.

Definitions

The following definitions are from the NFP and 34 CFR 77.1, as marked.

Evidence of promise (34 CFR 77.1) means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental design study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Logic model (34 CFR 77.1) means a detailed description that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed State plan. A logic model communicates how a State will achieve its outcomes and provides a framework for both the formative and summative evaluations of the plan. Section 77.1(c) of EDGAR contains a definition for ''logic model'' that incorporates the term ''conceptual framework'' into that definition. In these SPDG program priorities, the Office of Special Education Programs (OSEP) has chosen to keep the two concepts separate in an effort to promote a fuller description of both the theory behind the proposed program *and* how that theory is operationalized in a logic model that depicts how the program will work. The following Web sites provide more information on logic models: *www.osepideasthatwork.org/logicModel* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

Relevant outcome (34 CFR 77.1) 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.

Strong theory (34 CRF 77.1) means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

What Works Clearinghouse Evidence Standards (34 CFR 77.1) means the standards set forth in the What Works Clearinghouse 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.*

The following definitions are from the NFP:

Fidelity means the delivery of instruction in the way in which it was designed to be delivered.

High-need LEA means, in accordance with section 2102(3) of the, an LEA—

(a) That serves not fewer than 10,000 children from families with incomes below the poverty line (as that term is defined in section 8101(41) of the ESEA, as amended by the ESSA), or for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line; and

(b) For which there is (1) a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach, or (2) a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Program Authority: 20 U.S.C. 1451–1455.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 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 NFP.

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 IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $41,630,000 for the SPDG program for FY 2017, of which we intend to use an estimated $24,350,000 for this competition. 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: $500,000–$2,100,000 (for the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico). In the case of outlying areas (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), awards will be not less than $80,000.

Note: We will set the amount of each award after considering—

(1) The amount of funds available for making the grants;

(2) The relative population of the State or outlying area;

(3) The types of activities proposed by the State or outlying area;

(4) The alignment of proposed activities with section 612(a)(14) of IDEA, as amended by the ESSA;

(5) The alignment of proposed activities with State plans and applications submitted under sections 1111 and 2101(d), respectively, of the ESEA, as amended by the ESSA; and

(6) The use, as appropriate, of research and instruction supported by evidence.

Estimated Average Size of Awards: $900,000 excluding the outlying areas.

Estimated Number of Awards: 25.

Note: The Department is not bound by any estimates in this notice.

Project Period: Not less than one year and not more than five years.

III. Eligibility Information

1. *Eligible Applicants:* An SEA of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

Note: Public Law 95–134, which permits the consolidation of grants to the outlying areas, does not apply to funds received under this competition.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Eligible Subgrantees:* (a) Under 75.708(b) and (c) a grantee may award subgrants—to directly carry out project activities described in its application—to the following types of entities: LEAs, IHEs, parent training and information centers, community parent resource centers, and other public and private entities.

(b) The grantee may award subgrants to entities it has identified in an approved application.

4. *Other General Requirements:* The projects funded under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.323A.

To obtain a copy from the program office, contact the person listed under *For Further Information Contact* in section VII of this notice.

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 person or team listed under *Accessible Format* in section VIII of this notice.

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 competition. 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 Part III to no more than 60 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is either 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit and double-spacing requirements do not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the page limit and double-spacing requirements do apply to all of Part III, the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

We will reject your application if you exceed the page limit in the application narrative section, or if you apply standards other than those specified in this notice and the application package.

3. *Submission Dates and Times:*

Applications Available: February 13, 2017.

Deadline for Transmittal of Applications: April 14, 2017.

Applications for grants under this competition 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 person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of 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: June 13, 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 competition.

5. *Funding Restrictions:* We reference 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: *http://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 competition 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 SPDG competition, CFDA number 84.323A, 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 SPDG competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.323, not 84.323A).

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 competition 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: The 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. Additional, detailed information on how to attach files is in the application instructions.
- 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 will retrieve your application from *Grants.gov* and send you and 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 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 the *Grants.gov* system 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: Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue SW., Room 5134, Potomac Center Plaza, Washington, DC 20202–5108. FAX: (202) 245–7590.

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 84.323A), 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 application 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 84.323A), 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 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 program are from 34 CFR 75.210 and are 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 requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition 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.

5. *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 goal of the SPDG Program is to reform and improve State systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities. Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the SPDG Program. These measures assess the extent to which:

- Projects use professional development practices supported by evidence to support the attainment of identified competencies.

• Participants in SPDG professional development demonstrate improvement in implementation of SPDG-supported practices over time.

• Projects use SPDG professional development funds to provide activities designed to sustain the use of SPDG-supported practices.

• Special education teachers who meet the qualifications described in section 612(a)(14)(C) of IDEA, as amended by the ESSA, that have participated in SPDG-supported special education teacher retention activities remain as special education teachers two years after their initial participation in these activities.

Each grantee funded under this competition must collect and annually report data related to its performance on these measures in the project's annual and final performance report to the Department in accordance with section 653(d) of IDEA and 34 CFR 75.590. Applicants should discuss in the application narrative how they propose to collect performance data for these measures.

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 measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, 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: Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue SW., Room 5134, Potomac Center Plaza, Washington, DC 20202–5108. Telephone: (202) 245–6673.

If you use a TDD or a TTY, call the Federal Relay Service (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 compact disc) by contacting the Management Support Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5113, Potomac Center Plaza, Washington, DC 20202–2500. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

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 the 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 search feature at this site, you can limit your search to documents published by the Department.

Dated: February 8, 2017.

Ruth E. Ryder,

Delegated the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2017–02895 Filed 2–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Request for Comments on Review of Accrediting Agencies

AGENCY: Accreditation Group, Office of Postsecondary Education, U.S. Department of Education.

ACTION: Notice.

SUMMARY: This notice provides information to members of the public on submitting written comments for accrediting agencies currently undergoing review for purposes of recognition by the U.S. Secretary of Education. This solicitation of third-party comments concerning the performance of accrediting agencies under review by the Secretary is required by the Higher Education Act (HEA) of 1965, as amended.

FOR FURTHER INFORMATION CONTACT: Herman Bounds, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., Room 6C115, Washington, DC 20202, telephone: (202) 453–7615, or email: *herman.bounds@ed.gov.*

SUPPLEMENTARY INFORMATION:

Agencies under Review and Evaluation: Below is a list of agencies currently undergoing review and evaluation by the Accreditation Group, including their current and requested scopes of recognition:

Applications for Renewal of Recognition

1. American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education, Scope of Recognition: The accreditation of occupational therapy educational programs offering the professional master's degree, combined baccalaureate/master's degree, and occupational therapy doctorate (OTD) degree; the accreditation of occupational therapy assistant programs offering the associate degree or a certificate; and the accreditation of these programs offered via distance education.

2. Accreditation Council for Pharmacy Education, Scope of Recognition: The accreditation and preaccreditation, within the United States, of professional degree programs in pharmacy leading to the degree of Doctor of Pharmacy, including those programs offered via distance education.

3. Association for Clinical Pastoral Education, Inc., Scope of Recognition: The accreditation of both clinical pastoral education (CPE) centers and Supervisory CPE programs located within the United States and territories.

4. Association for Biblical Higher Education, Scope of Recognition: The accreditation and preaccreditation (''Candidate for Accreditation''), at the undergraduate level, of institutions of biblical higher education in the United States offering both campus-based and distance education instructional programs.

5. American Dental Association, Commission on Dental Accreditation, Scope of Recognition: The accreditation of predoctoral dental education programs (leading to the D.D.S. or D.M.D. degree), advanced dental education programs, and allied dental education programs that are fully operational or have attained ''Initial Accreditation'' status, including programs offered via distance education.

6. Commission on Collegiate Nursing Education, Scope of Recognition: The accreditation of nursing education programs in the United States, at the baccalaureate, master's and doctoral degree levels, including programs offering distance education.

7. Distance Education Accrediting Commission, Scope of Recognition: The accreditation of postsecondary institutions in the United States that

offer degree and/or non-degree programs primarily by the distance or correspondence education method up to and including the professional doctoral degree, including those institutions that are specifically certified by the agency as accredited for Title IV purposes.

8. Middle States Commission on Secondary Schools, Scope of Recognition: The accreditation of institutions with postsecondary, non-degree granting career and technology programs in Delaware, Maryland, New Jersey, New York, Pennsylvania, the Commonwealth of Puerto Rico, the District of Columbia, and the U.S. Virgin Islands, to include the accreditation of postsecondary, non-degree granting institutions that offer all or part of their educational programs via distance education modalities.

9. Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), Scope of Recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, including the accreditation of programs offered via distance and correspondence education within these institutions. This recognition extends to the SACSCOC Board of Trustees and the Appeals Committee of the College Delegate Assembly on cases of initial candidacy or initial accreditation and for continued accreditation or candidacy.

Application for an Expansion of Scope

Commission on Collegiate Nursing Education, Scope of Recognition: The accreditation of nursing education programs in the United States, at the baccalaureate, master's and doctoral degree levels, including programs offering distance education. Requested Scope: The accreditation of nursing education programs in the United States, at the baccalaureate, master's, doctoral, and certificate levels, including programs offering distance education.

Application for Granting of Academic (Master's and Doctoral) Degrees by Federal Agencies and Institutions

1. Air University (Air Command and Staff College): Air University seeks to expand its educational offerings by offering a Master's degree in Airpower Strategy and Technology Integration.

2. Army's Command and General Staff College: Notification of name change for two degree programs currently approved and offered by the College. The proposal would change the MMAS (Theater Operations) to Master of Arts in Military Operations and the MMAS (Strategic Operations) to Master of Arts in Strategic Studies.

Submission of Written Comments Regarding a Specific Accrediting Agency or State Approval Agency Under Review

Written comments about the recognition of a specific accrediting or State agency must be received by March 12, 2017, in the *ThirdPartyComments@ed.gov* mailbox and include the subject line ''Written Comments: (agency name).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Comments about an agency's recognition after review of a compliance report must relate to issues identified in the compliance report and the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Comments about the renewal of an agency's recognition based on a review of the agency's petition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, or the Criteria and Procedures for Recognition of State Agencies for Approval of Nurse Education as appropriate, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.*

Only material submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations.

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 Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1011c.

Gail McLarnon,

Acting Deputy Assistant Secretary for Planning, Policy, and Innovation.

[FR Doc. 2017–02867 Filed 2–10–17; 8:45 am]

BILLING CODE P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, February 9, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

FEDERAL REGISTER NOTICE OF PREVIOUS ANNOUNCEMENT: 82 FR 9381.

CHANGE IN THE MEETING: The February 9, 2017 meeting was cancelled.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2017–02923 Filed 2–9–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice for comment regarding the Federal Reserve proposal to extend without revision, the clearance under the Paperwork Reduction Act for the following information collection activity.

SUMMARY: The Board of Governors of the Federal Reserve System (Board or Federal Reserve) invites comment on a proposal to extend, without revision, the voluntary Generic Clearance for Surveys of Consumer and Community Affairs Publications and Resources (FR 1378; OMB No. 7100–0358); a proposal to extend, without revision, the voluntary Generic Clearance for Consumer and Stakeholder Surveys (FR 3073; OMB No. 7100–0359), a proposal to extend for three years, without

revision, the required Report of Net Debit Cap (FR 2226, OMB No. 7100–0217), and a proposal to extend for three years, without revision, the following voluntary Payments Systems Surveys (OMB No. 7100–0332):

- Ad Hoc Payments Systems Survey (FR 3054a)
- Currency Quality Sampling Survey (FR 3054b)
- Currency Quality Survey (FR 3054c)
- Currency Functionality and Perception Survey (FR 3054d)

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before April 14, 2017.

ADDRESSES: You may submit comments, identified by *FR 1378, FR 3073, FR 2226,* or *FR 3054abcd,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposals

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. Report title: Generic Clearance for Surveys of Consumer and Community Affairs Publications and Resources.

Agency form number: FR 1378.

OMB control number: 7100–0358.

Frequency: On occasion.

Respondents: Individuals, households, nonprofits, community development organizations, consumer groups, financial institutions, other financial companies offering consumer financial products and services, other for profit companies, state or local agencies, and researchers from academic, government, policy and other institutions.

Estimated number of respondents: Consumer surveys: Quantitative surveys, 1,000 respondents; and Qualitative surveys, 50 respondents; and Stakeholder surveys: Quantitative surveys, 800 respondents; and Qualitative surveys, 50 respondents.

Estimated average hours per response: Consumer surveys: Quantitative surveys, 0.25 hours; and Qualitative surveys, 1.50 hours; and Stakeholder surveys: Quantitative surveys, 0.25 hours; and Qualitative surveys, 1.50 hours.

Estimated annual burden hours: Consumer surveys: Quantitative surveys, 500 hours; and Qualitative surveys, 300 hours; and Stakeholder surveys: Quantitative surveys, 1,200 hours; and Qualitative surveys, 300 hours.

General Description of Report: The Board uses this collection to seek input from users or potential users of the Board's publications, resources, and conference materials to understand their interests and needs; to inform decisions concerning content, design, and dissemination strategies; to gauge public awareness of the Board's publications, resources, and conferences; and to assess the effectiveness of the Board's communications with various respondents.[1]

[1] Certain criteria apply to information collections conducted via the Board's generic clearance process. Such information collections shall (1) be vetted by the Board's clearance officer as well as the Division director responsible for the information collection; (2) display the OMB control number and respondents shall be informed that the information collection has been approved, (3) be used only in such cases where response is voluntary, (4) not be used to substantially inform regulatory actions or policy decisions, (5) be conducted only and exactly as described in the OMB submission, (6) involve only noncontroversial subject matter that will not raise concerns for other Federal agencies, (7) include information collection instruments that are

Continued

The surveys in this collection are used to gather qualitative and quantitative information directly from users or potential users of Board publications, resources, and conference materials, such as consumers (consumer surveys) and stakeholders (stakeholder surveys). Stakeholders may include, but are not limited to, nonprofits, community development organizations, consumer groups, conference attendees, financial institutions and other financial companies offering consumer financial products and services, other for profit companies, state or local agencies, and researchers from academic, government, policy and other institutions. Publications and resources may include reports and brochures, as well as audio and visual content, whether delivered in print, online, or through other means.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR 1378 is generally authorized under sections 2A and 12A of the Federal Reserve Act. Section 2A requires that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee (FOMC) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the Federal Reserve Act, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to the regulations' bearing upon the general credit situation of the country (12 U.S.C. 263). The authority of the Federal Reserve to collect information to carry out the requirements of these provisions is implicit. Accordingly, the Federal Reserve is authorized to collect the information called for by the FR 1378 by sections 2A and 12A of the Federal Reserve Act.

In addition, the Board is responsible for implementing and drafting regulations and interpretations for various consumer protection laws. The information obtained from the FR 1378 may be used in support of the Board's development and implementation of regulatory provisions for these laws. Therefore, depending on the survey questions asked, the FR 1378 may be authorized pursuant to the Board's authority under one or more of the following consumer protection statutes:

- Community Reinvestment Act, (12 U.S.C. 2905);
- Competitive Equality Banking Act, (12 U.S.C. 3806);
- Expedited Funds Availability Act, (12 U.S.C. 4008);
- Truth in Lending Act, (15 U.S.C. 1604); [2]
- Fair Credit Reporting Act, (15 U.S.C. 1681s(e)); [3]
- Equal Credit Opportunity Act, (15 U.S.C. 1691b); [4]
- Electronic Funds Transfer Act, (15 U.S.C. 1693b & 1693o–2); [5]
- Gramm-Leach-Bliley Act, (15 U.S.C. 6801(b)); [6] and
- Flood Disaster Protection Act of 1973, Section 102 (42 U.S.C. 4012a).

The surveys are voluntary. The Board does not consider the information collected on these surveys to be confidential. Thus, no issue of confidentiality arises.

2. Report title: Generic Clearance for Consumer and Stakeholder Surveys.

Agency form number: FR 3073.

OMB control number: 7100–0359.

Frequency: On occasion.

Respondents: Individuals, households, community groups, community development organizations, non-profit service providers, faith-based service organizations, public sector agencies, small business owners, health care organizations, food banks, K–12 public and private schools, community colleges, community development financial institutions, credit unions, banks, and other financial institutions and companies offering financial products and services.

Estimated number of respondents: Consumer surveys: Quantitative surveys (medium), 3,000 respondents; Quantitative surveys (large), 6,000 respondents; and Qualitative surveys, 50 respondents; and Stakeholder surveys: Quantitative surveys, 1,500 respondents and Qualitative surveys, 50 respondents.

Estimated average hours per response: Consumer surveys: Quantitative surveys (medium), 0.25 hours; Quantitative surveys (large), 0.40 hours; and Qualitative surveys, 1.50 hours; and Stakeholder surveys: Quantitative surveys, 0.25 hours and Qualitative surveys, 1.50 hours.

Estimated annual burden hours: Consumer surveys: Quantitative surveys (medium), 3,000 hours; Quantitative surveys (large), 4,800 hours; and Qualitative surveys, 600 hours; and Stakeholder surveys: Quantitative surveys, 3,000 hours and Qualitative surveys, 600 hours.

General Description of Report: The Board uses this collection to inform consumer-focused research, implement statutory requirements, and facilitate community development. The surveys in this collection inform the Board's work by identifying emerging risks and providing additional data on the issues that affect the well-being of consumers and communities and how the financial services marketplace functions.[7]

The surveys in this collection gather quantitative and qualitative information directly from individual consumers or households (consumer surveys) on consumer finance topics. This collection also gathers quantitative and qualitative information on current and emerging community economic issues from

each conducted only one time, (8) include a detailed justification of the effective and efficient statistical survey methodology (if applicable), and (9) collect personally identifiable information (PII) only to the extent necessary (if collecting PII, the form must display current privacy act notice). In addition, for each information collection instrument, respondent burden will be tracked and submitted to OMB.

[2] Although the Dodd-Frank Act (DFA) cut back the Board's authority under the Truth in Lending Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers. DFA 1100A(7).

[3] Although the DFA cut back the Board's authority under the Fair Credit Reporting Act, the Board retains rule writing authority for red flags, address changes, and disposal of records. DFA 1002(12)(F) and 1088(a)(2)(D).

[4] Although the DFA cut back the Board's authority under the Equal Credit Opportunity Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers. DFA 1085(3).

[5] Although the DFA cut back the Board's authority under the Electronic Fund Transfers Act, the Board retains rule writing authority for interchange fee regulations and authority to implement regulations with respect to auto dealers. DFA 1075 & 1084.

[6] Although the DFA cut back the Board's authority under the Gramm-Leach-Bliley Act, the Board maintains the authority to establish appropriate standards for the financial institutions relating to administrative, technical and physical safeguards for certain customer records and information. DFA 1002(12).

[7] Certain criteria apply to information collections conducted via the Board's generic clearance process. Such information collections shall (1) be vetted by the Board's clearance officer as well as the Division director responsible for the information collection, (2) display the OMB control number and respondents shall be informed that the information collection has been approved, (3) be used only in such cases where response is voluntary, (4) not be used to substantially inform regulatory actions or policy decisions, (5) be conducted only and exactly as described in the OMB submission, (6) involve only noncontroversial subject matter that will not raise concerns for other Federal agencies, (7) include information collection instruments that are each conducted only one time, (8) include a detailed justification of the effective and efficient statistical survey methodology (if applicable), and (9) collect personally identifiable information (PII) only to the extent necessary (if collecting PII, the form must display current privacy act notice). In addition, for each information collection instrument, respondent burden will be tracked and submitted to OMB.

stakeholders (stakeholder surveys). Examples of stakeholders include, for example, such organizations as community groups, community development organizations, nonprofit service providers, faith-based service organizations, public sector agencies, small business owners, health care organizations, food banks, K–12 public and private schools, community colleges, community development financial institutions, credit unions, banks, and other financial institutions and companies offering financial products and services. While these surveys are ongoing, the frequency and content of the questions may change depending on economic conditions, regulatory or legislative developments, as well as changes in technology, business practices, and other factors affecting consumers, stakeholders, and communities.

Legal authorization and confidentiality: The Board's Legal Division has determined that FR 3073 is generally authorized under sections 2A and 12A of the Federal Reserve Act. Section 2A requires that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee (FOMC) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). In addition, under section 12A of the Federal Reserve Act, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to the regulations' bearing upon the general credit situation of the country (12 U.S.C. part 263). The authority of the Federal Reserve to collect information to carry out the requirements of these provisions is implicit. Accordingly, the Federal Reserve is authorized to collect the information called for by the FR 3073 by sections 2A and 12A of the Federal Reserve Act.

The Board is responsible for implementing and drafting regulations and interpretations for various consumer protection laws. The information obtained from the FR 3073 may be used in support of the Board's development and implementation of regulatory provisions for these laws. Therefore, depending on the survey questions asked, the FR 3073 may be authorized pursuant to the Board's authority under one or more of the following consumer protection statutes:

- Community Reinvestment Act, (12 U.S.C. part 2905);
- Competitive Equality Banking Act, (12 U.S.C. part 3806);
- Expedited Funds Availability Act, (12 U.S.C. part 4008);
- Truth in Lending Act, (15 U.S.C. part 1604); [8]
- Fair Credit Reporting Act, (15 U.S.C. 1681s(e)); [9]
- Equal Credit Opportunity Act, (15 U.S.C. 1691b); [10]
- Electronic Funds Transfer Act, (15 U.S.C. 1693b and 1693o–2); [11]
- Gramm-Leach-Bliley Act, (15 U.S.C. 6801(b)); [12] and
- Flood Disaster Protection Act of 1973, section 102 (42 U.S.C. 4012a).

Additionally, depending upon the survey respondent, the information collection may be authorized under a more specific statute. Specifically, the Board is authorized to collect information from state member banks under section 9 of the Federal Reserve Act (12 U.S.C. part 324); from bank holding companies (and their subsidiaries) under section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)); from Edge and agreement corporations under section 25 and 25A of the Federal Reserve Act (12 U.S.C. parts 602 and 625); and from U.S. branches and agencies of foreign banks under section 7(c)(2) of the International Banking Act of 1978 (12 U.S.C. 3105(c)(2)) and under section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)). Participation in the FR 3073 is voluntary.

The ability of the Federal Reserve to maintain the confidentiality of information provided by respondents to the FR 3073 surveys will have to be determined on a case by case basis depending on the type of information provided for a particular survey. Some of the information collected on the surveys may be protected from Freedom of Information Act (FOIA) disclosure by FOIA exemptions 4 and 6. Exemption 4 protects from disclosure trade secrets and commercial or financial information, while Exemption 6 protects information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.'' See 5 U.S.C. 552(b)(4) and (6).

3. Report title: Report of Net Debit Cap.

Agency form number: FR 2226.

OMB control number: 7100–0217.

Frequency: Annually.

Respondents: Depository institution's board of directors.

Estimated number of respondents: De Minimis Cap, 941 respondents; Self-Assessment Cap, 125 respondents; and Maximum Daylight Overdraft Capacity, 3 respondents.

Estimated average hours per response: De Minimis Cap, Self-Assessment Cap, and Maximum Daylight Overdraft Capacity, 1 hour.

Estimated annual burden hours: De Minimis Cap, 941 hours; Self-Assessment Cap, 125 hours; and Maximum Daylight Overdraft Capacity, 3 hours.

General Description of Report: Federal Reserve Banks collect these data annually to provide information that is essential for their administration of the Board's Payment System Risk (PSR) policy. The reporting panel includes all financially healthy depository institutions with access to the discount window. The Report of Net Debit Cap comprises three resolutions, which are filed by a depository institution's board of directors depending on its needs. The first resolution is used to establish a de minimis net debit cap and the second resolution is used to establish a self-assessed net debit cap.[13] The third resolution is used to establish simultaneously a self-assessed net debit cap and maximum daylight overdraft capacity.

Legal authorization and confidentiality: The Board's Legal Division has determined that the FR 2226 is authorized pursuant to sections

[8] Although the Dodd-Frank Act (DFA) cut back the Board's authority under the Truth in Lending Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers (DFA section 1100A(7)).

[9] Although the DFA cut back the Board's authority under the Fair Credit Reporting Act, the Board retains rule writing authority for red flags, address changes, and disposal of records (DFA sections 1002(12)(F) and 1088(a)(2)(D)).

[10] Although the DFA cut back the Board's authority under the Equal Credit Opportunity Act, the Board retains rule writing authority for implementing regulations with respect to auto dealers (DFA section 1085(3)).

[11] Although the DFA cut back the Board's authority under the Electronic Fund Transfers Act, the Board retains rule writing authority for interchange fee regulations and authority to implement regulations with respect to auto dealers (DFA sections 1075 and 1084).

[12] Although the DFA cut back the Board's authority under the Gramm-Leach-Bliley Act, the Board maintains the authority to establish appropriate standards for the financial institutions relating to administrative, technical and physical safeguards for certain customer records and information (DFA section 1002(12)).

[13] Institutions use these two resolutions to establish a capacity for daylight overdrafts above the lesser of $10 million or 20 percent of the institution's capital measure. Financially healthy U.S. chartered institutions that rarely incur daylight overdrafts in excess of the lesser of $10 million or 20 percent of the institution's capital measure do not need to file board of directors' resolutions or self-assessments with their Reserve Bank.

11, 16, and 19 of the Federal Reserve Act. 12 (U.S.C. 248(i), 248–1, 464). The obligation to respond is required for the institution to obtain the benefit of an increase in daylight overdraft capacity beyond the limit afforded by the exempt-from-filing cap. The Board has confirmed that the disclosure of information collected on the FR 2226 would likely cause substantial harm to the competitive position of the respondent institution. Therefore, the FR 2226 is exempt from disclosure under exemption (b)(4) of the Freedom of Information Act (FOIA), which exempts from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged or confidential.'' (5 U.S.C. 552(b)(4)). In addition, information reported in connection with the second and third resolutions may be protected under section (b)(8) of FOIA, to the extent that such information is based on the institution's CAMELS rating, and thus is related to examination reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions. (5 U.S.C. 552(b)(8)).

4. Report title: Ad Hoc Payments Survey (FR 3054a), Currency Quality Sampling Survey (FR 3054b), Currency Quality Survey (FR 3054c), and Currency Functionality and Perception Survey (FR 3054d).

Agency form number: FR 3054a, FR 3054b, FR 3054c, and FR 3054d.

OMB control number: 7100–0332

Frequency: FR 3054a, annually; FR 3054b, annually; FR 3054c, semi-annually; and FR 3054d, quarterly.

Respondents: Financial, institutions (or depository institutions) individuals, law enforcement and nonfinancial businesses (banknote equipment manufacturers, or global wholesale bank note dealers).

Estimated number of respondents: FR 3054a, 20,000 respondents; FR 3054b, 300 respondents; FR 3054c, 25 respondents; and FR 3054d, 250 respondents.

Estimated average hours per response: FR 3054a, 0.75 hours; FR 3054b, 0.50 hours; FR 3054c, 30 hours; and FR 3054d, 2.50 hours.

Estimated annual burden hours: FR 3054a, 15,000 hours; FR 3054b, 150 hours; FR 3054c, 1,500 hours; and FR 3054d, 2,500 hours.

General Description of Report: The FR 3054a is an event-driven survey used to obtain information specifically tailored to the Federal Reserve's operational and fiscal agency responsibilities. The FR 3054a may be conducted independently by the Board or jointly with another government agency, a Reserve Bank, or a private firm. The FR 3054b is an annual survey used to assess the quality of currency in circulation and may be conducted by the Federal Reserve Board, jointly with the Federal Reserve Bank of San Francisco's Cash Product Office (CPO), the Federal Reserve Bank of Richmond's Currency Technology Office (CTO), and each Reserve Bank's cash department. The FR 3054c is a semiannual survey used to determine depository institutions' and Banknote Equipment Manufacturers' (BEMs) opinions of currency quality and may be conducted jointly with the CPO and CTO. The FR 3054d is an annual survey used to assess the functionality of Federal Reserve notes in bank-note handling equipment. The data collected from the FR 3054d are used as inputs for future designs of Federal Reserve notes. The FR 3054d may be conducted jointly with the U.S. Treasury's Bureau of Engraving and Printing (BEP) and the CTO. The FR 3054a, FR 3054b, FR 3054c, and FR 3054d are sent to financial and nonfinancial businesses.

The Federal Reserve Board may use the data collected from these surveys to determine (1) demand for currency and coin, (2) market preferences regarding currency quality, (3) quality of currency in circulation, (4) features used by the public and bank note authentication equipment to denominate and authenticate bank notes, and (5) whether changes to Reserve Bank sorting algorithms are necessary to ensure that currency in circulation remains fit for commerce.

Legal authorization and confidentiality: The Board's Legal Division has determined that section 11(d) of the Federal Reserve Act (12 U.S.C. 248(d)) authorizes the Board to ''supervise and regulate through the Secretary of the Treasury the issue and retirement of Federal reserve notes, except for the cancellation and destruction, and accounting with respect to such cancellation and destruction, of notes unfit for circulation, and to prescribe rules and regulations under which such notes may be delivered by the Secretary of the Treasury to the Federal Reserve agents applying therefor.'' This provision of the Federal Reserve Act provides the legal authorization for this information collection. The obligation to respond to the FR 3054a, FR 3054b, FR 3054c, and FR 3054d is voluntary.

Because survey questions may differ from survey to survey, it is difficult to determine in advance whether the information collected will be considered confidential. However, information may be exempt from disclosure under exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), if disclosure would likely have the effect of (1) impairing the government's ability to obtain the necessary information in the future, or (2) causing substantial harm to the competitive position of the respondent. Additionally, should survey responses contain any information of a private nature the disclosure of which would constitute ''a clearly unwarranted invasion of personal privacy,'' such information may be exempt from disclosure under exemption 6, 5 U.S.C. 552(b)(6). Confidentiality matters should be treated on a case-by-case basis to determine if any of the above exemptions apply.

Board of Governors of the Federal Reserve System, February 7, 2017.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2017–02827 Filed 2–10–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED JANUARY 1, 2017 THRU JANUARY 31, 2017

01/03/2017		
20170451	G	IIF US Holding LP; United States Power Fund III, L.P.; IIF US Holding LP.
20170459	G	Asbury Automotive Group, Inc.; David and Jackie Cox; Asbury Automotive Group, Inc.
20170467	G	Synchronoss Technologies, Inc.; IntraLinks Holdings, Inc.; Synchronoss Technologies, Inc.
20170474	G	Desmarais Family Residuary Trust; Performance Sports Group Ltd.; Desmarais Family Residuary Trust.
20170475	G	Fairfax Financial Holdings Limited; Performance Sports Group Ltd.; Fairfax Financial Holdings Limited.
20170477	G	West Street Capital Partners VII, L.P.; The Goldman Sachs Group, Inc.; West Street Capital Partners VII, L.P.
20170478	G	West Street Capital Partners VII, L.P.; Altor Holding AB; West Street Capital Partners VII, L.P.
20170479	G	Sterling Investment Partners III, L.P.; Belnick, Inc.; Sterling Investment Partners III, L.P.
20170482	G	Quantum Energy Partners V, LP; Gulfport Energy Corporation; Quantum Energy Partners V, LP.
20170484	G	Sumitomo Corporation; Fyffes plc; Sumitomo Corporation.
20170490	G	LSF9 Pharaoh L.P.; Halmont Properties Corporation; LSF9 Pharaoh L.P.
20170491	G	The Hearst Family Trust; David L. Morgan and Milleson M. Morgan; The Hearst Family Trust.
20170493	G	Nucor Corporation; San Faustin N.V.; Nucor Corporation.
20170500	G	TPG Partners VII, L.P.; Thoma Bravo Fund X, L.P.; TPG Partners VII, L.P.
20170506	G	John B. Zachry; Ambitech Engineering Corporation; John B. Zachry.
01/04/2017		
20170426	G	China Reform Holdings Corporation Ltd.; Lattice Semiconductor Corporation; China Reform Holdings Corporation Ltd.
20170487	G	Sika AG; Linda W. Hart and Milledge A. Hart, III; Sika AG.
20170497	G	Sibanye Gold Limited; Stillwater Mining Company; Sibanye Gold Limited.
20170501	G	BCP Energy Services Fund, LP; Charles E. Price; BCP Energy Services Fund, LP.
01/06/2017		
20170432	G	TCV VIII, L.P.; Payoneer Inc.; TCV VIII, L.P.
20170468	G	Greenlight Capital, L.P.; General Motors Company; Greenlight Capital, L.P.
20170469	G	Greenlight Capital (Gold), L.P.; General Motors Company; Greenlight Capital (Gold), L.P.
20170470	G	Greenlight Capital Re, Ltd.; General Motors Company; Greenlight Capital Re, Ltd.
20170471	G	Greenlight Capital Offshore (Gold), Ltd.; General Motors Company; Greenlight Capital Offshore (Gold), Ltd.
20170472	G	Greenlight Capital Qualified, L.P.; General Motors Company; Greenlight Capital Qualified, L.P.
20170473	G	Greenlight Capital Offshore, Ltd.; General Motors Company; Greenlight Capital Offshore, Ltd.
20170483	G	NWP HoldCo LLC; Sociedade de Gestao e Financiamentos, S.G.P.S., S.A.; NWP HoldCo LLC.
20170494	G	KSBP Holdings, LLC; Kendra Scott; KSBP Holdings, LLC.
20170522	G	Pamlico Capital III, L.P.; LOE Holdings, LLC; Pamlico Capital III, L.P.
20170528	G	Intel Corporation; There Holding B.V.; Intel Corporation.
20170530	G	Bain Capital Fund XI, L.P.; Epic/Freedom, LLC; Bain Capital Fund XI, L.P.
01/09/2017		
20170517	G	Netmarble Games Corporation; Kabam, Inc.; Netmarble Games Corporation.
20170525	G	Liberty Mutual Holding Company Inc.; GUO GUANGCHANG; Liberty Mutual Holding Company Inc.
20170529	G	KKR European Fund IV L.P.; Gfk Verein; KKR European Fund IV L.P.
01/10/2017		
20170460	G	H.I.G. Middle Market LBO Fund II, L.P.; Lionbridge Technologies, Inc.; H.I.G. Middle Market LBO Fund II, L.P.
20170502	G	Global Atlantic Financial Group Limited; Perella Weinberg Partners ABV Opportunity Master Fund III B; Global Atlantic Financial Group Limited.
20170507	G	Casablanca Holdings L.P.; Bain Capital Fund X, L.P.; Casablanca Holdings L.P.
20170511	G	New Mountain Partners IV, L.P.; Dr. Barry Arkles; New Mountain Partners IV, L.P.
01/11/2017		
20170439	G	Consolidated Communications Holdings, Inc.; FairPoint Communications, Inc.; Consolidated.
20170513	G	Communications Holdings, Inc.
		Munksjo Oyj; Ahlstrom Corporation; Munksjo Oyj.
01/12/2017		
20170458	G	Novartis AG; Ziarco Group Limited; Novartis AG.
20170496	G	Novartis AG; Encore Vision, Inc.; Novartis AG.
20170527	G	WerfenLife, S.A.; Warburg Pincus Private Equity X, L.P.; WerfenLife, S.A.
01/13/2017		
20170488	G	Gemalto N.V.; 3M Company; Gemalto N.V.
20170533	G	Patterson-UTI Energy, Inc.; Seventy Seven Energy Inc.; Patterson-UTI Energy, Inc.
20170535	G	Welsh Carson Anderson & Stowe XI, LP; Revel Systems, Inc.; Welsh Carson Anderson & Stowe XI, LP.
20170536	G	AIF VIII Euro Holdings, L.P.; Koninklijke Philips N.V.; AIF VIII Euro Holdings, L.P.
20170538	G	Alta Resources Development, LLC; Anadarko Petroleum Corporation; Alta Resources Development, LLC.
20170549	G	Vulcan Materials Company; Jack D. Lowery and Susannah S. Lowery; Vulcan Materials Company.
20170552	G	Alta Resources Development, LLC; Mitsui & Co. Ltd.; Alta Resources Development, LLC.

EARLY TERMINATIONS GRANTED JANUARY 1, 2017 THRU JANUARY 31, 2017—Continued

20170554	G	Warburg Pincus Private Equity XII, L.P.; A&M Capital Partners, LP; Warburg Pincus Private Equity XII, L.P.
20170555	G	Gee Automotive Holdings, LLC; Edward C. Tonkin; Gee Automotive Holdings, LLC.
20170557	G	Gee Automotive Holdings, LLC; Bradley E. Tonkin; Gee Automotive Holdings, LLC.
01/17/2017		
20170461	G	Schweitzer-Manduit International, Inc.; Leucadia National Corporation; Schweitzer-Manduit International, Inc.
20170466	G	Warburg Pincus Private Equity XI, L.P.; Minnesota Mutual Companies, Inc.; Warburg Pincus Private Equity XI, L.P.
20170518	G	Golden Gate Capital Opportunity Fund, L.P.; NeuStar, Inc.; Golden Gate Capital Opportunity Fund, L.P.
20170542	G	Partners Group Client Access 19, L.P. Inc.; Quad-C Partners VII, L.P.; Partners Group Client Access 19, L.P. Inc.
20170547	G	MMJS Trust; Apache Industrial Holdings, Inc.; MMJS Trust.
20170551	G	Lonza Group Ltd; CH Holding L.P.; Lonza Group Ltd.
20170558	G	Thoma Bravo Fund XII, L.P.; PHNTM Holdings, Inc.; Thoma Bravo Fund XII, L.P.
01/18/2017		
20170464	G	Sierra Private Investments L.P.; Mitel Networks Corporation; Sierra Private Investments L.P.
20170495	G	KKR North America Fund, XI, L.P.; Blackstone Capital Partners VI L.P.; KKR North America Fund, XI, L.P.
01/19/2017		
20170520	G	Unilever N.V.; Living Proof, Inc.; Unilever N.V.
20170543	G	Prestige Brands Holdings, Inc.; C.B. Fleet TopCo, LLC; Prestige Brands Holdings, Inc.
01/23/2017		
20170553	G	Altor Holding AB; Transcom Worldwide AB; Altor Holding AB.
20170556	G	Berkshire Hathaway Inc.; Schulz Holding GmbH & Co. KG; Berkshire Hathaway Inc.
20170564	G	Secondary Opportunities Fund III, LP; Enhanced Equity Fund, L.P.; Secondary Opportunities Fund III, LP.
20170565	G	Secondary Opportunities Fund III, LP; Enhanced Equity Fund II, L.P.; Secondary Opportunities Fund III, LP.
20170566	G	Atlassian Corporation Plc; Trello, Inc.; Atlassian Corporation Plc.
20170570	G	Blackstone Core Equity Partners L.P.; RT SESAC Holdings LP; Blackstone Core Equity Partners L.P.
20170572	G	Hennessy Capital Acquisition Corp. II; Daseke, Inc.; Hennessy Capital Acquisition Corp. II.
20170574	G	LTR Group Holdings, LLC; Clearlake Capital Partners IV (AIV-Atlas), L.P.; LTR Group Holdings, LLC.
20170583	G	Svenska Cellulosa Aktiebolaget SCA; EQT VI (No.1) Limited Partnership; Svenska Cellulosa Aktiebolaget SCA.
20170589	G	Bain Capital Fund XI, L.P.; J.H. Whitney VII, L.P.; Bain Capital Fund XI, L.P.
20170590	G	J.H. Whitney VII, L.P.; Bain Capital Fund XI, L.P.; J.H. Whitney VII, L.P.
01/24/2017		
20170584	G	KKR Asian Fund II Japan AIV L.P.; Hitachi, Ltd.; KKR Asian Fund II Japan AIV L.P.
01/25/2017		
20170514	G	Insight MB Holdings, LLC; Riverside Micro-Cap Fund II, L.P.; Insight MB Holdings, LLC.
20170532	G	Visa Inc.; CardinalCommerce Corporation; Visa Inc.
20170563	G	Allergan plc; Chiron Guernsey Holdings L.P. Inc.; Allergan plc.
20170571	G	Assurant, Inc.; Walter Investment Management Corp.; Assurant, Inc.
20170576	G	Celgene Corporation; Delinia, Inc.; Celgene Corporation.
20170578	G	Jorge Paulo Lemann; Agnaten SE; Jorge Paulo Lemann.
20170579	G	Eugenie Patri Sabastien EPS, SA; Agnaten SE; Eugenie Patri Sabastien EPS, SA.
01/26/2017		
20170523	G	First Horizon National Corporation; Coastal Financial Holdings, Inc.; First Horizon National Corporation.
01/27/2017		
20170334	G	Oracle Corporation; Dynamic Network Services Inc.; Oracle Corporation.
20170454	G	CHRISTUS Health; Good Shepherd Health System, Inc.; CHRISTUS Health.
20170595	G	LSF X International 2, L.P.; Arclin Cayman Holdings Ltd.; LSF X International 2, L.P.
20170597	G	Fairfax Financial Holdings Limited; Allied World Assurance Company Holdings, AG; Fairfax Financial Holdings Limited.
20170606	G	Nippon Paint Holdings Co., Ltd.; DE Parent Corp.; Nippon Paint Holdings Co., Ltd.
01/30/2017		
20170618	G	L Catterton VIII, L.P.; Leslie's Holdings, Inc.; L Catterton VIII, L.P.
20170621	G	Ulysses L. Bridgeman, Jr.; The Coca-Cola Company; Ulysses L. Bridgeman, Jr.
20170639	G	Takeda Pharmaceutical Company Limited; ARIAD Pharmaceuticals, Inc.; Takeda Pharmaceutical Company Limited.
01/31/2017		
20170540	G	ArcLight Energy Partners Fund VI, L.P.; Lindsay Goldberg III AIV L.P.; ArcLight Energy Partners Fund.
20170581	G	VI, L.P. Monomoy Capital Partners II, L.P.; Corinthian Equity Fund, L.P.; Monomoy Capital Partners II, L.P.

FOR FURTHER INFORMATION CONTACT: Theresa Kingsberry, Program Support Specialist, Federal Trade Commission Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–02892 Filed 2–10–17; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*The Re-Engineered Visit for Primary Care (AHRQ REV).*'' In accordance with the Paperwork Reduction Act, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by April 14, 2017.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by emails at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

The Re-Engineered Visit for Primary Care (AHRQ REV)

This project—The Re-engineered Visit for Primary Care (AHRQ REV)—directly addresses the agency's goal to conduct research to enhance the quality of health care and reduction of avoidable readmissions, which are a major indicator of poor quality and patient safety. Research from AHRQ's Healthcare Cost and Utilization Project (HCUP) indicates that in 2011 there were approximately 3.3 million adult hospital readmissions in the United States. Adults covered by Medicare have the highest readmission rate (17.2 per 100 admissions), followed by adults covered by Medicaid (14.6 per 100 admissions) and privately insured adults (8.7 per 100 admissions). High rates of readmissions are a major patient safety problem associated with medical errors such as prescribing errors and misdiagnoses of conditions in the hospital and ambulatory care settings. Collectively these readmissions are associated with $41.3 billion in annual hospital costs, many of which could potentially be avoided. The post-hospital discharge is a handoff ripe with hazards, potentially leading to an array of adverse events including the development of new or worsening symptoms, unplanned readmissions, and increased costs.

In recent years, payer and provider efforts to reduce readmissions have proliferated. Many of these national programs have been informed or guided by evidence-based research, toolkits and guides, such as AHRQ's RED (Re-Engineered Discharge), STAAR (State Action on Avoidable Readmission), AHRQ's Project BOOST (Better Outcomes by Optimizing Safe Transitions), the Hospital Guide to Reducing Medicaid Readmissions, and Eric Coleman's Care Transitions Intervention. These efforts have largely focused on enhancing practices occurring within the hospital setting, including the discharge process and handoffs to receiving providers or settings of care. While many of these efforts have recognized the critical role of primary care in managing care transitions, they have not had an explicit focus on enhancing primary care with the aim of reducing avoidable readmissions.

Evidence-based guidance for the primary care setting to reduce readmissions and improve patient safety are comparatively lacking, and this gap in the literature is becoming more pronounced as primary care is increasingly being called to serve as the key integrator role across the health system as part of payment and delivery system reforms. This research project aims to address the important and unfulfilled need to improve patient safety and reduce avoidable readmissions within the primary care context.

AHRQ's goals in supporting this 30-month project are to build on the knowledge base from the inpatient settings, add to the expanding evidence base on preventing readmissions by focusing on the primary care setting, and provide insight on the components and themes that should be part of a re-engineered visit in primary care that will ultimately inform an effective intervention that can be tested in a diverse set of primary care clinics.

To meet AHRQ's goals and objectives, the agency awarded a task order to John Snow, Inc. (JSI) to conduct a combination of qualitative research and quality improvement techniques to investigate the primary care-based transitional care workflow from the primary care staff, patient, and community agency perspective.

This research has the following goals:

1. Analyze current processes in the primary care visit associated with hospital discharge; and
2. Identify components of the re-engineered visit.

This study is being conducted by AHRQ through its contractor pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and vale of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To analyze current processes in the primary care visit associated with hospital discharge, the data collection has separated into seven smaller data collection activities to minimize research participant burden while still allowing for the collection of necessary data. Each of these tasks will be conducted at nine primary care sites:

1. Primary care site organizational characteristics survey: The purpose of this background information on the primary care site's organizational characteristics is to offer context for the work flow mapping. It will help make the work flow mapping process more efficient and reduce burden by only requesting information that is already known by a site contact at each of the nine primary care practices. One person per primary care site will be engaged for this task.

2. Primary care site patient characteristics survey: The purpose of this background information on the primary care site's patients is to offer context for the work flow mapping. It will help make the work flow mapping process more efficient and reduce burden by only requesting information that is already known in the primary care practices' billing or clinical information systems. One person per

primary care site will be engaged for this task.

3. Work flow mapping preliminary interviews: The purpose of this flow mapping ''pre-work'' is to engage individual primary care staff members to think about what the work flow map looks like, setting a foundation for the actual work flow mapping process. We anticipate that eight individuals per primary care site will participate, for a total of 72 participants.

4. Process flow mapping: This collection will take place in a group meeting that brings together available staff from various role types to collaborate in identifying their workflow processes involved in planning for and executing post-hospital follow up services for their practices' patients. Based on feasibility these may be smaller or larger group meetings, but the total burden on each role type participant is the same. The end goal of this meeting is to have enough information to have an initial process flow map on paper. We anticipate that 10 individuals per primary care site will participate, for a total of 90 participants.

5. Work flow mapping follow-up interviews: Once the initial process flow map is on paper, each role type will be asked to review to correct, add, or confirm detail to the document. Once the flow map has been edited and ratified by the primary care site staff, each role type will be asked specific questions regarding failure modes identified in the process flow for the failure mode effects analysis. We anticipate that eight individuals per primary care site will participate, for a total of 72 participants.

6. Patient Interviews: As a complementary piece of research to the work flow mapping, there would also be a process flow map from the patient's perspective. The purpose of the patient interviews is to capture patient perspectives on potential breakdowns in making the transition from the hospital to care in the primary care settings and to get, in their own words, information about the initial hospitalization and barriers to accessing follow-up care. One of the widely acknowledged limitations of the existing evidence based toolkits is that they are not designed with input from patients. This has occurred despite the fact that clinical experience suggests that providers often fail to identify patient needs and concerns and fail to plan accordingly in both hospital and primary care settings. Research has shown that there are cultural, social and behavioral factors that may contribute to readmissions and assessing the patient's perspective can help to better understand the barriers to receiving appropriate follow-up care. Patient and family interviews are increasingly common practices in efforts to improve care transitions and reduce readmissions, endorsed by CMS, the Institute for Healthcare Improvement, and Kaiser Permanente, among others. The patient interview is collecting unique information on the barriers to effective care transitions in the post-discharge period care, information which cannot be collected in other ways. Ten patients post-discharge from each of the nine primary care sites will be interviewed for a total of 90 patients.

7. Community agency interviews: As a complementary piece of research to the work flow mapping, the process flow map will reflect the perspective of community agencies affiliated with the primary care sites to assist patients. Five community agency representatives from each of the nine primary care sites will be interviewed.

The purpose of this data collection is to understand the key components that should be included in the re-engineered visit in primary care. The project team will examine the diverse settings, staff, and transitional care activities across a variety of primary care practices to identify key transitional care processes that impact patient outcomes, the challenges to implementing those processes, and ways to improve those processes. The project team will distill the themes/principles that should be a part of the re-engineered visit and develop an outline and summary of itscomponents, with a comparison/contrast of the components across sites and discussion of the generalizability of these components to different settings. The information identified from this research will add to the expanding evidence base on preventing readmissions by focusing on the primary care setting, and provide insight on the components and themes that should be part of a re-engineered visit that will ultimately inform an effective intervention that can be tested in a diverse set of primary care clinics.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated burden hours to the respondents for providing all of the data needed to meet the project's objectives. The hours estimated per responses are based on the pilot project results.

For the primary care site organizational characteristics survey and patient characteristics survey, one person per each of the nine primary care sites will participate. Both surveys are anticipated to take 1.5 hours to complete.

For the work flow mapping preliminary interviews, we estimate that eight primary care staff per primary care site will participate, with each individual spending 0.5 hours in these interviews. For the work flow mapping group interview, we estimate that 10 primary care staff per primary care site will participate, with each individual spending 1.5 hours in these interviews. Finally, we estimate that eight primary care staff per primary care site will participate in the work flow mapping follow-up interviews, with each individual spending 0.5 hours in this data collection activity.

There will be 10 patients interviewed in association with each primary care site. These patient interviews are expected to take 0.5 hours per individual research participant.

Lastly, there will be five community agency staff members interviewed in association with each primary care site. These interviews are expected to take 1 hour per individual research participant.

Exhibit 2 shows the estimated cost burden for the respondents' time to participate in the project. The total annualized cost burden is estimated at $11,500.30.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Primary care site organizational characteristics survey	9	1	1.5	13.5
Primary care site patient characteristics survey	9	1	1.5	13.5
Work flow mapping preliminary interview	72	1	0.5	36
Work flow mapping group interview	90	1	1.5	135
Work flow mapping follow-up interview	72	1	0.5	36
Patient interview	90	1	0.5	45

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Community agency interview	45	1	1	45
Total	387	n/a	n/a	2,628

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Primary care site organizational characteristics survey	9	13.5	[a] $40.41	$545.54
Primary care site patient characteristics survey	9	13.5	[a] 40.41	545.54
Work flow mapping preliminary interview	72	36	[a] 40.41	1,454.76
Work flow mapping group interview	90	135	[a] 40.41	5,455.35
Work flow mapping follow-up interview	72	36	[a] 40.41	1,454.76
Patient interview	90	45	[b] 23.23	1,045.35
Community agency interview	45	45	[c] 22.20	999.00
Total	387	n/a	n/a	11,500.30

* For hourly average wage rates, mean hourly wages from the Bureau of Labor Statistics (BLS) May 2015 national occupational employment wage estimates were used. *http://www.bls.gov/oes/current/oes_nat.htm#00-0000*

[a] Participants will include a mix of providers and front desk staff; therefore a blended rate for these tasks are used including Nurse ($33.55), Medical Assistant ($15.01 [1]), Front Desk Staff ($13.38 [2]), Program Director ($32.56), Pharmacist ($56.96), Physician ($91.60), Behavioral health provider ($22.03).

[b] Based upon the mean wages for consumers (all occupations).

[c] Based upon the mean wages for Social Workers.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Sharon B. Arnold,

Acting Director.

[FR Doc. 2017–02893 Filed 2–10–17; 8:45 am]

BILLING CODE 4160–90–P

[1] *http://www.bls.gov/oes/current/oes319092.htm.*

[2] *http://www.bls.gov/oes/current/oes434171.htm.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Innovative Internet-Based Approaches to Reach Black and Hispanic MSM for HIV Testing and Prevention Services, PS17–003; and Comparison of Models of PrEP Service Delivery at Title X and STD Clinics'', PS17–004, initial review.

This document corrects a notice that was published in the **Federal Register** on January 25, 2017, Volume 82, page 8428. The meeting time and date should read as follows:

Time and Date: 10:00 a.m.–5:00 p.m., EST, February 22, 2017 (Closed).

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30329, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–02880 Filed 2–10–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through February 3, 2019.

For information, contact Paul J. Middendorf, Ph.D., Executive Secretary, BSC, NIOSH, CDC, 1600 Clifton Road NE., MS–E20, Atlanta, GA 30329–4018, telephone (404) 498–2500, fax (404) 498–2526.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–02878 Filed 2–10–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices (ACIP)

Correction: This notice was published in the **Federal Register** on January 25, 2017, Volume 82, Page 8427. The Matters for Discussion should read as follows:

Matters for Discussion: The agenda will include discussions on: Meningococcal vaccine; influenza; hepatitis B vaccine; herpes zoster vaccine; vaccine safety; yellow fever vaccine; Zika virus vaccine; mumps outbreak; Dengue virus vaccines; Polio Eradication Initiative; Measles and Rubella Elimination Initiative; adult immunization and vaccine supply. A recommendation vote is scheduled for hepatitis B vaccine A Vaccines for Children (VFC) vote is scheduled for hepatitis B vaccine.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Stephanie Thomas, National Center for Immunization and Respiratory Diseases, CDC, 1600 Clifton Road NE., MS–A27, Atlanta, Georgia 30329, telephone 404/639–8836; Email *ACIP@CDC.GOV.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–02879 Filed 2–10–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the Advisory Committee on Training in Primary Care Medicine and Dentistry

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given that a meeting is scheduled for the Advisory Committee on Training in Primary Care Medicine and Dentistry (ACTPCMD). This meeting will be open to the public. Information about ACTPCMD and the agenda for this meeting can be obtained by accessing the ACTPCMD Web site at *http://www.hrsa.gov/advisorycommittees/bhpradvisory/ACTPCMD.*

DATES: March 6, 2017, 9:00 a.m.–5:00 p.m. ET and March 7, 2017, 8:30 a.m.–5:00 p.m. ET

ADDRESSES: This meeting will be held in person and offer virtual access through teleconference and webinar. The address for the meeting is 5600 Fishers Lane, Rockville, Maryland 20857.

- The conference call-in number is 1–800–619–2521. Passcode: 9271697.
- The webinar link is *https://hrsa.connectsolutions.com/actpcmd.*

Status: This advisory committee meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding ACTPCMD should contact Dr. Kennita Carter, Designated Federal Official, Division of Medicine and Dentistry, Bureau of Health Workforce, HRSA, in one of three ways: (1) Send a request to the following address: Dr. Kennita Carter, Designated Federal Official, Division of Medicine and Dentistry, HRSA, 5600 Fishers Lane, 15N–116, Rockville, Maryland 20857; (2) call 301–945–3505; or (3) send an email to *KCarter@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The ACTPCMD provides advice and recommendations to the Secretary of HHS (Secretary) on policy, program development, and other matters of significance concerning the activities under sections 747 and 748 of title VII of the Public Health Service Act (PHS Act). The ACTPCMD prepares an annual report describing the activities of the Committee, including findings and recommendations made by the Committee regarding the activities under sections 747 and 748. The annual report is submitted to the Secretary, and Chairmen and ranking members of the Senate Committee on Health, Education, Labor and Pensions and the House of Representatives Committee on Energy and Commerce. The Committee also develops, publishes, and implements performance measures and guidelines for longitudinal evaluations for programs authorized under Part C of Title VII of the PHS Act, and recommends appropriation levels for programs under this Part.

During the March 6–7, 2017 meeting, the ACTPCMD will discuss issues related to the Committee report on the integration of behavioral health into primary care and oral health training; and clinical trainee and faculty well-being and resiliency. Agenda items are subject to change.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to make oral comments or provide written comments to the ACTPCMD should be sent to Dr. Kennita Carter, Designated Federal Official, using the contact information above at least 3 business days prior to the meeting.

The 5600 Fishers Lane building requires a security screening on entry. To facilitate your access to the building, please contact Dr. Kennita Carter at the contact information listed above. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Dr. Kennita Carter at least 10 days prior to the meeting.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–02833 Filed 2–10–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel—Education and Health: New Frontiers.
Date: February 28, 2017.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Gabriel B. Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Emphasis Panel: Cardiovascular and Respiratory AREA.
Date: March 1–2, 2017.
Time: 12:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Chee Lim, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, 301–435–1850, *limc4@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–326: Advancing Basic Behavioral and Social Research on Resilience.
Date: March 3, 2017.
Time: 12:00 p.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John H. Newman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, (301) 435–0628, *newmanjh@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–16–260: Methodology and Measurement in the Behavioral and Social Sciences Special Emphasis Panel.
Date: March 6, 2017.
Time: 11:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 254–9975, *helmersk@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Clinical Studies and Epidemiology Study Section.
Date: March 6–7, 2017.
Time: 8:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.
Contact Person: Dimitrios Nikolaos Vatakis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, Bethesda, MD 20892, 301–827–7480.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Physical Activity and Weight Control Interventions Among Cancer Survivors: Effects on Biomarkers of Prognosis and Survival.
Date: March 6, 2017.
Time: 12:00 p.m. to 2:00 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: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Lung injury and breathing control.
Date: March 7–8, 2017.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Harnessing Big Data to Halt HIV.
Date: March 7, 2017.
Time: 11:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.
Contact Person: Dimitrios Nikolaos Vatakis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, Bethesda, MD 20892, 301–827–7480.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cellular and Molecular Immunology.
Date: March 8, 2017.
Time: 2:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 7, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02845 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Bold New Bioengineering Concepts and Approaches.
Date: March 7, 2017.
Time: 8:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301–827–7930, *goltrykl@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 7, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02842 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; NIBIB P41 Application Review (2017/05).

Date: March 19–21, 2017.

Time: 06:00 p.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Boston Marriott Cambridge, 50 Broadway, Cambridge, MA 02142.

Contact Person: Ruixia Zhou, Ph.D., Scientific Review Officer, 6707 Democracy Boulevard, Democracy Two Building, Suite 957, Bethesda, MD 20892, (301) 496–4773, *zhour@mail.nih.gov.*

Dated: February 7, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02841 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.

Date: February 22–23, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The St. Regis Washington DC, 923 16th Street NW., Washington, DC 20006.

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, *bellingerjd@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Neurogenetics.

Date: February 24, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paek-Gyu Lee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4201, MSC 7812, Bethesda, MD 20892, (301) 613–2064, *leepg@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–12–006: SPF Macaque Colonies.

Date: February 28, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–15–075: Academic-Industrial Partnerships for Translation of Technologies for Cancer Diagnosis and Treatment.

Date: March 3, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, 301–237–9870, *xuguofen@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

Date: March 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Solamar, 435 6th Avenue, San Diego, CA 92101.

Contact Person: Leonid V. Tsap, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7854, Bethesda, MD 20892, (301) 435–2507, *tsapl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bioengineering Sciences and Technologies: AREA Review.

Date: March 9, 2017.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–16–004: NIH Director's New Innovator Award.

Date: March 13–14, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Downtown Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Srikanth Ranganathan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., RM 4214, MSC–7802, Bethesda, MD 20892, 301–435–1787, *srikanth.ranganathan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Big Data to Knowledge (BD2K) Community-Based Data and Metadata Standards Efforts (R24).

Date: March 13, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA applications in Infectious Diseases and Microbiology.

Date: March 13, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Cambria Suites Rockville, 1 Helen Heneghan Way, Rockville, MD 20850.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Nephrology.

Date: March 14–15, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR—Phenotypic and Functional Characterization of ApoE2 to Inform Translation Strategies for Aging-Related Conditions.

Date: March 14, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Developmental Risk Prevention and Social Behavior.

Date: March 14, 2017.

Time: 1:00 p.m. to 3:00 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: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, 301–594–3292, *niw@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 6, 2017,

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02848 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Fellowships and Dissertation Grants.

Date: March 1, 2017.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 7, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02847 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–16–034: Ancillary Studies in Kidney Disease (R01).

Date: March 1, 2017.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Program Project on Barrier Function of the GI.

Date: March 6, 2017.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, Room 7017, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Bioinformatics and Diabetes, Obesity and Metabolic Disease T32 Review.

Date: March 9, 2017.

Time: 11:20 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy

Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK–P01 Review.

Date: March 17, 2017.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–16–031: George M. O'Brien Kidney Research Core Centers (P30).

Date: March 23–24, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ann A. Jerkin, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 7, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02840 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Molecular Neurogenetics Study Section, February 16, 2017, 08:00 a.m. to February 17, 2017, 05:00 p.m., Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on January 23, 2017, V 82 Pg. 7842.

The meeting will be held at the Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, Maryland 20852, instead of Residence Inn Marriott in Bethesda. The meeting time remains the same. The meeting is closed to the public.

Dated: February 7, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02843 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Healthcare Delivery and Methodologies Integrated Review Group; Community-Level Health Promotion Study Section.

Date: February 13–14, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westgate Hotel, 1055 Second Avenue, San Diego, CA 92101.

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 7, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02844 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA PAR–15–154 Review: Investigational New Drug (IND)-enabling Development of Medications to Treat Alcohol Use Disorder and Alcohol-related Disorders (U44).

Date: March 2, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: February 7, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–02846 Filed 2–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0129]

Agency Information Collection Activities: Haitian Hemispheric Opportunity Through Partnership Encouragement Act of 2006

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (Haiti HOPE Act). CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 14, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651–0129 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: (*CBP_PRA@cbp.dhs.gov*). The email should include the OMB Control number in the subject line.

(2) *Mail.* Submit written comments to CBP PRA Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 10th Floor, 90 K St NE., Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street, NE., 10th Floor, Washington, DC 20229–1177, or via email (*CBP_PRA@cbp.dhs.gov*). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.* For additional help: *https://help.cbp.gov/app/home/search/1.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection.

Title: Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (''Haiti Hope Act'').

OMB Number: 1651–0129.

Abstract: Title V of the Tax Relief and Health Care Act of 2006 amended the Caribbean Basin Economic Recovery Act (CBERA 19 U.S.C. 2701–2707) and authorized the President to extend additional trade benefits to Haiti. This trade program, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (''Haiti HOPE Act''), provides for duty-free treatment for certain apparel articles and certain wire harness automotive components from Haiti.

Those wishing to claim duty-free treatment under this program must prepare a declaration of compliance which identifies and details the costs of the beneficiary components of production and non-beneficiary components of production to show that the 50% value content requirement was satisfied. The information collected under the Haiti Hope Act is provided for in 19 CFR 10.848.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours. There is no change to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 8.

Estimated Number of Annual Responses per Respondent: 72.

Estimated Number of Total Annual Responses: 576.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 190.

Dated: February 8, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–02873 Filed 2–10–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0090]

Agency Information Collection Activities: Commercial Invoice

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Commercial Invoice. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 14, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651–0090 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: (*CBP_PRA@cbp.dhs.gov*). The email should include the OMB Control number in the subject line.

(2) *Mail.* Submit written comments to CBP PRA Officer, U.S. Customs and Border Protection, Office of Trade,

Regulations and Rulings, Economic Impact Analysis Branch, 10th Floor, 90 K St NE., Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email (*CBP_PRA@cbp.dhs.gov*). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.* For additional help: *https://help.cbp.gov/app/home/search/1.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Commercial Invoice.

OMB Number: 1651–0090.

Form Number: None.

Abstract: The collection of the commercial invoice is necessary for conducting adequate examination of merchandise and determination of the duties due on imported merchandise as required by 19 CFR 141.81, 141.82, 141.83, 141.84, 141.85, 141.86, 141.87, 141.88, 141.89, 141.90, 141.91, 141.92 and by 19 U.S.C. 1481 and 1484. The commercial invoice is provided to CBP by the importer. The information is used to ascertain the proper tariff classification and valuation of imported merchandise, as required by the Tariff Act of 1930. To facilitate trade, CBP did not develop a specific form for this information collection. Importers are allowed to use their existing invoices to comply with these regulations.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 38,500.

Estimated Number of Annual Responses per Respondent: 1208.

Estimated Number of Total Annual Responses: 46,500,000.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 744,000.

Dated: February 8, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–02874 Filed 2–10–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0003]

Agency Information Collection Activities: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 14, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651–0003 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: (*CBP_PRA@cbp.dhs.gov*). The email should include the OMB Control number in the subject line.

(2) *Mail.* Submit written comments to CBP PRA Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 10th Floor, 90 K St NE., Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email (*CBP_PRA@cbp.dhs.gov*). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.* For additional help: *https://help.cbp.gov/app/home/search/1.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments

concerning the following information collection:

Title: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit

OMB Number: 1651–0003

Form Numbers: CBP Forms 7512 and 7512A

Abstract: CBP Forms 7512 and 7512A are used by carriers and brokers to serve as the manifest and transportation entry for cargo moving under bond within the United States. The data on the form is used by CBP to identify the carrier who initiated the bonded movement and to document merchandise moving in-bond. These forms provide documentation that CBP uses for enforcement, targeting, and protection of revenue. Forms 7512 and 7512A collect information such as the names of the importer and consignee; a description of the merchandise moving in-bond; and the ports of lading and unlading. Various provisions in 19 CFR require the use of these forms including 19 CFR 10.60, 19 CFR 10.61 and 19 CFR part 18. The forms be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/.*

Type of Review: Extension (without change).

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected.

Affected Public: Businesses.

Estimated Number of Respondents: 6,200.

Estimated Number of Average Responses per Respondent: 871.

Estimated Number of Total Annual Responses: 5,400,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 896,400 hours.

Dated: February 8, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch U.S. Customs and Border Protection.

[FR Doc. 2017–02875 Filed 2–10–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: Extension, Without Change, of an Existing Information Collection; Comment Request; OMB Control No. 1653–0021

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day Notice of Information collection for review; Form No. I–246, Application for Stay of Removal or Deportation; OMB Control No. 1653–0021.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (USICE), will submit the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until April 14, 2017.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), Scott Elmore, PRA Clearance Officer, U.S. Immigration and Customs Enforcement, 801 I Street NW., Mailstop 5800, Washington, DC 20536–5800.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, without change of a currently approved information collection.

(2) *Title of the Form/Collection:* Application for a Stay of Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–246, U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households, Business or other non-profit. The information collected on the Form I–246 is necessary for U.S. Immigration and Customs Enforcement (ICE) to make a determination that the eligibility requirements for a request for a stay of deportation or removal are met by the applicant.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 10,000 responses at 30 minutes (.5 hours) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 5,000 annual burden hours.

Dated: February 8, 2017.

Scott Elmore,

PRA Clearance Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2017–02902 Filed 2–10–17; 8:45 am]

BILLING CODE 9111–28–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electrical Connectors, Components Thereof, and Products Containing the Same, DN 3197;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and 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 United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of J.S.T Corporation on February 6, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrical connectors, components thereof, and products containing the same. The complaint names as respondents Robert Bosch GmbH of Germany; Bosch Automotive Products (Suzhou) Co., Ltd. of China; Robert Bosch LLC of Broadview, IL; Robert Bosch, Sistemas Automotrices, S.A. de C.V. of Mexico; Robert Bosch Ltda of Brazil; Hon Hai Precision Industry Co., Ltd. of Taiwan; and Foxconn Interconnect Technology, Ltd. of Taiwan. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3197'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 7, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–02830 Filed 2–10–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*

DEPARTMENT OF JUSTICE

[OMB Number 1105–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Guam World War II Loyalty Recognition Program Statement of Claim

AGENCY: Foreign Claims Settlement Commission, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Foreign Claims Settlement Commission (Commission), Department of Justice (DOJ), 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 14, 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 Jeremy LaFrancois, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579.

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 Foreign Claims Settlement Commission, 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:* New collection.

2. *The Title of the Form/Collection:* Statement of Claim for filing of Claims in the Guam Claims Program Pursuant to the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328 (December 23, 2016).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* FCSC–2. Foreign Claims Settlement Commission, Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals.

Other: Estates.

Abstract: Information will be used as a basis for the Commission to receive, examine, adjudicate and render final decisions with respect to claims for compensation of claims pursuant to the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114–328 (December 23, 2016).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5,000 individual respondents will complete the application, and that the amount of time estimated for an average respondent to reply is approximately two hours each.

6. *An estimate of the total public burden (in hours) associated with the collection:* 10,000 annual burden hours.

If additional information is required contact: Melody D. 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 D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–02822 Filed 2–10–17; 8:45 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Formaldehyde Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Formaldehyde Standard,'' 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 15, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201611-1218-006* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Formaldehyde Standard information collection requirements codified in regulations 29 CFR 1910.1020 and -.1048. The Formaldehyde Standard requires an Occupational Safety and Health Act (OSH Act) covered employer subject to the Standard to monitor worker exposure; to notify workers of their formaldehyde exposures; to provide medical surveillances; to provide examining physicians with specific information; to ensure workers receive a copy of their medical examination results; to maintain workers' exposure monitoring and medical records for specific periods; and to provide the OSHA, National Institute for Occupational Safety and Health, affected workers, and their authorized representatives access to these records. Employers, workers, physicians, and the Government use these records to ensure exposure to benzene in the workplace does not harm workers. OSH Act sections 2(b)(3), 6, and 8 authorize this information collection. *See* 29 U.S.C. 651(b)(3), 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of

law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0145.

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 August 1, 2016 (81 FR 50563).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0145. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Formaldehyde Standard.

OMB Control Number: 1218–0145.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 86,320.

Total Estimated Number of Responses: 906,101.

Total Estimated Annual Time Burden: 238,435 hours.

Total Estimated Annual Other Costs Burden: $43,560,060.

Dated: February 7, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02886 Filed 2–10–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Information Grants to States

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Workforce Information Grants to States,'' 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 15, 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=201612-1205-001* (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–ETA, 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 Workforce Information Grants to States information collection. This information collection covers the following grantee reporting requirements: Workforce Information Database, State and local industry and occupational employment projections, and a statewide annual economic analysis report. The ICR also covers related recordkeeping requirements. This information collection has been classified as a revision, because the ETA will not implement a previously approved online reporting system; rather, a respondent will copy its work onto a shared directory on an ETA Web site. Workforce Innovation and Opportunity Act of 2014 sections 101 and 308 authorize this information collection. *See* 29 U.S.C. 3111 and 49l–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 1205–0417. The current approval is scheduled to expire on March 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 15, 2016 (81 FR 54126).

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 1205–0417. 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–ETA.

Title of Collection: Workforce Information Grants to States.

OMB Control Number: 1205–0417.

Affected Public: State, local, and tribal governments.

Total Estimated Number of Respondents: 54.

Total Estimated Number of Responses: 162.

Total Estimated Annual Time Burden: 31,228 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 7, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–02887 Filed 2–10–17; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Notice and Request for Comments—LSC Merger of Service Areas in New Jersey

AGENCY: Legal Services Corporation.

ACTION: Notice and Request for Comments—LSC merger of the two service areas covering the southern and mid-eastern regions of New Jersey.

SUMMARY: The Legal Services Corporation (LSC) proposes to merge the two service areas that cover the seven counties of the southern region of New Jersey and two counties of the mid-eastern region of the state. Grants for these individual service areas have been awarded to South Jersey Legal Services (SJLS) since 2015. LSC proposes to merge the two service areas into one service area and to award one grant for the new combined service area. Doing so will harmonize the grant structure with the current delivery model.

DATES: All comments must be received on or before the close of business on March 15, 2017.

ADDRESSES: Written comments may be submitted to LSC by email to *competition@lsc.gov* (this is the preferred option); by submitting a form online at *http://www.lsc.gov/contact-us;* or by mail to Legal Services Corporation, 3333 K Street NW., Third Floor, Washington, DC 20007, Attention: Reginald J. Haley.

FOR FURTHER INFORMATION CONTACT: Reginald J. Haley, Office of Program Performance, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; or by email at *haleyr@lsc.gov.*

SUPPLEMENTARY INFORMATION: The mission of LSC is to promote equal access to justice and to provide funding for high-quality civil legal assistance to low-income persons. Pursuant to its statutory authority, LSC designates service areas in U.S. states, territories, possessions, and the District of Columbia for which it provides grants to legal aid programs to provide free civil legal services.

LSC provides grants through a competitive bidding process, which is regulated by 45 CFR part 1634. Since 2015, through the competitive bidding process, SJLS has been awarded funding for the NJ–12 service area that comprises the two counties in the mid-eastern region of New Jersey, *i.e.,* Ocean and Monmouth counties. During that same period, SJLS has been awarded funding for the NJ–16 service area covering the seven counties in the southern region of the service area, *i.e.,* Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem counties. Beginning January 1, 2018, LSC proposes to merge the two service areas into a single service area and merge the 2018 grants for those service areas into a single grant.

The LSC Act charges LSC with ensuring that ''grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.'' 42 U.S.C. 2996f(a)(3). Merging the two New Jersey service areas will provide an economical and effective delivery approach for serving the legal needs of the low-income population and will harmonize the grant structure with the current delivery model.

LSC invites public comment on this proposal. Interested parties may submit comments to LSC no later than the close of business on March 15, 2017. More information about LSC can be found at: *http://www.lsc.gov.*

Dated: February 8, 2017.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2017–02855 Filed 2–10–17; 8:45 am]

BILLING CODE 7050–01–P

THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), 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 (44 U.S.C. Chapter 35). This pre-clearance consultation 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. By this notice, IMLS is soliciting comments concerning a proposed survey to collect information to monitor the use, expectations of and satisfaction with the quality of Maker/STEM program implementation at 21st Century Community Learning Centers (21st CCLC) and associated outcomes.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 10, 2017.

IMLS is particularly interested in comments that help the agency to:

- 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.

ADDRESSES: Send comments to: Christopher J. Reich, Chief Administrator, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW., Suite 4000, Washington, DC 20024–2135. Mr. Reich can be reached by Telephone: 202–653–4685, Fax: 202–653–4608, or by email at *creich@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

FOR FURTHER INFORMATION CONTACT: Christopher J. Reich, Senior Advisor, Institute of Museum and Library Services, 955 L'Enfant Plaza SW., Suite 4000, Washington, DC 20024. Mr. Reich can be reached by Telephone: 202–653–4685, Fax: 202–653–4608, or by email at *creich@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202/653–4614. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the Nation's 123,000 libraries and 35,000 museums. The Institute's mission is to inspire libraries and museums to advance innovation, learning and civic engagement. The Institute works at the national level and in coordination with state and local organizations to sustain heritage, culture, and knowledge; enhance learning and innovation; and support professional development. IMLS is responsible for identifying national needs for and trends in museum, library, and information services; measuring and reporting on the impact and effectiveness of museum, library and information services throughout the United States, including programs conducted with funds made available by IMLS; identifying, and disseminating information on, the best practices of such programs; and developing plans to improve museum, library and information services of the United States and strengthen national, State, local, regional, and international communications and cooperative networks (20 U.S.C. Chapter 72, 20 U.S.C. 9108).

II. Current Actions

The purpose of this collection is to assess the quality of Maker/STEM program implementation at 21st Century Community Learning Centers (21ST CCLC) and the associated outcomes for participating youth, 21st CCLC site staff, and museum/science center staff. The Maker/STEM Education Support for 21st CCLC project is designed to support Maker and Science, Technology, Engineering, and Math (STEM) education learning by providing professional development, activities, tools, and training to 21st CCLCs in 30–40 sites across seven States or regions.

The evaluation is intended to provide insight for future changes, programmatic improvements, and learning at all levels of the program. Methods will include qualitative and quantitative data collection via a mixed methods approach. Data will be collected through activities such as online and/or paper and pencil surveys, phone interviews, and in-person interviews.

Agency: Institute of Museum and Library Services.

Title: Maker/STEM Education Support for 21st Century Community Learning Centers Program Evaluation.

OMB Number: To be determined.

Frequency: One-time collection anticipated.

Affected Public: The target population is museum/science center staff, 21st CCLC staff, and youth participants involved in the STEM/Making programs at targeted 21st CCLC sites.

Number of Respondents: To be determined.

Estimated Average Burden per Response: To be determined.

Estimated Total Annual Burden: To be determined.

Total Annualized capital/startup costs: n/a.

Total Annual costs: To be determined.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: February 8, 2017.

Kim Miller,

Grants Management Specialist, Office of Chief Information Officer.

[FR Doc. 2017–02862 Filed 2–10–17; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Oversight (CO), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: Friday, February 17, 2017 at 2:00 p.m. EST.

SUBJECT MATTER: (1) Discussion of NSF's efforts to identify and respond to risks related to the office move; and (2) discussion of the charge for the Committee.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information. Meeting information and updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is: Ann Bushmiller (*abushmil@nsf.gov*), 4201Wilson Blvd., Arlington, VA 22230.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2017–02968 Filed 2–9–17; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0041]

Preparation of Environmental Reports for Nuclear Power Stations

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–4026, ''Preparation of Environmental Reports for Nuclear Power Stations.'' This proposed guide, revision 3, provides general guidance to applicants for the format and content of environmental reports (ERs) that are submitted as part of an application for a permit, license, or other authorization to site, construct, and/or operate a nuclear power plant.

DATES: Submit comments by April 14, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0041. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3462; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN 12H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Jennifer Davis, Office of New Reactors, telephone: 301–415–3835, email: *Jennifer.Davis@nrc.gov,* and Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317, email: *Edward.ODonnell@nrc.gov.* Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0041 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0041.
- *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. The DG–4026 is available in ADAMS under Accession No. ML16116A068.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0041 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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

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

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated events, and data that the staff needs in its review of applications for permits and licenses. The DG, entitled, ''Preparation of Environmental Reports for Nuclear Power Stations,'' is a proposed revision, temporarily identified by its task number, DG–4026. Regulatory Guide 4.2, Revision 2 dates to 1976, and an update is needed to align it with NRC's regulations, interim NRC's guidance, changes in environmental statutes and regulations, and Executive Orders. Consequently, Revision 3 has been prepared to provide general guidelines for the preparation of ERs supporting an application for a permit, license, or other authorization to site, construct, and/or operate a nuclear power plant. The information requested from applicants in this RG is based on the requirements contained in part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' and staff guidance such as NUREG–1555, ''Environmental Standard Review Plan: Standard Review Plans for Environmental Reviews for Nuclear Power Plants'' (ADAMS Accession Nos. ML003702134 and ML003701937, respectively).

III. Specific Request for Comments

The NRC seeks comments on DG–4026, the associated regulatory analysis, and requests feedback from commenters about (1) addressing the impacts of preconstruction and construction as defined in §§ 51.4 and 51.45, (2) reducing the size of environmental documents, and (3) other topics to consider in environmental reviews.

1. Under the revised rule defining construction (72 FR 57415, October 9, 2007), the applicant should separate the impacts of preconstruction and construction activities to address the latter, as they are the activities being authorized by the NRC. The applicant should also describe the impacts of the preconstruction activities, so they can be evaluated as part of the cumulative impacts related to the construction

activities. The revised RG follows the approach to implementing the rule that is discussed in interim staff guidance COL/ESP–ISG–4 (ADAMS Accession No. ML082970729). The NRC is seeking input regarding the best method to address these impacts in environmental reports.

2. Are there changes that should be made to the RG to reduce the amount of information evaluated in ERs and the environmental impact statements, while still meeting applicable environmental laws and regulations?

3. Are there topics that are not addressed in the RG that should be addressed? Conversely, are there topics addressed in the RG that need not be addressed?

IV. Backfitting and Issue Finality

Issuance of this DG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule), nor would it be regarded as backfitting under the Commission and the Executive Director for Operations guidance, and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 8th day of February, 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–02885 Filed 2–10–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0040]

Initiatives To Address Gas Accumulation Following Generic Letter 2008–01

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on a draft regulatory issue summary (RIS) setting forth a licensee's responsibility for ensuring systems remain operable with respect to the accumulation of gas, regardless of whether the licensee chooses to voluntarily implement two industry initiatives to address weaknesses in the management of gas accumulation.

DATES: Submit comments by March 15, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0040. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Diana Woodyatt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1245, email: *Diana.Woodyatt@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0040 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0040.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0040 in your comment submission.

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

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

II. Discussion

The NRC issues RISs to communicate with stakeholders on a broad range of matters. This may include communicating previous NRC endorsement of industry guidance on technical or regulatory matters. The NRC is issuing this RIS to inform affected entities that licensees who choose not to implement two voluntary industry efforts to address gas accumulation issues [1] must ensure that systems remain operable with respect to the potential for accumulation of gas, in accordance with their plant-specific technical specifications (TSs) and their plants' licensing basis. Generic programmatic and licensing concerns with respect to gas accumulation were identified through the NRC's review of responses to Generic Letter (GL) 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' dated January 11, 2008 (ADAMS Accession No. ML072910759).

The NRC issued GL 2008–01 to (1) request that licensees submit information to demonstrate that the

[1] Nuclear Energy Institute (NEI) 09–10, ''Guidelines for Effective Prevention and Management of System Gas Accumulation,'' Revision 1 (ADAMS Accession No. ML110030892); and Technical Specification Task Force (TSTF)-523, ''Generic Letter 2008–01, Managing Gas Accumulation,'' Revision 2 (ADAMS Accession No. ML13053A075).

subject systems are in compliance with the current licensing and design bases and applicable regulatory requirements, and that suitable design, operational, and testing control measures are in place for maintaining this compliance; and (2) collect the requested information to determine whether additional regulatory action is required. As a result of its review of the GL 2008–01 responses, the NRC identified that some plant-specific TS did not cover all systems or locations susceptible to gas accumulation. Accordingly, the NRC staff determined that enhancements to TSs and the standard technical specifications (STSs) were desirable. The nuclear industry undertook two primary initiatives to address the desired regulatory guidance and TS enhancements, NEI 09–10 and TSTF–523. The NRC issued RIS 2013–09, ''NRC Endorsement of NEI 09–10, Revision 1a-A, 'Guidelines for Effective Prevention and Management of System Gas Accumulation''' (ADAMS Accession No. ML13178A152), to endorse NEI 09–10 as an acceptable and recommended approach for managing gas accumulation. The NRC staff approved for use TSTF–523, Revision 2, in a **Federal Register** notice on January 15, 2014 (79 FR 2700).

Although the NRC issued plant-specific closure letters following its review of information submitted in response to GL 2008–01, the closure letters did not address development of additional regulatory guidance or enhancements to both plant-specific TS and STS requirements. The NRC staff accepted the incorporation of a gas management program consistent with NEI 09–10 and the adoption of TSTF–523 as approaches for plants to sufficiently demonstrate the continued operability of safety significant systems susceptible to gas accumulation.

III. Request for Comment

This draft RIS sets forth the regulatory history of the NRC's concerns with gas accumulation, as summarized above in Section II, ''Background.'' This draft RIS, if finalized would advise affected entities that those licensees who choose not to implement NEI 09–10 and TSTF–523 must ensure, through some appropriate means, that systems remain operable with respect to the potential for accumulation of gas, in accordance with their plant-specific TSs and their plants' licensing basis.

The NRC requests public comments on the draft RIS. The NRC staff will make a final determination regarding issuance of the RIS after it considers any public comments received in response to this request. The draft RIS is available in ADAMS under Accession No. ML16244A787.

Dated at Rockville, Maryland, this 06th day of February 2017.

For the Nuclear Regulatory Commission.

Sheldon D. Stuchell,

Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–02866 Filed 2–10–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0161]

Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 4 to Regulatory Guide (RG) 1.20, ''Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Startup Testing.'' This RG describes methods and procedures that the NRC staff considers acceptable when developing a comprehensive vibration assessment program for reactor internals during preoperational and startup testing.

DATES: Revision 4 to RG 1.20 is available on February 13, 2017.

ADDRESSES: Please refer to Docket ID NRC–2015–0161 when contacting the NRC about the availability of information regarding this document. You may obtain publically-available information related to this document, using the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0161. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Document 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. Revision 4 to Regulatory Guide 1.20, and the regulatory analysis may be found in ADAMS under Accession Nos. ML16056A338 and ML15083A388, respectively.
- 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.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Thomas Scarbrough, Office of New Reactors, telephone: 301–415–2794, email: *Thomas.Scarbrough@nrc.gov;* Yuken Wong, Office of New Reactors, telephone: 301–415–0500, email: *Yuken.Wong@nrc.gov,* and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301–15–7000, email: *Stephen.Burton@nrc.gov.* All are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 4 of RG 1.20 was issued with a temporary identification of Draft Regulatory Guide, DG–1323. This revision expands the guidance related to flow-induced vibration, acoustic resonance, acoustic-induced vibration, and mechanical-induced vibration for boiling water reactor, pressurized water reactor, and small modular reactor (SMR) nuclear power plants. For SMRs, this includes guidance for the control rod drive system and control rod drive mechanisms, which might be contained in an integral reactor vessel module. The additional guidance in Revision 4 is based in part on lessons learned from the review of recent applications, including both new plant applications and extended power uprate applications. In addition, Revision 4 re-

defines and clarifies the prototype, limited prototype, and non-prototype classifications of reactor internal configurations.

II. Additional Information

The DG–1323 was published in the **Federal Register** on July 2, 2015 (80 FR 38239) for a 60-day public comment period. The public comment period closed on August 31, 2015. Public comments on DG–1323 and the NRC staff responses to the public comments are available in ADAMS under Accession No. ML16056A341.

III. Congressional Review Act

This regulatory guide is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Issuance of this regulatory guide does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulation*s (10 CFR) (the Backfit Rule), and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. This regulatory guide does not apply to any nuclear reactor construction permits or operating licenses under 10 CFR part 50, design certifications and combined licenses under 10 CFR part 52, or license amendment requests for extended power uprates at operating reactors already issued by the NRC prior to issuance of the regulatory guide. The NRC has already completed its review of the comprehensive vibration assessment programs (CVAPs) for power reactor internals for these construction permits, operating licenses, design certifications, combined operating licenses, and license amendments for extended power uprates. Therefore, no further NRC regulatory action with respect to CVAPs will occur for those licenses, permits, certifications, and authorizations for which the guidance in the regulatory guide is relevant, absent voluntary action by the licensees to use the guidance to demonstrate compliance with the underlying NRC regulations. The regulatory guide may be applied to applications for construction permits, operating licenses, design certifications, combined licenses, and license amendments for extended power uprates, any of which are docketed and under review by the NRC as of the date of issuance of the regulatory guide. The regulatory guide may also be applied to applications for construction permits, operating licenses, design certifications, combined licenses, and license amendments for extended power uprates, any of which are submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in 10 CFR 50.109(a)(1) and is not otherwise inconsistent with the applicable issue finality provisions in 10 CFR part 52 because such applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—was intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit), NRC regulatory approval (*e.g.,* a design certification rule), or both, with specified issue finality provisions. The NRC does not, at this time, intend to impose the positions represented in the regulatory guide in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the regulatory guide in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 8th day of February, 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–02864 Filed 2–10–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting

DATE: February 13, 20, 27, March 6, 13, 20, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 13, 2017

Thursday, February 16, 2017

8:55 a.m. Affirmation Session (Public Meeting) (Tentative)

Southern Nuclear Operating Company, Inc. (Vogtle Electric Generation Plant, Units 3 and 4), Intervenor's Appeal of LBP–16–10 (Tentative)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

9:00 a.m. Briefing on Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting) (Contact: Andrew Proffitt: 301–415–1418)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Friday, February 17, 2017

9:30 a.m. Briefing on Project Aim (Public Meeting) (Contact: Tammy Bloomer: 301–415–1785)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 20, 2017—Tentative

Thursday, February 23, 2017

9:30 a.m. Joint Meeting of the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission (Public Meeting) (Contact: Denise McGovern)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 27, 2017—Tentative

Wednesday, March 1, 2017

10:00 a.m. Briefing on NRC International Activities (Closed Ex. 1 & 9)

Thursday, March 2, 2017

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting) (Contact: Soly Soto; 301–415–7528)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 6, 2017—Tentative

There are no meetings scheduled for the week of March 6, 2017.

Week of March 13, 2017—Tentative

There are no meetings scheduled for the week of March 13, 2017.

Week of March 20, 2017—Tentative

Thursday, March 23, 2017

9:00 a.m. Hearing on Combined Licenses for North Anna Nuclear Plant, Unit 3: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting) (Contact: James Shea: 301–415–1388)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Friday, March 24, 2017

10:00 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1)

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0981 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 9, 2017.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2017–02938 Filed 2–9–17; 4:15 pm]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before April 14, 2017.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202–692–1236 or email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Global Health Service Peace Corps Staff Reference form.

OMB Control Number: 0420–0548.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of interviewed applicants:* 120.

b. *Number of references required per intervived applicant:** *2.

c. *Estimated number of reference forms received:* 240.

d. *Frequency of response:* One time.

e. *Completion time:* 10 minutes.

f. *Annual burden hours:* 40.

* Reference information is collected only if an applicant is contacted for an interview.

The estimated number of applicants interviewed is 120 based on the first three years of the GHSP program.

General description of collection: Peace Corps Response uses the staff, personal and professional reference forms to learn from someone who knows the applicant and his or her background whether the applicant possesses the necessary characteristics and skills to serve as a Global Health Service Partnership Volunteer.

Request for comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on February 7, 2017.

Denora Miller,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017–02854 Filed 2–10–17; 8:45 am]

BILLING CODE 6051–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2017–120]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 15, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also

establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s):* CP2017–120; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* February 7, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Gregory Stanton; *Comments Due:* February 15, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–02884 Filed 2–10–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79982; File No. SR–NYSEMKT–2017–04]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Relating to Market Makers Applicable When the Exchange Transitions Trading to Pillar, the Exchange's New Trading Technology Platform

February 7, 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 MKT LLC (''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes rules relating to market makers that would be applicable when the Exchange transitions trading to Pillar, the Exchange's new trading technology platform. 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

With Pillar, the Exchange proposes to transition its cash equities trading platform from a Floor-based market with a parity allocation model to a fully automated price-time priority allocation model. The Exchange will be filing several proposed rule changes to support the NYSE MKT cash equities implementation of Pillar. The Exchange has already adopted the rule numbering framework of the NYSE Arca Equities, Inc. (''NYSE Arca Equities'') rules for Exchange cash equities trading on the Pillar trading platform.[4] As described in the Framework Filing, the Exchange denoted the rules applicable to cash equities trading on Pillar with the letter ''E'' to distinguish such rules from current Exchange rules with the same numbering. In addition, the Exchange filed a proposed rule change to support Exchange trading of securities listed on New York Stock Exchange LLC (''NYSE''), NYSE Arca, Inc., and other exchanges on an unlisted trading privileges basis, including Exchange Traded Products listed on other exchanges.[5] The Exchange has also proposed rules based on the rules of NYSE Arca Equities to support the transition of Exchange trading to a fully automated price-time priority allocation model.[6]

In this filing, the Exchange proposes rules governing market makers on the Exchange following the transition to Pillar. Specifically, for all securities that would trade on the Exchange, including UTP Securities,[7] an ETP Holder [8] could register as a Market Maker [9] and be subject to obligations similar to the obligations of a Market Maker on NYSE Arca Equities.[10] The Exchange proposes that the following rules, based on NYSE Arca Equities rules of the same number with non-substantive differences, would govern Market Makers on the Pillar trading platform:

- Proposed Rule 1.1E(v) (definition of Market Maker);
- proposed Rule 1.1E(w) (definition of Market Maker Authorized Trader);
- proposed Rule 7.20E (Registration of Market Makers);
- proposed Rule 7.21E (Obligations of Market Maker Authorized Traders);
- proposed Rule 7.22E (Registration of non-DMM Market Makers in a Security); and
- proposed Rule 7.23E (Obligations of Market Makers).

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[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR–NYSEMKT–2016–97) (Notice and Filing of Immediate Effectiveness of Proposed Rule Change) (the ''Framework Filing'').

[5] *See* Securities Exchange Act Release No. 79400 (November 25, 2016), 81 FR 86750 (December 1, 2016) (SR–NYSEMKT–2016–103) (Notice) (the ''ETP Listing Rules Filing'').

[6] *See* SR–NYSEMKT–2017–1 (''Trading Rules Filing'').

[7] The term ''UTP Security'' is defined in Rule 1.1E(ii) to mean a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges.

[8] In the Trading Rules Filing, the Exchange proposes to define the term ''ETP Holder'' in Rule 1.1E(n) as a member organization that has been issued an Equity Trading Permit. The term ''member organization'' is defined in Rule 2(b)—Equities.

[9] As described below, the Exchange proposes to define the term ''Market Maker'' in Rule 1.1E(v).

[10] On NYSE Arca Equities, the term ''Market Maker'' is defined in NYSE Arca Equities Rule 1.1(v).

In addition, the Exchange proposes to require that a Designated Market Maker (''DMM'') be registered in each Exchange-listed security, which is based on current rules. As proposed, Exchange DMMs would be required to meet all of the proposed obligations for Market Makers, and would be subject to rules-based heightened quoting obligations in their assigned securities.

Unlike Exchange DMMs under current rules, which are Floor-based individuals who operate within a DMM unit of a member organization,[11] the proposed rules for DMMs would provide for electronic access only, would not assign securities at the natural person level, and would not require DMMs to facilitate the opening, reopening, or closing of assigned Exchange-listed securities. In addition, the proposed rules would not entitle DMMs to a parity allocation of executions, and also would not subject DMMs to heightened capital requirements. Finally, DMMs would continue to be subject to rules governing allocation of securities and combination of DMM units that are based on current rules.

The Exchange proposes the following rules, which are based on both NYSE Arca Equities rules and current Exchange rules, to establish the requirements for DMMs on the Pillar trading platform.

- proposed Rule 1.1E(ccc) (definition of DMM);
- proposed Rule 7.24E (Registration and Obligation of DMMs);
- proposed Rule 7.25E (DMM Security Allocation and Reallocation); and
- proposed Rule 7.26E (DMM Combination Review Policy).

Subject to rule approvals for the ETP Listing Rule Filing, Trading Rules Filing, and this filing, the Exchange will announce the transition of its cash equities trading to the Pillar trading system by Trader Update, which the Exchange anticipates will be in the second quarter of 2017.

Because the Exchange would not be trading on both its current Floor-based trading platform and the Pillar trading platform at the same time, once trading on the Pillar trading platform begins, specified current Exchange equities trading rules would no longer be applicable. Accordingly, as described in more detail below, for each current equities rule that would no longer be applicable when trading on the Pillar trading platform begins, the Exchange proposes to state in a preamble to such rule that ''this rule is not applicable to trading on the Pillar trading platform.'' Once the Exchange has transitioned to the Pillar trading platform, the Exchange will file a separate proposed rule change to delete those current rules that have been identified in this filing as not being applicable to trading on Pillar. Current Exchange rules governing equities trading that do not have this preamble will continue to govern Exchange operations on its cash equities trading platform.

Proposed Rule Changes

As noted above, the Exchange proposes rules for Market Makers that would be applicable to cash equities trading on Pillar that are based on NYSE Arca Equities Rules. Throughout these proposed rules, the Exchange proposes non-substantive differences as compared to the NYSE Arca Equities rules to use the term ''Exchange'' instead of the terms ''NYSE Arca Marketplace,'' ''NYSE Arca,'' or ''Corporation''; use the term ''Exchange Book'' instead of ''NYSE Arca Book''; use the term ''will'' instead of ''shall''; and use the terms ''mean'' or ''have the meaning'' instead of the terms ''shall mean'' or ''shall have the meaning.''[12] The Exchange proposes that rules governing Market Makers on the Pillar trading platform would be set forth in Rules 1.1E (Definitions) and Section 2 (Market Makers) of Rule 7E—Equities Trading.

Rule 1E

As described in the Framework Filing, Rule 1E specifies definitions that are applicable to trading on the Pillar trading platform. The Exchange proposes the text for following existing definitions that are marked ''Reserved'':

- The Exchange proposes to amend Rule 1.1E(v) to delete the term ''Reserved'' and define the term ''Market Maker'' as the ETP Holder that acts as a Market Maker pursuant to Rule 7E. This proposed rule is based on NYSE Arca Equities Rule 1.1(v), which defines the term ''Market Maker,'' without any substantive differences.
- The Exchange proposes to amend Rule 1.1E(w) to delete the term ''Reserved'' and define the term ''Market Maker Authorized Trader'' or ''MMAT'' to mean an Authorized Trader[13] who performs market making activities pursuant to Rule 7E on behalf of a Market Maker. This proposed rule is based on NYSE Arca Equities Rule 1.1(w), which defines the term ''Market Maker Authorized Trader,'' without any substantive differences.
- The Exchange proposes to amend Rule 1.1E(ccc) to delete the term ''Reserved'' and define the term ''Designated Market Maker'' and ''DMM'' to mean a registered Market Maker that is subject to additional requirements set forth in Section 2 of Rule 7E for Exchange-listed securities assigned to such DMM. This proposed definition would be new and is not based on the rules of NYSE Arca Equities. Because DMMs would be Market Makers, and a Market Maker designation is at the ETP Holder level, this proposed definition would differ from current rules, which define a DMM at the individual level.[14]

Rule 7.20E

The Exchange proposes to amend Rule 7.20E to delete the term ''Reserved'' and re-name it ''Registration of Market Makers.'' Because the Exchange would operate as a fully-automated market, the Exchange proposes that Market Makers on its Pillar cash equities trading platform would have the same registration requirement as marker makers on NYSE Arca Equities. Accordingly, the Exchange proposes Rule 7.20E based on NYSE Arca Equities Rule 7.20 without substantive differences.

Proposed Rule 7.20E is based on NYSE Arca Equities Rule 7.20 with specified differences.

- First, because the Exchange already has member organizations that are registered as market makers, the Exchange proposes that such member organizations would continue to be registered as Market Makers under proposed Rule 7.20E without being required to re-register as a Market Maker.[15] The Exchange therefore proposes to specify in Rule 7.20E(a)(i) that no ETP Holder would act as a Market Maker in any security unless such ETP Holder is registered as a Market Maker in such security by the Exchange pursuant to Rule 7.20E or is

[11] *See* Rule 2(i)—Equities (defining the term ''DMM'' to mean an individual member, officer, partner, employee, or associated person of a DMM unit who is approved by the Exchange to act in the capacity as a DMM) and Rule 98(b)(1)—Equities (defining a ''DMM unit'' as a trading unit within a member organization that is approved pursuant to Rule 103—Equities to act as a DMM unit).

[12] Because these non-substantive differences would be applied throughout the proposed rules, the Exchange will not note these differences separately for each proposed rule.

[13] In the Trading Rules Filing, *supra* note 6, the Exchange proposes to define the term ''Authorized Trader'' in Rule 1.1E(g).

[14] *See* Rule 2(i)—Equities, *supra* note 11.

[15] Under current Rule 103—Equities, a member organization may be approved to be registered as a DMM. In addition, under current Rule 107B—Equities, a member organization approved as a Supplemental Liquidity Provider may be registered as a market maker on the Exchange as an ''SLMM''.

a member organization registered as a DMM or SLMM under Exchange rules as of one business day before the Pillar transition date.[16] Accordingly, a member organization registered as either a DMM or SLMM on a specified date close to the transition of trading to Pillar would be deemed registered as a Market Maker on the Exchange pursuant to proposed Rule 7.20E and would not need to re-apply for Market Maker status.

• Second, proposed Rule 7.20E(b) is based on NYSE Arca Equities Rule 7.20(b) with the following change to the second sentence so that it would provide that ''[a]pplications will be reviewed by the Exchange, which will consider the ETP Holder's capital, operations, personnel, technical resources, and disciplinary history.'' The Exchange also proposes an additional clarifying sentence that is not in NYSE Arca Equities Rule 7.20(b) that would provide that after reviewing the application, the Exchange would either approve or disapprove the ETP Holder's registration as a Market Maker. These proposed differences compared to NYSE Arca Equities Rule 7.20 do not result in any substantive differences.

• Third, the Exchange proposes that DMMs would not be covered by the provisions of proposed Rule 7.20E(e), which governs a Market Maker's withdrawal of registration as a Market Maker in a security. As described in greater detail below, the Exchange proposes to address DMM withdrawal from registration in a security in proposed Rule 7.24E(a)(4). The Exchange also proposes a substantive difference to proposed Rule 7.20E(e) to provide that a Market Maker that fails to notify the Exchange of its written notice of withdrawal on the business day prior to such withdrawal may be subject to formal disciplinary action. The Exchange does not believe that a Market Maker needs to provide ten business day's [sic] notice of such withdrawal of registration, as required by NYSE Arca Equities Rule 7.20(e), because the Exchange can process such withdrawals with only one business day's [sic] notice.

• Finally, the Exchange proposes a non-substantive difference to proposed Rule 7.20E(c) and (e) as compared to NYSE Arca Equities Rule 7.20(c) and (d) to use Exchange disciplinary rule references in lieu of NYSE Arca Equities disciplinary rule references.

[16] As described infra, the Pillar implementation date is subject to approval of the Trading Rules Filing, ETP Listing Rules Filing, and this filing, and will announce the implementation date by Trader Update. Once announced, the Exchange will update the rule text with the implementation date.

Rule 7.21E

The Exchange proposes to amend Rule 7.21E to delete the term ''Reserved'' and re-name it ''Obligations of Market Maker Authorized Traders.'' Proposed Rule 7.21E would set forth the requirement that MMATs are permitted to enter orders only for the account of the Market Maker for which they are registered. The proposed rule would also specify the registration requirements for MMAT and the procedures for suspension and withdrawal of registration. This proposed rule is based on NYSE Arca Equities Rule 7.21 without any substantive differences.

Rule 7.22E

The Exchange proposes to amend Rule 7.22E to delete the term ''Reserved'' and re-name it ''Registration of Non-DMM Market Makers in a Security.'' Proposed Rule 7.22E would set forth the process for Market Makers, other than DMMs, to become registered in a security and the factors the Exchange may consider in approving the registration of a Market Maker in a security. The proposed Rule would also describe both termination of a Market Maker's registration in a security by the Exchange and voluntary termination by a Market Maker.

Proposed Rule 7.22E is based on NYSE Arca Equities Rule 7.22 with the following differences:

• First, because DMM registration in a security would be governed by proposed Rule 7.25E, the Exchange proposes that not all Market Makers would register in a security pursuant to the requirements in proposed Rule 7.22E. Instead, proposed Rule 7.22E would govern only registration in a security for non-DMM Market Makers.

• Second, in proposed Rule 7.22E(a), the Exchange proposes that a Market Maker may become registered in a security by submitting a request to the Exchange rather than the text in NYSE Arca Equities Rule 7.22, which provides that a prospective Market Maker should file a security registration form. The Exchange believes the proposed text provides flexibility regarding the manner that the Exchange would accept such requests, including electronically, and is not a substantive difference.

• Third, the Exchange proposes a substantive difference compared to NYSE Arca Equities Rule 7.22 because it does not propose rule text based on paragraphs (c) and (d) of NYSE Arca Equities Rule 7.22. Those NYSE Arca Equities rules govern designated market makers and lead market makers on NYSE Arca Equities. Because the Exchange is not proposing to have Market Makers with the same obligations as NYSE Arca Equities designated market makers and lead market makers, the Exchange is not including in proposed Rule 7.22E the text from paragraphs (c) and (d) of NYSE Arca Equites Rule 7.22. The Exchange proposes that requirements relating to DMMs would be set forth in proposed Rules 7.24E, 7.25E, and 7.26E, described in greater detail below.

• Finally, the Exchange proposes additional, non-substantive differences by replacing references to NYSE Arca Equities Rule 10 and 10.13 with references to the Rule 9200 and Rule 9500 Series, respectively.

Rule 7.23E

The Exchange proposes to amend Rule 7.23E to delete the term ''Reserved'' and re-name it ''Obligations of Market Makers.'' Proposed Rule 7.23E would set forth the obligation of all Market Makers, including DMMs, to engage in a course of dealings for their own account to assist in the maintenance, insofar as reasonably practicable, of fair and orderly markets on the Exchange and would delineate the specific responsibilities and duties of Market Makers, including the obligation to maintain continuous, two-sided trading in registered securities and certain pricing obligations Market Makers are required to adhere to.

Proposed Rule 7.23E is based on NYSE Arca Equities Rule 7.23 with the following differences:

• First, proposed Rules 7.23E(a)(1)(B)(iii) and (iv) would have updated definitions for the terms ''Designated Percentage'' and ''Defined Limit.'' To reflect that the applicable percentages are based on how a security is designated under Regulation NMS Plan to Address Extraordinary Market Volatility (''LULD Plan''), the Exchange proposes to use LULD Plan definitions in proposed Rule 7.23E(a)(1)(B). Using these definitions is based on Bats BZX, Inc. (''Bats'') Rule 11.8(d)(2)(D) and (E), which similarly uses LULD Plan definitions for defining the terms ''Designated Percentage'' and ''Defined Limit.'' This proposed difference compared to NYSE Arca Equities Rule 7.23(a)(1)(B)(iii) and (iv) is non-substantive and is meant to be clarifying.

• Second, proposed Rule 7.23E(a)(2) would require that a Market Maker maintain adequate minimum capital in accordance with the provisions of Rule 15c3–1 under the Securities Exchange Act of 1934 (''Rule 15c3–1''), rather than cite to NYSE Arca Equities Rule 4.1. This proposed difference is non-

substantive because NYSE Arca Equities Rule 4.1 cross references Rule 15c3–1 and therefore the capital requirements for Market Makers on the Exchange would be identical to the capital requirements for Market Makers on NYSE Arca Equities.

• Finally, the Exchange proposes that the provisions of proposed Rule 7.23E(d), regarding temporary withdrawal of an ETP Holder from Market Maker status in the securities in which it is registered, would not be applicable to Market Makers acting as a DMM. As described in greater detail below, the Exchange proposes to address DMM withdrawal from registration in a security in proposed Rule 7.24E(a)(4).

Rule 7.24E

The Exchange proposes to amend Rule 7.24E to delete the term ''Reserved'' and re-name it ''Registration and Obligations of DMMs.'' Proposed Rule 7.24E would describe the registration and temporary withdrawal procedures and obligations of DMMs on the Exchange's Pillar trading platform. Proposed Rule 7.24E is new and is based in part on provisions of current 98A—Equities, Rule 103—Equities, Rule 104—Equities, and Rule 107B—Equities.

Rule 7.24E(a) would be titled ''General'' and would provide that all Exchange-listed securities would be assigned to a DMM and there would be no more than one DMM per Exchange-listed security. This is new rule text and is based on how the Exchange currently operates, as set forth in Rules 103—Equities and 103B—Equities, in that every Exchange-listed security is allocated to a DMM.

Proposed Rule 7.24E(b) would be titled ''Registration'' and would require that an ETP Holder be registered as a Market Maker and approved as a DMM to be eligible to receive an allocation as a DMM under proposed Rule 7.25E. This proposed rule text is based in part on current Rule 103(a)(i)—Equities, which provides that no member organization shall act as a DMM unit on the Exchange in any security unless such member organization is registered as a DMM unit in such security with the Exchange and unless the Exchange has approved of the member organization so acting as a DMM unit and has not withdrawn such approval.

Proposed paragraphs (b)(1)–(4) of Rule 7.24E would specify additional requirements relating to registration.

• The Exchange proposes to provide for continuity for its listed companies and provide in proposed Rule 7.24E(b)(1) that a member organization that is approved to operate as a DMM unit under Exchange rules as of one business day before the Pillar transition date would automatically be approved as a DMM under proposed Rule 7.24E. This proposed rule text, together with proposed Rule 7.25E(a)(1), described below, would ensure that DMM units currently assigned to a security would continue to be the assigned DMM in a security when the Exchange transitions to the Pillar trading platform.

• Proposed Rule 7.24E(b)(2) would provide for how a Market Maker that is not currently approved as a DMM may become a DMM. As proposed, Market Makers that are not registered as a DMM as of one business day before the Pillar transition date would be required to file an application in writing in such form as required by the Exchange to be considered eligible to receive an allocation as a DMM. In reviewing the application, the Exchange may consider the Market Maker's market making ability, capital available for market making, and such other factors as the Exchange deems appropriate, including those set forth in proposed Rules 7.25E(f) and 7.26E. After reviewing the application, the Exchange would either approve or disapprove the applicant Market Maker's registration as a DMM. This proposed rule text is based on Rule 103(b)(i)—Equities. The Exchange proposes a substantive difference from current rules to reference proposed Rules 7.25E(f) and 7.26E, described below, which establish additional factors that the Exchange may consider in determining whether to approve a DMM.

• Proposed Rule 7.24E(b)(3) would provide that an ETP Holder registered as a DMM in a security may also be registered as a Market Maker in such security pursuant to Rule 7.22E(a) only if such ETP Holder maintains information barriers between the trading unit operating as a DMM and the trading unit operating as a non-DMM Market Maker in the same security. This proposed rule is based on Rule 107B(h)(2)(A)—Equities, which provides that a DMM unit shall not also act as an SLP in the same securities in which it is registered as a DMM. Because current rules define a DMM unit as a trading unit within a member organization,[17] current Rule 107B(h)(2)(A)—Equities permits a member organization to operate as an SLP in a security that is assigned to a DMM unit provided that such SLP is not part of the DMM unit. Accordingly, proposed Rule 7.24E(b)(3) would operate substantially the same as how a member organization currently may be both a DMM and an SLP in the same security through the use of information barriers.

• Proposed Rule 7.24E(b)(4) would provide that a DMM may apply to withdraw temporarily from its DMM status in one or more assigned securities. Exchange rules currently provide for the temporary reallocation of a security, but the current rule is geared toward Floor-based individuals making the determination to temporarily reassign a security to another DMM.[18] To maintain the current ability to temporarily reassign a security to another DMM for legal or regulatory reasons and also update the rule text to reflect that it would not be a decision made by Floor participants, the Exchange proposes rule text based in part on NYSE Arca Equities Rule 7.23(d) instead of current Rule 103.10—Equities. Accordingly, as proposed, the DMM would be required to base its request to temporarily withdraw on demonstrated legal or regulatory requirements that necessitate a temporary withdrawal, or to provide the Exchange an opinion of counsel certifying that such legal or regulatory basis exists. As further proposed, the Exchange would act promptly on a withdrawal request and, if the request is granted, the Exchange may temporarily reassign the security or securities to another DMM. As proposed, Rule 7.24E(b)(4) would further provide that the DMM temporarily assigned a security or securities would be subject to the obligations set forth in paragraph (b) of proposed Rule 7.24E, described below, when acting as a temporary DMM in such security or securities. By requiring a legal or regulatory basis for requesting a temporary withdrawal in registration in a security, the Exchange believes the proposed rule would have the same effect as current Rule 103.10—Equities, which requires that the determination to temporarily reallocate securities be made for the public interest.

• Proposed Rule 7.24E(b)(5) would provide that a DMM may not be registered in a security of an issuer, or a partner or subsidiary thereof, if such entity is an approved person or affiliate of the DMM. This proposed rule text is based on current Rule 98A—Equities, with non-substantive differences to use

[17] *See* Rule 98(b)(1)—Equities.

[18] *See* Rule 103.10—Equities (providing that the Chief Regulatory Officer or his or her designee and two non-DMM Executive Floor Governors or if only one or no non-DMM Executive Floor Governors is present on the Floor, the most senior non-DMM Floor Governor or Governors, shall have the power to reallocate temporarily any security on an emergency basis to another location on the Exchange whenever in their opinion such reallocation would be in the public interest).

Pillar terminology. The Exchange proposes that Rule 98A—Equities would not be applicable to trading on the Pillar trading platform.

The Exchange proposes that Rule 103—Equities would not be applicable to trading on the Pillar trading platform. Instead, proposed Rule 7.24(b), together with proposed Rule 7.20E, described above, would establish the registration requirements for DMMs.

Proposed Rule 7.24E(c) would describe the obligations of DMMs on the Pillar Trading Platform. Specifically, in addition to meeting the Market Maker obligations set forth in Rule 7.23E, DMMs would be required to maintain a bid or an offer at the National Best Bid and National Best Offer (''inside'') at least 25% of the day as measured across all Exchange-listed securities that have been assigned to the DMM. Proposed Rule 7.24E(c) would provide that time at the inside is calculated as the average of the percentage of time the DMM unit has a bid or offer at the inside. In other words, this would be a portfolio-based quoting requirement. Orders entered by the DMM that are not displayed would not be included in the inside quote calculation.

The text of proposed Rule 7.24E(c) is based in part on current Rule 104(a)(1)(A)—Equities. Currently, DMMs are required to maintain a quote at the inside at least 10% of the trading day for securities with a consolidated average daily volume of less than one million shares and at least 5% of the trading day for securities with a consolidated average daily volume equal to or greater than one million shares. Similar to the proposed quoting requirement set forth in proposed Rule 7.24E(c), the current quoting requirements are portfolio-based quoting requirements. On the Pillar trading platform, because DMMs would not have other obligations as set forth in Rule 104(a)—Equities, such as the requirement to facilitate openings, reopenings, and closings, the Exchange proposes a heightened quoting obligation of 25% across all securities assigned to a DMM, regardless of consolidated average daily trading volume for a security. The Exchange otherwise proposes that the manner that a DMM's quoting obligations would be calculated would be the same as under current rules.

Because proposed Rules 7.22E and 7.24E would describe the obligations of DMMs on the Pillar trading platform, the Exchange proposes that Rule 104—Equities would not be applicable to trading on the Pillar trading platform.

Rule 7.25E

The Exchange proposes new Rule 7.25E titled ''DMM Security Allocation and Reallocation'' to set forth the allocation and reallocation of securities to DMMs following the transition to Pillar. The proposed Rule is based on current Rule 103B—Equities with substantive differences to reflect that an allocation would be to a DMM at the ETP Holder level rather than at the individual DMM level and non-substantive differences to streamline the rule text. In addition, the Exchange would use the term ''DMM,'' as defined in proposed Rule 1.1E(ccc) to replace current references to either DMM (as an individual) or DMM unit. Because proposed Rule 7.25E would establish the requirements for the allocation and reallocation of securities to DMMs on Pillar, the Exchange proposes that Rule 103B—Equities would not be applicable to trading on the Pillar trading platform.

Proposed Rule 7.25E(a) would set forth the criteria for ETP Holders registered as DMMs to be eligible for allocation and reallocation of securities.

- Proposed Rule 7.25E(a)(1) would provide that a security listed on the Exchange as of one business day before the Pillar transition date would continue to be allocated to the member organization registered as a DMM in such security, unless reallocated under paragraph (c) of the proposed Rule, described below. This proposed rule, together with proposed Rule 7.24E(b)(1), described above, would ensure continuity for Exchange-listed companies to stay with the same DMM after the Exchange transitions to Pillar. To reflect that an allocation decision under current Rule 103B—Equities may occur after the transition date (*e.g.,* the allocation process began before the Pillar transition date), the Exchange proposes to further provide that any allocation decisions made under Rule 103B—Equities after one business day before the Pillar transition date would be deemed an allocation under proposed Rule 7.25E(b), described in greater detail below.
- Proposed Rule 7.25E(a)(2) would provide that a security would be allocated to a DMM when such security (A) is initially listed on the Exchange; and (B) must be reassigned under either this Rule or the Exchange's Company Guide. This proposed rule text is based on current Rule 103B(I)—Equities with non-substantive differences to use Pillar terminology.
- Proposed Rule 7.25E(a)(3) would provide that a DMM's eligibility to participate in the allocation process would be determined at the time the interview is scheduled by the Exchange. This proposed rule text is based on current Rule 103B(II)(I)—Equities with non-substantive differences to use Pillar terminology.
- Proposed Rule 7.25E(a)(4) would provide that DMMs would be eligible to participate in the allocation process of a listed security if the DMM meets the quoting requirements specified in proposed Rule 7.24E(c), which the Exchange proposes to define as ''DMM obligations.'' Rule 7.25E(a)(4) is based on current Rule 103B(II)(A)—Equities with non-substantive differences to cross reference proposed DMM obligations.[19] Proposed Rules 7.24E(a)(4)(A)–(D) would describe the consequences for a DMM's failure to meet DMM obligations. These proposed rules are based on current Rule 103B(II)(J)(1)–(4)—Equities with differences to cross reference the proposed DMM obligations rather than current quoting requirements.

Proposed Rule 7.25E(b) would describe the allocation process, which would operate similarly to the allocation process as currently set forth in Rule 103B(III)—Equities. Under the proposed Rule, issuers would have the option to select its DMM directly following the procedures set forth in proposed Rule 7.25E(b)(1), which is based on current Rule 103B(III)(A)—Equities with one substantive difference, or delegate the authority to the Exchange to select its DMM as described in proposed Rule 7.25E(b)(2), which is based on current Rule 103B(III)(B)—Equities.

The Exchange proposes a substantive difference for proposed Rule 7.25E(b)(1)(A) as compared to current Rule 103B(III)(A)(1)—Equities in that an issuer would be required to select a minimum of four DMMs to interview rather than a minimum of two DMMs to interview. By increasing the minimum number of DMMs that must be interviewed, a larger number of DMMs would have an opportunity to participate in the allocation process, which would lead to an increase in competition without being overly burdensome on the issuer. The increase in number of DMMs to interview would also provide the issuer with more choice in the selection of its assigned DMM. The Exchange further believes that the increase in competition would provide

[19] The Exchange does not propose rule text for Rule 7.25E based on current Rule 103B(II)(B)–(H)—Equities because these requirements correlate to quoting requirements depending on the consolidated average daily volume of a security, which would not be applicable on Pillar.

DMMs with a greater incentive to perform optimally.[20]

In addition, because on Pillar, there would be no Floor participants, the Exchange proposes substantive differences for the proposed rule to not include references to Floor-based personnel. Proposed Rule 7.25E(b)(1)(B)(ii), as compared to current Rule 103B(III)(A)(2)(b)—Equities, would not refer to the ''individual DMM'' assigned to the security because on Pillar, the DMM assigned to a security would be at the ETP Holder level. In addition, proposed Rule 7.25E(b)(2)(A), as compared to current Rule 103B(III)(B)(1)—Equities, would provide that the Exchange Selection Panel would be comprised only of Exchange staff. Proposed Rule 7.25E(b)(3) would require the DMM selected to remain the assigned DMM for one year from the date that the issuer begins trading on the Exchange, which is based on Rule 103B(III)(B)(2)—Equities.[21]

Proposed Rule 7.25E(b)(4) through (11) would address allocation of specified listings and is based on current Rule 103B(VI)—Equities, with non-substantive differences to re-number the provisions, update rule cross references, and streamline the rule text:

- Proposed Rule 7.25E(b)(4) would govern the allocation of a spin-off or related company to an existing listed company and is based on Rule 103B(VI)(A)(1) and (3)—Equities;
- proposed Rule 7.25E(b)(5) would govern the allocation of a warrant issued by a listed company and is based on Rule 103B(VI)(A)(2)—Equities;
- proposed Rule 7.25E(b)(6) would govern the allocation of rights traded on the Exchange and is based on Rule 103B(VI)(A)(4)—Equities;
- proposed Rule 7.25E(b)(7) would govern relistings and is based on Rule 103B(VI)(B)—Equities;
- proposed Rule 7.25E(b)(8) would govern common stock listing after preferred stock and is based on Rule 103B(VI)(C)—Equities;
- proposed Rule 7.25E(b)(9)(A)–(C) would govern listed company mergers and is based on Rule 103B(VI)(D)(1)–(4)—Equities;
- proposed Rule 7.25E(b)(10) would govern target stocks and is based on Rule 103B(VI)(E)—Equities; and
- proposed Rule 7.25E(b)(11) would govern the allocation of closed-end management investment companies and is based on Rule 103B(VI)(F)—Equities.

Proposed Rule 7.25E(c) would be titled ''Reallocation Process.'' Proposed Rules 7.25E(c)(1)(A)–(C) would describe the reallocation process when an issuer requests such reallocation, including Exchange regulatory staff review of any such request. This proposed rule text is based on Rule 103B(IV)—Equities and Supplementary Material .10 to Rule 103B—Equities with non-substantive differences to re-number the rule text and update rule cross-references.

Proposed Rule 7.25E(c)(2)(A)–(D) would describe the reallocation process where a DMM's performance in a particular market situation was, in the Exchange's judgment, so egregiously deficient as to call into question the Exchange's integrity or impair the Exchange's reputation for maintaining an efficient, fair, and orderly market. The proposed Rule is based on current Rule 103B(III)(V)(A)–(E)—Equities with non-substantive differences to re-number the rule text and update rule cross references.

Proposed Rule 7.25E(d), titled ''Allocation Freeze Policy,'' would provide that, in the event a DMM unit (1) loses its registration in a security as a result of proceedings under the Rule 8000 or 9000 Series, as applicable, or (2) voluntarily withdraws its registration in a security as a result of possible proceedings under those rules, the DMM would be ineligible to apply for future allocations for the six month period immediately following the reassignment of the security. The proposed Rule is based on current Rule 103B(III)(VI)(G)—Equities with non-substantive differences to re-number the rule text and update rule cross references.

Proposed Rule 7.25E(e), titled ''Allocation Sunset Policy,'' would provide that allocation decisions would remain effective with respect to any initial public offering listing company that lists on the Exchange within twelve months of such decision. The proposed Rule is based on current Rule 103B(III)(VI)(H)—Equities with non-substantive differences to re-number the rule text and update rule cross references.

Finally, proposed Rule 7.25E(f) would set forth the criteria for applicants that are not currently DMMs to be eligible to be allocated a security as a DMM, including that the proposed DMM demonstrate that it understands the DMM business, including the needs of issuers, and has an ability and willingness to trade as necessary to maintain fair and orderly markets. Under the proposed Rule, the Exchange would also consider if the proposed DMM or any of its participants is a DMM or market maker on any exchange, the quality of performance of the unit or its participants as a DMM or market maker on such exchange. The Exchange would also consider any action taken or warning issued within the past 12 months by any regulatory or self-regulatory organization against the unit or any of its participants with respect to any capital or operational problem, or any regulatory or disciplinary matter. The proposed Rule is based on current Rule 103B(III)(VI)(I)—Equities with proposed substantive differences not to include rule text that relates to individual DMMs or additional capital requirements, as these would not be applicable to DMMs on Pillar. The Exchange also proposes non-substantive differences to re-number the rule text and update rule cross references.

Rule 7.26E

The Exchange proposes new Rule 7.26E titled ''DMM Combination Policy'' that would establish the requirement for Exchange approval of certain proposed combinations of DMMs; the contents of a written submission to the Exchange by proponents of the DMM combination addressing certain specific enumerated factors for the Exchange to consider in approving the transaction; and the procedures the Exchange would follow in approving or disapproving a proposed DMM combination. The proposed Rule is based on current Rule 123E—Equities (''DMM Combination Review Policy'') with proposed substantive differences not to include rule text that relates to Floor-based DMM activities as this will not be applicable on Pillar. Because this rule would govern DMM combinations on the Exchange, the Exchange proposes that Rule 123E—Equities would not be applicable to trading on the Pillar trading platform.

Current Rules That Would Not Be Applicable to Pillar

In addition to the rules identified above, the Exchange has identified additional current rules that would not be applicable to trading on Pillar. These rules do not have a counterpart in the proposed Pillar rules, described above,

[20] Proposed Rule 7.25E(b)(1)(A) is based in part on NYSE Rule 103B(III)(A)(1). *See also* Securities Exchange Act Release No. 69735 (June 11, 2013), 78 FR 36279 (June 17, 2013) (SR–NYSE–2013–39) (Notice of Filing and immediate effectiveness of proposed NYSE rule change to increase number of DMM firms to be interviewed from three to four).

[21] The Exchange does not propose rule text based on Rule 103B(III)(B)(3)—Equities relating to requirements for a DMM unit to commit extra resources in order to be considered for foreign listings. The Exchange believes that proposed Rule 7.24E(b)(2), which requires market making ability as a factor in assessing whether to approve a Market Maker as a DMM would address any considerations of whether a DMM would have the capability to be a Market Maker in foreign listings.

but would be obsolete on the new, fully-automated trading platform.

The main category of rules that would not be applicable to trading on the Pillar trading platform are those that are specific to Floor-based trading. For this reason and the additional reasons noted below, the Exchange proposes that the following Floor-specific rules would not be applicable to trading on the Pillar trading platform:

- Rule 98—Equities (Operation of a DMM Unit). In the Trading Rules Filing, the Exchange has proposed Rule 6.3E (Prevention of the Misuse of Material, Nonpublic Information), which is based on NYSE Arca Equities Rule 6.3 and would require that every ETP Holder establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, non-public information by such ETP Holder or persons associated with such ETP Holder. Rule 98(c)(2)—Equities is based on NYSE Arca Equities Rule 6.3 and the remainder of Rule 98—Equities governs the unique role of DMMs on the Exchange's cash equities Floor. Because Rule 6.3E is designed to prevent fraudulent and manipulative acts and practices by addressing the potential misuse of material non-public information and because the Exchange would not have Floor-based DMM trading on Pilar [sic], the Exchange proposes that Rule 98—Equities would not be applicable to trading on Pillar.
- Rule 104A—Equities (DMMs—General).
- Rule 104B—Equities (DMM Commissions).[22]
- Rule 113—Equities (DMM Unit's Public Customers).
- Rule 460—Equities (DMMs Participating in Contests). Because DMMs on the Pillar platform would not have the ability to set prices, the current restrictions on DMMs from participating in proxy contests of a company registered to that DMM would be unnecessary. The Exchange accordingly proposes that Rule 460—Equities would not be applicable to trading on Pillar.

In addition, the Exchange proposes to delete Rules 99—Equities, Rule 100—Equities, and Rule 101—Equities, all of which are currently marked ''Reserved.'' The Exchange also proposes to delete Rule 113 Former—Equities (DMMs' Public Customers) as obsolete.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[23] in general, and furthers the objectives of Section 6(b)(5),[24] 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 facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rules to support Pillar on the Exchange would remove impediments to and perfect the mechanism of a free and open market because they provide for a complete set of market maker rules to support the Exchange's transition to a fully automated cash equities trading model on the Pillar trading platform.

Generally, the Exchange believes that the proposed rules would support the Exchange's transition to a fully automated cash equities trading market with a price-time priority model because they are based on the rules governing market makers of its affiliated market, NYSE Arca Equities. The proposed rule change would therefore remove impediments to and perfect the mechanism of a free and open market and a national market system because they are based on the approved rules of another exchange.

More specifically, the Exchange believes that the proposed definitions of Market Maker, Market Maker Authorized Trader and DMM in Rule 1.1E would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed definitions are terms that would be used in the additional rules proposed by the Exchange.

The Exchange also believes that proposed Rules 7.20E and 7.21E, providing for the registration of Market Makers and Market Maker Authorized Traders, would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would specify the requirements for an ETP Holder to register as a Market Maker and Market Maker Authorized Trader for trading on the Exchange's Pillar trading platform. The proposed rule change would also promote just and equitable principles of trade by requiring the same registration requirements as have already been approved for NYSE Arca Equities.

The Exchange believes that proposed Rule 7.22E, providing for the registration of a Market Maker other than a DMM in a security, would similarly remove impediments to and perfect the mechanism of a free and open market and a national market system because it would specify the requirements and process for registered Market Makers to register to trade a specific security on the Exchange's Pillar trading platform. The proposed registration process is based on the same process on NYSE Arca Equities and therefore would promote just and equitable principles of trade by specifying requirements that are based on the approved rules of another exchange.

The Exchange believes that proposed Rules 7.23E, setting forth the obligations and duties of Market Makers, including DMMs, would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would establish rules that would govern trading on the Exchange that are consistent with the duties and obligations for Market Makers currently in place on the Exchange's affiliate NYSE Arca Equities that have been previously approved by the Commission. For similar reasons, the Exchange believes that proposed Rule 7.23E is also designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade by establishing regulatory requirements for Market Maker participation on the Exchange's electronic marketplace that would enhance the quality of its market and thereby support investor protection and public interest goals.

The Exchange believes that proposed Rule 7.24E, setting forth the registration and obligations for DMMs, would remove impediments to and perfect the mechanism of a free and open market and a national market system by maintaining the Exchange's current structure to assign listed securities to DMMs. The Exchange believes that the proposed heightened quoting obligations for DMMs would encourage additional displayed liquidity on the Exchange in Exchange-listed securities. Unlike under current Exchange rules, DMMs on Pillar would not be entitled to the additional benefit of a parity allocation and therefore the proposed obligations are reasonable and are designed to enhance the quality of the Exchange's market for its listed companies. The Exchange further believes that by establishing distinct requirements for DMMs, the proposal is also designed to prevent fraudulent and manipulative acts and practices and to

[22] In the Trading Rules Filing, *supra* note 6, the Exchange has proposed Rule 7.3E, which provides that ETP Holders may not charge fixed commissions, which would be applicable to DMMs.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

promote just and equitable principles of trade.

The Exchange believes that proposed Rules 7.25E, setting forth the standards and process for DMM security allocation and reallocation, would remove impediments to and perfect the mechanism of a free and open market and a national market system because it would establish transparent and objectives rules and standards governing the allocation of securities to its DMM that are based on current rules. By adopting the current allocation process set forth in Rule 103B—Equities for DMMs on the Exchange's all-electronic trading platform, the Exchange believes that it would foster continuity and ensure fair and orderly trading in its listed securities. The Exchange believes that the proposed substantive difference for proposed Rule 7.25E(b)(1)(A) to increase the number of DMMs to be interviewed from two to four would remove impediments to and perfect the mechanism of a free and open market and a national market system because increasing the number of DMMs participating in the issuer allocation process would increase competition to provide services to issuers, and will provide the issuer with more choice in the selection of its DMM.

The Exchange believes that proposed Rules 7.26E, setting forth the DMM combination review policy, would remove impediments to and perfect the mechanism of a free and open market and a national market system by establishing a review process by which the Exchange would continue to review proposed combinations of DMMs in the same manner as it currently does for Floor-based DMMs pursuant to Rule 123E—Equities.

The Exchange further believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to specify which current rules would not be applicable to trading on the Pillar trading platform. The Exchange believes that the proposed legend that would be added to existing rules, ''[t]his rule is not applicable to trading on the Pillar trading platform,'' would promote transparency regarding which rules would govern trading on the Exchange once it transitions to Pillar. The Exchange has proposed to add this legend to rules that would be superseded by proposed rules or rules that would not be applicable because they concern Floor-based trading.

The Exchange also believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to delete Rules 99—Equities, Rule 100—Equities, and Rule 101—Equities, all of which are currently marked ''Reserved,'' because it would reduce confusion and promote transparency to delete references to rules that do not have any substantive content. The Exchange further believes that because it is transitioning to a new rule numbering framework, maintaining these rules on a reserved basis is no longer necessary.

Finally, the Exchange believes that deleting Rule 113 Former—Equities as obsolete removes impediments to and perfects the mechanism of a free and open market by simplifying its rulebook and removing confusion that may result from having obsolete rules in the Exchange's rulebook. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rulebook. The Exchange also believes that eliminating obsolete rules would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency as to which rules are operable, thereby reducing potential confusion.

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 proposed change is designed to propose rules that would govern Market Makers on the Exchange's new Pillar trading platform, which would be a fully automated cash equities trading market that trades all NMS Stocks and is based on both the rules of NYSE Arca Equities and current rules. The Exchange believes that the proposed rules would promote competition because it would provide for obligations relating to Market Makers that are based on established rules, thereby reducing any potential barriers to entry for Market Makers registered on other exchanges to be approved as a Market Maker on the Exchange when it transitions to Pillar. The Exchange further believes that its proposed rules governing DMMs would not impose any burden on competition that is not necessary or appropriate because the proposed rules are designed to provide continuity for Exchange-listed companies to maintain existing DMMs assigned to their securities, while at the same time proposing obligations for DMMs that are tailored to a price-time automated trading model.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2017–04 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–NYSEMKT–2017–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2017–04 and should be submitted on or before March 6, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02837 Filed 2–10–17; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. IC–32472; File No. 812–14708]

NorthStar/Townsend Institutional Real Estate Fund Inc., et al.; Notice of Application

February 7, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a)(2), 18(c) and 18(i) of the Act, under sections 6(c) and 23(c)(3) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY:

Summary of Application: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose asset-based distribution and/or service fees and early withdrawal charges (''EWCs'').

Applicants: NorthStar/Townsend Institutional Real Estate Fund Inc. (the ''Fund''), Townsend Holdings LLC (the ''Adviser''), and NSAM B–TCEF Ltd. (the ''Sub-Adviser,'' and together with the Adviser, the ''Advisers'').

DATES:

Filing Dates: The application was filed on October 19, 2016, January 6, 2017, and January 20, 2017.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 6, 2017, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: NorthStar/Townsend Institutional Real Estate Fund Inc., 399 Park Avenue, 18th Floor, New York, NY 10022; Townsend Holdings LLC, Skylight Office Tower, 1660 West Second Street, 4th Floor, Cleveland, Ohio 44113; NSAM B–TCEF Ltd., 11 Waterloo Lane, Pembroke, HM 08, Bermuda.

FOR FURTHER INFORMATION CONTACT: Jill Ehrlich, Senior Counsel, at (202) 551–6819, or David J. Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Fund is a Maryland corporation that has registered under the Act as a non-diversified, closed-end management investment company. The Fund's primary investment objectives are to realize capital appreciation and to preserve shareholders' capital, with a secondary objective of generating income through cash distributions.

2. The Adviser is a Delaware limited liability company that is doing business as the Townsend Group and is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser serves as investment adviser to the Fund.

3. The Sub-Adviser is a Bermuda limited exempted company and is a registered investment adviser under the Advisers Act. The Sub-Adviser serves as the investment sub-adviser to the Fund.

4. The applicants seek an order to permit the Fund to issue multiple classes of shares, each having its own fee and expense structure, and to impose asset-based distribution and/or service fees and EWCs.

5. Applicants request that the order also apply to any continuously-offered registered closed-end management investment company that has been previously organized or that may be organized in the future for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser and which operates as an interval fund pursuant to rule 23c–3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Securities Exchange Act of 1934 (''Exchange Act'') (each, a ''Future Fund'' and together with the Fund, the ''Funds'').[2]

6. The Fund intends to make a continuous public offering of its common stock upon a declaration of effectiveness of its registration statement (File Nos. 333–214167 and 811–23200). Applicants state that additional offerings by any Fund relying on the order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium. The Funds do not expect there to be a secondary trading market for their shares.

7. If the requested relief is granted, the Fund intends to continuously offer Class A Shares, Class C Shares, and Class I Shares. Because of the different distribution and/or service fees, services and any other class expenses that may be attributable to the Class A Shares, Class C Shares and Class I Shares, the net income attributable to, and the dividends payable on, each class of shares may differ from each other.

8. Applicants state that, from time to time, the Fund may create additional

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Fund relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

classes of shares, the terms of which may differ from the Class A, Class C and Class I Shares in the following respects: (i) The amount of fees permitted by different distribution plans or different service fee arrangements; (ii) voting rights with respect to a distribution and/or service plan of a class; (iii) different class designations; (iv) the impact of any class expenses directly attributable to a particular class of shares allocated on a class basis as described in the application; (v) any differences in dividends and net asset value resulting from differences in fees under a distribution and/or service plan or in class expenses; (vi) any EWC or other sales load structure; and (vii) exchange or conversion privileges of the classes as permitted under the Act.

9. Applicants state that the Fund has adopted a fundamental policy to repurchase a specified percentage of its shares (no less than 5%, and not more than 25%) at net asset value on a quarterly basis. Such repurchase offers will be conducted pursuant to rule 23c–3 under the Act. Each of the other Funds will likewise adopt fundamental investment policies in compliance with rule 23c–3 and make quarterly repurchase offers to its shareholders or provide periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Exchange Act.[3] Any repurchase offers made by the Funds will be made to all holders of shares of each such Fund.

10. Applicants represent that any asset-based service and distribution fees for each class of shares will comply with the provisions of NASD Rule 2830(d) (''NASD Sales Charge Rule'').[4] Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multiple class funds under Form N–1A. As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in or elimination of sales loads in its prospectus.[5] In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.[6]

11. Each of the Funds will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to the Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

12. Each Fund will allocate all expenses incurred by it among the various classes of shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees, and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Applicants state that each Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

13. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may waive the EWC for certain categories of shareholders or transactions to be established from time to time. Applicants state that each of the Funds will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act as if the Funds were open-end investment companies.

14. Each Fund operating as an interval fund pursuant to rule 23c–3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with the Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, ''Other Funds''). Shares of a Fund operating pursuant to rule 23c–3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act, as if the Fund were an open-end investment company subject to rule 11a–3. In complying with rule 11a–3, each Fund will treat an EWC as if it were a contingent deferred sales load (''CDSL'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such

[3] Applicants submit that rule 23c–3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to Rule 415 under the Securities Act of 1933.

[4] Any reference to the NASD Sales Charge Rule includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority (''FINRA'').

[5] *See* Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

[6] Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also Rules 12d1–1, *et seq.* of the Act.

exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its shares and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company shall purchase securities of which it is the issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits a registered closed-end investment company (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act permits an interval fund to deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

4. Applicants request relief under section 6(c), discussed above, and section 23(c)(3) from rule 23c–3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to CDSLs imposed by open-end investment companies under rule 6c–10 under the Act. Rule 6c–10 permits open-end investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c–10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c–10 under the Act as if the rule were applicable to closed-end investment companies. The Funds will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSLs.

Asset-Based Distribution and/or Service Fees

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to the extent necessary to permit the Fund to impose asset-based distribution and/or service fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based distribution fees.

For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' imposition of asset-based distribution fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c–10, 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the NASD Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02835 Filed 2–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79983; File No. SR–MIAX–2017–02]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC To Amend Its Fee Schedule To Modify Its Market Maker and Other Market Participant Transaction Fees

February 7, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 27, 2017, Miami International Securities Exchange LLC (''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to increase the per contract surcharge assessed for transactions by all market participants, except for Priority Customers,[3] which remove liquidity against a resting Priority Customer complex order[4] on the strategy book for standard option classes in the Penny Pilot Program[5] (''Penny classes'') and for standard option classes which are not in the Penny Pilot Program (''Non-Penny classes'').

Market Maker Transaction Fees

Section 1)a)i) of the Fee Schedule sets forth the Exchange's Market Maker[6] Transaction Fees (the ''Sliding Scale''). The Exchange assesses a per contract transaction fee on a Market Maker for the execution of simple orders and quotes and complex orders. The amount of the transaction fee is based on the Market Maker's percentage of total national market maker volume that trades on the Exchange during a particular calendar month and the Exchange aggregates the volume executed by the Members in both simple orders and quotes and complex orders for purposes of determining the applicable tier and corresponding per contract transaction fee amount.[7] In addition, the amount of the transaction fee is also based on which tier the Members and their affiliates reach in the Priority Customer Rebate Program. Members who reach Tier 3 or higher are charged a different set of rates than those who don't for simple orders and quotes and complex orders. The transaction fees are assessable to all Market Makers for transactions in all products (except for mini-options, for which there are separate product fees), in both Penny classes and Non-Penny classes.

Additionally, the Exchange assesses one per contract fee for complex orders in each tier for Penny classes, and one per contract fee for complex orders in Non-Penny classes, with a surcharge for removing liquidity in a specific scenario, as described below. For simple orders and quotes, the Sliding Scale assesses a per contract transaction fee, which is based upon whether the Market Maker is a ''maker'' or a ''taker.''[8] As an incentive for Market Makers to provide liquidity on the Exchange, the Exchange's ''maker'' fees are lower than the ''taker'' fees. The Exchange does not distinguish between a ''maker'' and a ''taker'' for complex order executions as it does in the traditional construct for simple orders and quotes and instead assesses the per contract transaction fee for all executions and a surcharge of $0.08 per executed contract for executions in complex orders assessed to a Market Maker (and all other market participants except Priority Customers) when it removes liquidity by trading against a Priority Customer order that is resting on the Strategy Book[9] (each a ''Taker Surcharge''). The purpose of the Taker Surcharge is to encourage Members to add liquidity to the Strategy Book, and to recoup costs associated with the execution of complex orders on the Strategy Book. The Exchange believes that assessing the Taker Surcharge only on participants removing liquidity effectively subsidizes, and thus encourages the posting of liquidity, which benefits investors and the public in the form of a deeper, more liquid marketplace. This Taker Surcharge is

[3] ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). *See* Exchange Rule 100.

[4] A ''complex order'' is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. A complex order can also be a ''stock-option'' order, which is an order to buy or sell a stated number of units of an underlying security coupled with the purchase or sale of options contract(s) on the opposite side of the market, subject to certain contingencies set forth in the proposed rules governing complex orders. *See* Securities Exchange Act Release No. 78620 (August 18, 2016), 81 FR 58770 (August 25, 2016) (SR–MIAX–2016–26).

[5] *See* Securities Exchange Act Release Nos. 78080 (June 15, 2016), 81 FR 40377 (June 21, 2016)(SR–MIAX–2016–16); 79432 (November 30, 2016), 81 FR 87990 (December 6, 2016) (SR–MIAX–2016–45).

[6] The term ''Market Makers'' refers to Lead Market Makers (''LMMs''), Primary Lead Market Makers (''PLMMs''), and Registered Market Makers (''RMMs'') collectively. *See* Exchange Rule 100. A Directed Order Lead Market Maker (''DLMM'') and Directed Primary Lead Market Maker (''DPLMM'') is a party to a transaction being allocated to the LMM or PLMM and is the result of an order that has been directed to the LMM or PLMM. *See* Fee Schedule note 2.

[7] The calculation of the volume thresholds does not include QCC Orders, PRIME AOC Responses, and PRIME Participating Quotes or Orders. For a discussion of these exclusions, *see* Securities Exchange Act Release No. 78299 (July 12, 2016), 81 FR 46734 (July 18, 2016) (SR–MIAX–2016–20).

[8] *See* Securities Exchange Act Release Nos. 78519 (August 9, 2016), 81 FR 54162 (August 15, 2016) (SR–MIAX–2016–21); 79157 (October 26, 2016), 81 FR 75885 (November 1, 2016 (SR–MIAX–2016–38).

[9] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

substantially similar in structure and amount to a CBOE surcharge of the same type.[10]

The Exchange proposes to increase the Taker Surcharge assessable to Market Makers from $0.08 to $0.10. The increase in the Taker Surcharge is similar to the increase that was recently made by CBOE with regard to its taker surcharge.[11]

Other Market Participant Transaction Fees

Section (1)(a)(ii) of the Fee Schedule sets forth transaction fees for Other Market Participants, including Priority Customers, Public Customers[12] that are not Priority Customers, non-MIAX Options Market Makers, non-Member Broker-Dealers, and Firms.[13] The Exchange currently assesses on these market participants, except for Priority Customers, a per contract transaction fee for simple and complex order executions. The transaction fees apply to the listed participants for transactions in all products (except mini-options, for which there are separate product fees), with fees established for Penny classes and separate fees for Non-Penny classes.

The Exchange also assesses the same $0.08 per contract Taker Surcharge that it assesses on Market Makers for removing liquidity against a resting Priority Customer on the Strategy Book on the above-indicated other market participants, specifically: (i) Public Customers that are not Priority Customers; (ii) non-MIAX Options Market Makers; (iii) non-Member Broker-Dealers; and (iv) Firms.

The Exchange proposes to also increase the $0.08 per contract Taker Surcharge assessable to all of the other market participants indicated above to $0.10 per contract. As stated above, the Exchange believes that assessing the Take Surcharge only on participants removing liquidity effectively subsidizes, and thus encourages the posting of liquidity, which benefits investors and the public in the form of a deeper, more liquid marketplace.

All other aspects of the transaction fees assessable to Market Makers and to the other indicated market participants other than Priority Customers by the Exchange will remain unchanged. Transaction fees for Priority Customers will remain unchanged. The proposed rule changes are scheduled to become operative February 1, 2017.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[14] in general, and furthers the objectives of Section 6(b)(4) of the Act,[15] in that it is an equitable allocation of reasonable fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,[16] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange's proposal to increase the Taker Surcharge for Market Makers and other participants for removing liquidity by trading against a Priority Customer order on the Strategy Book is consistent with Section 6(b)(4) of the Act[17] because it applies equally to all participants that remove Priority Customer liquidity from the Strategy Book, and does not apply to participants whose orders or quotes resting on the Strategy Book are executed against Priority Customer complex orders on the Strategy Book. Assessing the Taker Surcharge to market participants who take liquidity from Priority Customers is reasonable and not unfairly discriminatory because it will provide MIAX Options Market Makers and other participants with equal surcharges for removing liquidity, and no surcharge for resting liquidity. As stated above, this is substantially similar to a surcharge assessed on another exchange.[18] The Exchange notes that, although this represents a slight fee increase, the Exchange believes that this increase is fair and equitable because the Exchange offers technology with unique risk mitigation features not available elsewhere, such as the Implied Away Best Bid or Offer (''ixABBO'') Price Protection, and the increase will help offset the credits given to complex orders under the Exchange's Priority Customer Rebate Program (''PCRP'')[19] and the Professional Rebate Program (''PRP'').[20]

The Exchange's proposal to increase the Taker Surcharge is also consistent with Section 6(b)(5) of the Act[21] because it perfects the mechanisms of a free and open market and a national market system and protect investors and the public interest by encouraging participants to provide liquidity on the Strategy Book, which the Exchange believes is an important competitive tool that directly or indirectly can provide better prices for investors. The Exchange believes that assessing the Taker Surcharge only on participants removing liquidity effectively subsidizes, and thus encourages the posting of liquidity, which benefits investors and the public in the form of a deeper, more liquid marketplace.

Public Customers that are not Priority Customers, non-MIAX Options Market Makers, non-Member Broker-Dealers and Firms that use sophisticated trading systems will be able to remove liquidity from the Strategy Book, and thus the Exchange believes that assessing the Taker Surcharge to participants who remove liquidity, and not assessing the Taker Surcharge to participants with complex orders resting on the Strategy Book, is reasonable and not unfairly discriminatory. Moreover, the proposed

[10] *See* CBOE Fees Schedule, Complex Taker Fee, and note 35.

[11] *See* SR–CBOE–2017–008, filed on January 17, 2017, posted on the CBOE Web site (*www.cboe.com*).

[12] The term ''Public Customer'' means a person that is not a broker or dealer in securities. *See* Exchange Rule 100.

[13] A ''Firm'' fee is assessed on a MIAX Electronic Exchange Member ''EEM'' that enters an order that is executed for an account identified by the EEM for clearing in the Options Clearing Corporation (''OCC'') ''Firm'' range. *See* Fee Schedule, Section (1)(a)(ii).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f(b)(1) [sic] and (b)(5).

[17] 15 U.S.C. 78f(b)(4).

[18] *See supra* notes 10 and 11.

[19] Under the PCRP, MIAX Options credits each Member the per contract amount resulting from each Priority Customer order transmitted by that Member which is executed electronically on the Exchange in all multiply-listed option classes (excluding, in simple or complex as applicable, QCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, PRIME AOC Responses, PRIME Contra-side Orders, PRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in MIAX Rule 1400), provided the Member meets certain percentage thresholds in a month as described in the Priority Customer Rebate Program table. *See* Fee Schedule, Section (1)(a)(iii).

[20] Under the PRP, MIAX Options credits each Member the per contract amount resulting from contracts executed from an order submitted by that Member for the account(s) of a (i) Public Customer that is not a Priority Customer; (ii) Non-MIAX Market Maker; (iii) Non-Member Broker-Dealer; or (iv) Firm (for purposes of the Professional Rebate Program, ''Professional'') which is executed electronically on the Exchange in all multiply-listed option classes (excluding, in simple or complex as applicable, mini-options, Non-Priority Customer-to-Non-Priority Customer Orders, QCC Orders, PRIME Orders, PRIME AOC Responses, PRIME Contra-side Orders, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in MIAX Rule 1400), provided the Member achieves certain Professional volume increase percentage thresholds in the month relative to the fourth quarter of 2015, as described in the table above [sic]. *See* Fee Schedule, Section (1)(a)(iv).

[21] 15 U.S.C. 78f(b)(1) [sic] and (b)(5).

Taker Surcharge increase is substantially similar to the surcharge increase on CBOE.[22] The Exchange believes for these reasons that the Taker Surcharge for complex orders is equitable, reasonable and not unfairly discriminatory, and thus consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed increase in the Taker Surcharge for complex transactions is intended to promote narrower spreads and greater liquidity at the best prices. The fee-based incentives for market participants to provide liquidity by submitting complex orders to the Exchange, and thereby improve the MBBO to ensure participation, should enable the Exchange to attract order flow and compete with other exchanges which also provide such incentives to their market participants for similar transactions.

The Exchange believes that increased complex order flow will bring greater volume and liquidity which in turn benefits all market participants by providing more trading opportunities and tighter spreads. Therefore, any potential effects that the increased Taker Surcharge for complex transactions may have on intra-market competition are justifiable due to the reasons stated above.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule change reflects this competitive environment because they modify the Exchange's fees in a manner that encourages market participants to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[22] *See supra* notes 10 and 11.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[23] and Rule 19b–4(f)(2) [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–02 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–MIAX–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 the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2017–02, and should be submitted on or before March 6, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02838 Filed 2–10–17; 8:45 am]

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[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79984; SR–CHX–2016–16]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change To Adopt the CHX Liquidity Taking Access Delay

February 7, 2017.

On September 6, 2016, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt the CHX Liquidity Taking Access Delay (''LTAD''). The proposed rule change was published for comment in the **Federal Register** on September 22, 2016.[3] On November 1, 2016, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On December 20, 2016,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 78860 (September 16, 2016), 81 FR 65442 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 79216, 81 FR 78228 (November 7, 2016). The Commission designated December 21, 2016, as the date by which the Commission shall either approve or disapprove,

Continued

the Commission instituted proceedings under Section 19(b)(2)(B) of the Act,[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission received 25 comments on the proposed rule change, including responses to certain comment letters by the Exchange.[8]

On February 3, 2017, the Exchange withdrew the proposed rule change (SR–CHX–2016–16).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02839 Filed 2–10–17; 8:45 am]

BILLING CODE 8011–01–P

or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 79608, 81 FR 95238 (December 27, 2016).

[8] *See* letters from: (1) Douglas A. Cifu, Chief Executive Officer, Virtu Financial, dated September 21, 2016; (2) R.T. Leuchtkafer, dated September 29, 2016; (3) Adam Nunes, Head of Business Development, Hudson River Trading LLC, dated October 6, 2016; (4) Beste Bidd, Trader, dated October 9, 2016; (5) Joanna Mallers, Secretary, FIA Principal Traders Group, dated October 13, 2016; (6) John L. Thornton, Co-Chair, Hal S. Scott, Director, and R. Glenn Hubbard, Co-Chair, Committee on Capital Markets Regulation, dated October 13, 2016; (7) Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, dated October 13, 2016; (8) Tyler Gellasch, Executive Director, Healthy Markets Association, dated October 13, 2016; (9) Eric Budish, Professor of Economics, University of Chicago Booth School of Business, dated October 13, 2016; (10) Elizabeth K. King, General Counsel and Corporate Secretary, New York Stock Exchange, dated October 14, 2016; (11) James J. Angel, Associate Professor, McDonough School of Business, Georgetown University, dated October 16, 2016; (12) Eric Swanson, EVP, General Counsel and Secretary, Bats Global Markets, Inc., dated October 25, 2016; (13) Eric Pritchett, Chief Executive Officer, Potamus Trading LLC, dated October 26, 2016; (14) James Ongena, Executive Vice President and General Counsel, CHX, dated October 28, 2016; (15) Steve Crutchfield, Head of Market Structure, CTC Trading Group, L.L.C., dated November 1, 2016; (16) Boris Ilyevsky, Brokerage Director, Interactive Brokers LLC, dated November 7, 2016; (17) Alex Jacobson, dated November 9, 2016; (18) Brian Donnelly, Founder and Chief Executive Officer, Volant Trading, dated November 28, 2016; (19) R.T. Leuchtkafer, dated December 14, 2016; and (20) Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated December 16, 2016; (21) John P. Comerford, Managing Director, Instinet, LLC, dated December 21, 2016; (22) Joanna Mallers, Secretary, FIA Principal Traders Group, dated January 17, 2017; (23) Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, dated January 17, 2017; (24) John A McCarthy, General Counsel, KCG Holdings, Inc., dated January 23, 2017; and (25) James Ongena, Executive Vice President and General Counsel, CHX, dated February 3, 2017. All of the comment letters are available at: *https://www.sec.gov/comments/sr-chx-2016-16/chx201616.shtml.*

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32471; 812–14701]

StrongVest ETF Trust, et al.; Notice of Application

February 7, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: StrongVest ETF Trust (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, StrongVest Global Advisors, LLC (the ''Initial Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940, and Quasar Distributors, LLC (the ''Distributor''), a Delaware limited liability company and broker-dealer registered under the Securities Exchange Act of 1934 (''Exchange Act'').

DATES: *Filing Dates:* The application was filed on September 20, 2016 and amended on January 12, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 6, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: StrongVest ETF Trust and StrongVest Global Advisors, LLC, 106 Corporate Park Drive, Mooresville, NC 28117; and Quasar Distributions, LLC, 615 East Michigan Street, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 551–6876, or Daniele Marchesani, Assistant Chief Counsel, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'',

[1] Applicants request that the order apply to future series of the Trust or of other open-end management investment companies that currently exist or that may be created in the future (each, included in the term ''Fund''), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each such entity or any successor thereto is included in the term ''Adviser'') and (b) comply with the terms and conditions of the application.

which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Positions''). Each Fund will disclose on its Web site the identities and quantities of the Portfolio Positions that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Positions and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

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[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–79981; File No. SR–CBOE–2017–009]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Allocation and Priority Rules

February 7, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on January 24, 2017, Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend its rules related to the allocation and priority of orders and quotes. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE proposes to amend its rules related to the allocation and priority of orders and quotes to combine the rules related to allocation and priority into a single rule. Additionally, the proposed rule change deletes obsolete and duplicative rule text and adds detail to certain provisions regarding current System functionality. The proposed rule change also makes technical and nonsubstantive changes.

Currently, there are three separate rules that describe the general allocation and priority principles for trading on CBOE:

- Rule 6.45, which describes the priority and allocation of trades classes that do not trade on the Hybrid System (open outcry only);
- Rule 6.45A, which describes the priority and allocation of trades in equity classes that trade on the Hybrid System; and
- Rule 6.45B, which describes the priority and allocation of trades in index and exchange-traded fund (''ETF'') classes that trade on the Hybrid System.

The proposed rule change combines these three rules into a single proposed Rule 6.45 to create a single rule regarding allocation and priority for all classes. Currently, all classes trade on either the Hybrid or Hybrid 3.0 System, so it is no longer necessary to have a separate rule (current Rule 6.45) for non-Hybrid classes. Additionally, current Rules 6.45A and 6.45B include provisions related to the priority and allocation rules for open outcry trading and refer back to current Rule 6.45 for a description of other priority and allocation rules for open outcry trading. The proposed rule change deletes current Rule 6.45 and moves the applicable provisions regarding the priority of bids and offers in open outcry referenced in current Rules 6.45A and 6.45B to proposed Rule 6.45(b). Current Rules 6.45A and 6.45B are nearly identical, as priority and allocation rules for all classes that trade on the Hybrid System are the same (with a couple of minor differences for classes that trade on the Hybrid 3.0 System).[5] As there is no longer a distinction between priority and allocation of equity, index and ETF options, the Exchange does not believe it is necessary to maintain separate rules. The proposed rule change combines these rules into a single proposed Rule 6.45 entitled ''Order and Quote Priority and Allocation'' and deletes any rule text that relates to the separate rules.[6] The Exchange believes

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6). *See also* Item 7(b) of the Exchange's Form 19b–4 filing, in which the Exchange provides additional support for the basis for summary effectiveness of its proposal under Rule 19b–4(f)(6). Specifically, the Exchange states: ''The proposed rule change is amending its allocation and priority rules to: (1) Combine rule provisions in Rules 6.45, 6.45A and 6.45B regarding allocation and priority into a single rule; (2) more accurately reflect and add detail regarding current System functionality; (3) eliminate duplicative rule provisions; (4) delete obsolete rules the Exchange no longer uses; and (5) make other nonsubstantive and technical changes, including to make the language describing the allocation principles consistent throughout, to make the rule text plain English, to use defined terms, to clarify rules that apply to orders and quotes (when in the context, it is apparent the rule should not apply to just orders), and to use consistent lettering and numbering for subparagraphs within the rules. The Exchange notes current Rules 6.45A and 6.45B are nearly identical, and the proposed rule change merely moves current Rule 6.45 into the proposed combined Rule 6.45, where it is already incorporated by reference in current rules. As discussed below, the substantive changes, including proposed provisions regarding (1) pro-rata and rounding, (2) the participation entitlements being based on quotes and broker-dealer orders and being the greater of the percentage or one contract, (3) decrementation, (4) contingency order priority, and (5) the impact of order and quote modification on priority, are substantially similar to the rules of another exchange and consistent with System functionality. The System will continue to allocate and prioritize orders and quotes under the proposed rule change as it does today. The Exchange believes the proposed rule change simplifies the allocation and priority rule provisions and provides additional transparency to investors regarding the allocation of orders and quotes. With respect to the proposed rule change regarding the distribution of contracts when they cannot be allocated proportionally in whole numbers pursuant to pro-rata algorithm, the Exchange notes the additional detail included in the proposed rule change is consistent with current rule text (which provides they are distributed in time priority). The proposed rule change regarding the distribution of contracts when they cannot be allocated proportionally in whole numbers pursuant to UMA (proposed to be renamed the aggregated pro-rata algorithm) is fair, reasonable and nondiscriminatory. The proposed rule change regarding the quote lock timer counting period is consistent with previous rule filings regarding that functionality, and the proposed rule change regarding capping orders and auction responses that trade with an auctioned order following a COA is consistent with other auction functionality on the Exchange. Additionally, as discussed above, certain provisions of the proposed rule change, including those regarding the decrementation of an order or quote after partial execution, the priority of modified orders and quotes, and the priority of contingency orders, are substantially similar to those of another options exchange.''

[5] These differences are noted below and are included in the proposed rule. Currently, only options on the S&P 500 Index (SPX) trade on the Hybrid 3.0 platform.

[6] The proposed rule change amends cross-references to current Rules 6.45, 6.45A and 6.45B in Rules 1.1(fff) and (ggg); 6.1A; 6.2B(c)(i)(C) and Interpretation and Policy .04; 6.8(f); 6.13(a) and (b); 6.13A(c) and (d) and Interpretation and Policy .04(ii); 6.14(c)(2); 6.20, Interpretation and Policy .05; 6.42(4)(b); 6.49A, Interpretation and Policy .02; 6.53B(c); 6.53C(c)(ii) and (d)(v), and Interpretations and Policies .06(c) and .11; 6.74A(b)(2)(E) and

this simplifies the priority and allocation rules applicable to trading on the Exchange and will reduce any confusion regarding which priority and allocation rules apply.

The following table identifies the location of the priority and allocation rule provisions in current Rules 6.45, 6.45A and 6.45B and the location in the proposed combined Rule 6.45:

General Rule provision	Current Rule(s)	Proposed Rule
Highest bids and lowest offers have priority in open outcry	Rules 6.45(a)(i) and (b), 6.45A(b)(i) and 6.45B(b)(i).	Rule 6.45(b)(i).
Public[7] customer orders in the book have first priority in open outcry trading, and if two or more public customer orders are at the same price, priority is afforded according to time.	Rules 6.45(a)(i) and (b), 6.45A(b)(i)(A) and 6.45B(b)(i)(A).	Rule 6.45(b)(i)(A).
Open outcry priority of bids and offers applies to orders being represented by a Floor Broker or PAR Official or to bids made in response to a specific request from a Market-Maker[8].	Rules 6.45(a)(ii) and (b), 6.45A(b) and 6.45B(b).	Rule 6.45(b).
Bids and offers of in-crowd market participants made at the time the market is established have second priority in open outcry trading, and if two or more bids and offers are at the same price at the time the market was established, priority is afforded in the sequence in which they were made (or equally if sequence cannot be determined), which sequence is determined by the floor broker or PAR official representing the order, the Designated Primary Market-Maker ("DPM") or Lead Market-Maker ("LMM"),[9] or the Market-Maker requesting the bid (offer); if the sequence cannot be determined beyond a certain number of market participants, any remaining contracts will be apportioned equally among those market participants who bid at the best price at the time the market was established; if a market participant declines to accept any portion of the available contracts, any remaining contracts will be apportioned equally among the other market participants who bid at the best price at the time the market was established until all contracts have been apportioned; if any contracts remain in an order and the remainder is not cancelled, and in-crowd market participants subsequently make bids (offers) in a reasonably prompt manner, the remainder is apportioned equally between the in-crowd market participants who bid (offered) the best price.	Rules 6.45(a)(ii) and (b), 6.45A(b)(i)(B) and 6.45B(b)(i)(B).	Rule 6.45(b)(i)(B).
Broker-dealer orders and Market-Maker quotes in the book have third priority in open outcry trading, and if two or more orders or quotes are at the same price, priority is afforded in accordance with the applicable electronic algorithm.	Rules 6.45A(b)(i)(C) and 6.45B(b)(i)(C).	Rule 6.45(b)(i)(C).
"G-exemption" rule with respect to open outcry trading	Rules 6.45A(b)(i)(D) and 6.45B(b)(i)(D).	Rule 6.45(b)(i)(D).
Complex order priority exception	Rules 6.45(e), 6.45A(b)(ii) and 6.45B(b)(ii).	Rule 6.45(ii).
Open outcry priority and allocation provisions are subject to Rule 8.7, Interpretation and Policy .02 and Rule 8.51.	Rule 6.45, Interpretation and Policy .02.	Rule 6.45(b)(iii).
Definition of "in-crowd market participant" or "ICMP" as an in-crowd Market-Maker, DPM or LMM with an allocation or appointment, respectively, in the class, and a Floor Broker or PAR Official representing orders in the trading crowd..	Rules 6.13B(b), 6.45A (introductory paragraph), 6.45B (introductory paragraph) and 6.74 (introductory paragraph).	Rule 1.1(uuu).
Price-time priority	Rules 6.45A(a)(ii) and 6.45B(a)(i)	Rule 6.45(a)(i)(A).
Pro-rata priority	Rules 6.45A(a)(ii) and 6.45B(a)(i)	Rule 6.45(a)(i)(B).
Ultimate matching algorithm ("UMA")[10]	Rules 6.45A(a)(i) and 6.45B(a)(ii)	Rule 6.45(a)(i)(C).
Public customer priority overlay[11]	Rules 6.45A(a)(i)(A)(1) and (a)(ii)(1), and 6.45B(a)(i)(1) and (a)(ii)(A)(1).	Rule 6.45(a)(ii)(A).
Participation entitlement priority overlay	Rules 6.45A(a)(i)(C) and (a)(ii)(2), and 6.45B(a)(i)(2) and (a)(ii)(C).	Rule 6.45(a)(ii)(B).
Small order preference priority overlay	Rules 6.45A(a)(iii)(1) and 6.45B(a)(iii)(1).	Rule 6.45(a)(ii)(C).
Market turner priority overlay	Rules 6.45A(a)(iii)(2) and 6.45B(a)(iii)(2).	Rule 6.45(a)(ii)(D).
Handling of locked and inverted electronic quotes	Rules 6.45A(d) and 6.45B(d)	Rule 6.45(c).
Restriction on execution by order entry firms as principal against orders they represent, including requirement to expose the orders for a specified period of time.	Rules 6.45A, Interpretation and Policy .01 and 6.45B, Interpretation and Policy .01.	Rule 6.45, Interpretation and Policy .01.
Requirement of order entry firms to expose orders they represent as agent for a specified period of time prior to executing the orders against solicited orders.	Rules 6.45A, Interpretation and Policy .02 and 6.45B, Interpretation and Policy .02.	Rule 6.45, Interpretation and Policy .02.

Interpretation and Policy .08; 6.74B, Interpretation and Policy .03; 6.82(b)(4); 7.4(f) and Interpretation and Policy .06; 22.13(b) and (d); 24.19(c)(iv); and 29.14 to reflect proposed Rule 6.45. The proposed rule change also deletes the introductory language in each of current Rules 6.45A and 6.45B that indicate that the rule applies to equity options and index and ETF options, respectively. Additionally, the proposed rule change deletes the names of cross-referenced rules and instead includes numbers only in Rules 6.8(f); 6.9, Interpretation and Policy .05; 6.13(a); 6.20, Interpretation and Policy .05; and 6.49A, Interpretation and Policy .02. Names of rules are not consistently included in cross-references throughout the rules, and CBOE believes cross-referencing the appropriate rule number is sufficient.

General Rule provision	Current Rule(s)	Proposed Rule
Exposure counting period for executions of principal transactions and solicited orders in Hybrid 3.0 classes.	Rule 6.45B, Interpretation and Policy .03.	Rule 6.45, Interpretations and Policies .01 and .02.
Applicability of allocation and priority rules to the displayed and non-displayed portions of reserve orders.	Rules 6.45A, Interpretation and Policy .03 and 6.45B, Interpretation and Policy .04.	Rule 6.45(a)(v)(B) and Interpretation and Policy .03.
Order or quote may not be allocated a total quantity greater than the order or quote at the execution price.	Rules 6.45A(a)(i), (a)(ii)(2) and (a)(iii); 6.45B(a)(i)(2), (a)(ii) and (a)(iii); 8.13(c)(i); 8.15(d)(i); and 8.87(b)(1)(ii).	Rule 6.45(a)(i), 8.13(c)(i), 8.15(d)(i), and 8.87(b)(1)(ii).
The Exchange will announce any determinations made by Regulatory Circular.	Rules 6.45 (introductory paragraph), 6.45A(a)(i)(C), (a)(ii), (a)(iii), and (c), 6.45B(a)(i), (a)(ii)(C), (a)(iii), and (c).	Rule 6.45, Interpretation and Policy .04.
To be eligible for a participation entitlement, a Market-Maker must be quoting at the BBO.	Rules 6.45A(a)(ii)(2)(A), 6.45B(a)(i)(2)(A), 8.13(b)(ii), 8.15(d)(i), and 8.87(b)(1)(i).	Rules 8.13(b)(ii), 8.15(d)(i), and 8.87(b)(1)(i).
The Exchange may apply a participation entitlement only if it has applied the public customer priority overlay, and the participation entitlement is based on the number of contracts remaining after all public customer orders at the same price have been filled.	Rules 6.45A(a)(i)(C) and (ii)(2)(2)(D), 6.45B(a)(i)(2)(D) and (a)(ii)(C).	Rules 6.45(a)(ii)(B)(2), 8.13(c)(ii), 8.15(d)(i), and 8.87(b)(1)(iii).
The Exchange may apply more than one participation entitlement for a class (in different sequences), but no more than one participation entitlement may apply on the same trade.	Rules 6.45A(a)(ii)(2) and 6.45B(a)(i)(2).	Rule 6.45A(a)(ii)(B)(3).

As the table demonstrates, numerous allocation and priority rule provisions are included in multiple places within the rules. The proposed rule change eliminates this duplication within the proposed Rule 6.45.[12]

The proposed Rule 6.45 simplifies the electronic allocation and priority rules by reorganizing them to first describe the three base electronic allocation algorithms and then describe the four priority overlays that may apply to the base electronic allocation algorithms. Currently, and as proposed, there are three base electronic allocation algorithms: Price-time,[13] pro-rata,[14] and UMA (proposed to be renamed aggregated pro-rata).[15] With respect to price-time and pro-rata, currently and as proposed, the Exchange may apply public customer (proposed to be renamed priority customer)[16] and participation entitlement[17] overlays on a class-by-class basis; with respect to UMA, public customer and participation entitlement overlays currently automatically apply.[18] The Exchange believes it is simpler to have a structure of three base algorithms and optional overlays (currently four) that may be applied in the same manner to the base algorithms. The proposed aggregated pro-rata allocation will be subject to the restriction described in the table above that provides if the Exchange applies a participation entitlement to a class, it must also apply the public customer priority in the priority sequence ahead of the participation entitlement, which is consistent with how UMA functions today. While the proposed rule change makes nonsubstantive changes to the description of the price-time and pro-rata base electronic allocation algorithms (for example, to make the language describing the allocation principles consistent throughout the Rules and plain English), the proposed rule change does not amend how these algorithms apply to trading on the Exchange.

The proposed rule change adds detail to how the System distributes contracts pursuant to the pro-rata algorithm and rounds fractions of contracts. Current Rules 6.45A(a)(ii) and 6.45B(a)(i) state executable quantity is allocated to the nearest whole number, with fractions ½ or greater rounded up and fractions less than ½ rounded down. Those rules also state if there are two market participants both are entitled to an additional ½ contract and there is only one contract remaining to be distributed, the additional contract will be distributed to the market participant(s) whose quote or order has time priority. This is consistent with System functionality; however, it represents only one example (a situation in which there are two market participants and only one remaining contract) rather than a general rule regarding allocations of contracts that cannot be allocated proportionally in whole numbers. For example, three market participants may be entitled to an additional fraction of a contract.

The proposed rule change amends this provision to state if there are two or more resting orders or quotes at the best price, then the System allocates contracts from an incoming order or

[7] As discussed below, the proposed rule change uses the term ''priority customer'' rather than ''public customer.''

[8] The current rule text includes references to Order Book Officials having the same obligation. The Exchange no longer uses Order Book Officials, so the proposed rule change omits the Order Book Official references from this provision.

[9] The Exchange notes current Rule 6.45(a)(ii) does not include a reference to LMM. Some classes have DPMs, while others have LMMs. This is consistent with the definition of in-crowd market participant in current Rule 6.45B, which includes the LMM in the class. Proposed Rule 6.45(b)(i)(B) thus includes a reference to LMM in addition to DPM to allow for an LMM to determine sequence in classes with an LMM rather than a DPM.

[10] The proposed rule change renames UMA as the ''aggregated pro-rata'' allocation algorithm.

[11] The proposed rule change renames the public customer priority as the priority customer priority.

[12] The proposed rule change makes certain, nonsubstantive changes to some of these provisions, such as making the language consistent with other provisions, making the language plain English, and conforming lettering and numbering. Except as otherwise described in this rule filing, the proposed provisions apply in the same manner as the current provisions.

[13] *See* current Rules 6.45A(a)(ii) and 6.45B(a)(i) and proposed Rule 6.45(a)(i)(A).

[14] *See* current Rules 6.45A(a)(ii) and 6.45B(a)(i) and proposed Rule 6.45(a)(i)(B).

[15] *See* current Rules 6.45A(a)(i) and 6.45B(a)(ii) and proposed Rule 6.45(a)(i)(C). Because the Exchange applies UMA (proposed to be renamed aggregated pro-rata) to most classes, the proposed rule change states proposed Rule 6.45(a)(i)(C) will apply to all classes, except to classes to which the Exchange determines to apply the base electronic allocation algorithm in proposed subparagraph (A) or (B).

[16] *See* current Rules 6.45A(a)(ii)(1) and 6.45B(a)(i)(1) and proposed Rule 6.45(a)(ii)(A).

[17] *See* current Rules 6.45A(a)(ii)(2) and 6.45B(a)(i)(2) and proposed Rule 6.45(a)(ii)(B).

[18] *See* current Rules 6.45A(a)(i)(A)(1) and (a)(i)(C) and 6.45B(a)(ii)(A)(1) and (a)(ii)(C) and proposed Rule 6.45(a)(ii)(A) and (B).

quote to resting orders and quotes sequentially in the order in which the System received them (*i.e.,* according to time) proportionally according to size (*i.e.,* on a pro rata basis). The System allocates contracts to the first resting order or quote proportionally according to size (based on the number of contracts to be allocated and the size of the resting orders and quotes). Then, the System recalculates the number of contracts to which each remaining resting order and quote is afforded proportionally according to size (based on the number of remaining contracts to be allocated and the size of the remaining resting quotes and orders) and allocates contracts to the next resting order or quote. The System repeats this process until it allocates all contracts from the incoming order or quote. The System rounds fractions ½ or greater up and fractions less than ½ down prior to each allocation. This proposed provision is consistent with the current rule that states contracts are distributed to quotes and orders in time priority. It adds detail regarding the sequential nature of the allocation process and applies the provision to situations in which any number of orders or quotes may be entitled to non-whole numbers of contracts. The Exchange believes this is a fair, objective process and simple systematic process to allocate ''extra'' contracts when more than one market participant may be entitled to those extra contracts after rounding.

The following examples demonstrate this process:

• *Example 1:* Suppose there are three resting orders at the same price with sizes of 30 (Order A), 20 (Order B) and 10 (Order C) (received by the System in that order), and an incoming order with size of 15 is marketable against those three orders. The System first allocates 8 contracts to Order A (½ of 15 is 7.5, which rounds to 8). After this allocation, the System allocates 5 of the 7 remaining contracts to Order B (⅔ of 7 is 4.7, which rounds to 5), and then allocates the remaining 2 contracts to Order C.

• *Example 2:* Suppose there are three resting orders at the same price with sizes of 10 (Order A), 20 (Order B) and 30 (Order C) (received by the System in that order), and an incoming order with size of 15 is marketable against those three orders. The System first allocates 3 contracts to Order A (⅙ of 15 is 2.5, which rounds to 3). After this allocation, the System allocates 5 of the 12 remaining contracts to Order B (⅖ of 12 is 4.8, which rounds to 5), and then allocates the remaining 7 contracts to Order C.

• *Example 3:* Suppose there are three resting orders A, B and C (received by the System in that order) at the same price, each with a size of 50, and an incoming order with size of 100 is marketable against those three orders. The System first allocates 33 contracts to Order A (⅓ of 100 is 33.3, which rounds to 33). After this allocation, the System allocates 34 of the 67 remaining contracts to Order B (½ of 67 is 33.5, which rounds to 34), and then allocates the remaining 33 contracts to Order C.

The proposed rule change amends and redefines UMA as aggregated pro-rata. Current Rules 6.45A(a)(i) and 6.45B(a)(ii) provide, when there is more than one order or quote at the same price, the allocation will be based on two components (which will be a weighted average of the percentages established by the Exchange for each component): Component A is based on the number of market participants quoting at the Exchange's best bid or offer (''BBO'') and Component B (also known as the size pro-rata allocation) is based on the size of each market participant's quote or order at the BBO relative to the total size at the BBO. Currently, in any class in which UMA applies, the Exchange has established a 0% weight to Component A and 100% weight to Component B. Thus, orders and quotes are allocated pursuant to the size pro-rata allocation of Component B (Component B includes the process of aggregating broker-dealer interest, as further described below). The Exchange does not intend to factor in Component A to UMA. Therefore, the proposed rule change deletes Component A and redefines UMA as aggregated pro-rata allocation (which is current Component B). Proposed Rule 6.45(a)(i)(C) states resting quotes and orders in the book are prioritized according to price. If there are two or more quotes or orders at the same price, then priority is afforded among these quotes and orders based on the percentage that the size of each quote and order at that price represents relative to the total number of contracts at that price. For purposes of this provision, all broker-dealer orders at the same price will be treated as one broker-dealer order, with size consisting of the cumulative number of contracts in those broker-dealer orders at that price. After the ''one'' broker-dealer order is allocated a certain number of contracts pursuant to this subparagraph, those contracts are allocated proportionally according to size to each broker-dealer order comprising the ''one'' broker-dealer order. The proposed rule change is merely deleting the part of UMA that is no longer used and any related rule text, such as the provisions related to weighting of two components and the equations demonstrating how UMA applies when both components are in effect.[19] Proposed Rule 6.45(a)(i)(C) incorporates the provisions in current Rules 6.45A(i) and (i)(A)(2) and 6.45B(ii) and (ii)(A)(2) that describe the operation of this algorithm, which will continue to remain in place. Allocation pursuant to aggregated pro-rata will be the same as it is today, although the proposed rule change simplifies the description (for example, the proposed rule change revises the first part of this provision to use language consistent with that used in the pro-rata description; unlike in the standard pro-rata allocation, broker-dealer orders are aggregated prior to the pro-rata distribution).

The proposed rule change adds detail to how the System distributes contracts pursuant to the proposed aggregated pro-rata algorithm and rounds fractions of contracts. If the number of contracts cannot be allocated proportionally in whole numbers, the System randomly allocates extra contracts to resting orders and quotes. The Exchange believes this is a fair, objective process and simple systematic process to allocate ''extra'' contracts when more than one market participant may be entitled to those extra contracts after rounding.

The four electronic priority overlays are public customer, participation entitlement, small order and market turner.[20] Current Rules 6.45A(a)(ii)(1) and 6.45B(a)(i)(1) provide when the public customer priority overlay is in effect, public customer orders have priority over non-public customer orders at the same price and that priority is afforded among public customer orders at the same price according to time. The proposed rule change includes this provision in proposed Rule 6.45(a)(ii)(A) and makes nonsubstantive changes to the public

[19] The proposed rule change amends Rule 6.53C(d) to change the term UMA to aggregated pro-rata with customer priority (which applies to the allocation of complex orders following a complex order auction in certain circumstances in that provision) to conform to the new terms (as well as to make other nonsubstantive changes, including making the language plain English). Similarly, the proposed rule change deletes part of Rules 6.45A(a)(i)(C)(1) and 6.45B(a)(ii)(C)(1) and Rule 6.45B(a)(ii)(C)(3), which provide for an On-Floor DPM or LMM to be entitled to receive a different amount under the participation entitlement overlay for purposes of Component A of UMA than it would otherwise receive pursuant to UMA, and 8.3(c)(vi), which relates to a restriction imposed when UMA with a Component A percentage applies to a class.

[20] As described in current Rules 6.45, 6.45A(b) and 6.45B(b) and proposed Rule 6.45(b), customer orders in the electronic book receive priority in open outcry trading.

customer priority, including to make the language consistent with other allocation and priority provisions. Additionally, proposed Rule 6.45(a)(ii)(A) clarifies that public customer orders in the book have priority over non-public customer orders and quotes, which is the intent of the provision and consistent with the other priority provisions that reference orders and quotes.

The proposed rule change amends the rules related to PMM, LMM and DPM participation entitlements (in addition to the elimination of duplicative language as described in the table above and other nonsubstantive changes to, for example, make the language consistent with other rule provisions regarding priority, add defined terms and make the language more plain English). Current Rule 8.13 provides a Preferred Market-Maker (''PMM'') participation entitlement is 50% if there is one other Market-Maker also quoting at the Exchange's best bid or offer (''BBO'') and 40% if there are two or more Market-Makers also quoting at the BBO, and Rules 8.15 and 8.87 provide that a LMM or DPM participation entitlement, respectively, is 50% if there is one Market-Maker also quoting at the BBO, 40% if there are two Market-Makers also quoting at the BBO and 30% if there are three or more Market-Makers quoting at the BBO. The proposed rule change provides each of the PMM, LMM and DPM participation entitlement is based on both the number of other Market-Maker quotes and broker-dealer orders at the BBO.[21] This is consistent with current System functionality. Additionally, the current rules consider whether other Market-Makers are quoting at the best price, because Market-Makers provide liquidity to CBOE's market and are encouraged to do so if they have the opportunity to participate in a larger portion of a trade in which a PMM, LMM or DPM has a participation right. Other Trading Permit Holders besides Market-Makers provide liquidity to CBOE's market through orders, and the Exchange believes those Trading Permit Holders, like Market-Makers, should have the same opportunity with respect to broker-dealer orders.

The proposed rule change also provides the participation entitlement will be the greater of the above percentages or one contract. This change is consistent with current System functionality as well as the intent of the participation entitlement, which is to provide PMMs, LMMs and DPMs with a benefit for their heightened quoting obligations.[22] Because fractions of contracts of less than ½ are rounded down, as discussed above, a transaction involving a small number of contracts may result in zero contracts being allocated to a PMM, LMM or DPM who should otherwise have priority. For example, if there is one contract left after an order trades with a public customer order, and there is a DPM and two other Market-Makers quoting at the BBO, 40% of one would give the DPM zero contracts, as .4 would round down to zero.[23] Thus, this proposed rule change is intended to ensure that a PMM, LMM or DPM would receive a contract in this situation to continue to encourage PMMs, LMMs or DPMs to provide liquidity on the Exchange.

The proposed rule change also provides, for purposes of determining the applicable PMM, LMM or DPM participation entitlement percentage (with respect to an electronic execution), broker-dealer orders at the same price will be treated as one broker-dealer order with size consisting of the cumulative number of contracts in those broker-dealer orders. This is also consistent with current System functionality and UMA (proposed to be renamed aggregated pro-rata allocation algorithm), to which these participation entitlements generally apply. For example, if the market is $1.00–$1.20, with the DPM's quote bid at $1.00 and three broker-dealer orders to buy at $1.00, a trade at $1.00 will allocate 50% to the DPM and 50% among the three broker-dealer orders.[24] The System considers those three orders as one ''order,'' and thus there was one other ''broker-dealer order'') at the BBO with the DPM, which results in a 50% participation entitlement for the DPM for trades at that price.

The second change to the participation entitlement overlay is to delete the provisions that allow the Exchange to determine which entitlement formula will apply to the overlay. Currently, the rules provide, with respect to UMA, the Exchange determines on a class-by-class basis whether a participation entitlement will equal either (1) the greater of the amount the Market-Maker would be entitled to pursuant to the participation entitlement or the amount it would otherwise receive pursuant to UMA or (2) the amount the Market-Maker would be entitled to pursuant to the participation entitlement.[25] With respect to price-time and pro-rata, the rules currently provide the Exchange with the ability to apply a modified participation entitlement, pursuant to which a Market-Maker will only receive a participation entitlement if the entitlement amount is greater than the amount the Market-Maker would otherwise receive pursuant to the allocation algorithm (if it was not, there would be no participation entitlement).[26] When the Exchange applies the participation entitlement to a class (with any base allocation algorithm), a Market-Maker receives the greater of the participation entitlement amount or the amount it would otherwise receive pursuant to the applicable allocation algorithm. Therefore, the proposed rule change deletes the other participation entitlement options. The participation entitlement in proposed Rule 6.45(a)(ii)(B) includes the following provisions included in the current rules: (1) The Exchange may apply more than one participation entitlement for a class (including at different priority sequences); (2) only one participation entitlement may apply to the same trade; (3) the Exchange may apply a participation entitlement only if it has applied the priority customer overlay in a priority sequence ahead of the participation entitlement; (4) the PMM, LMM or DPM must satisfy the conditions in Rule 8.13, 8.15 or 8.87, respectively; and (5) the participation entitlement is based on the number of contracts remaining after all priority customer orders in the book at the same price have been filled.[27] Ultimately, the participation entitlement priority overlay will continue to be applied in the same manner as it is today.

The Exchange makes nonsubstantive and technical changes to the small preference and market turner priority overlays (in addition to the deletion of duplicative language as described in the table above), such as to make the language consistent with other allocation and priority rule provisions (including changing NBBO to BBO, which is consistent with the participation entitlement language in

[21] The proposed rule change makes a corresponding change to Rule 8.13, Interpretation and Policy .01(b) related to the PMM participation entitlement with respect to complex orders.

[22] *See* proposed Rules 8.13, 8.15 and 8.87.

[23] The contract would ultimately go to the Market-Maker who entered its quote first, as discussed above.

[24] The 50% is allocated among the three broker-dealer orders in accordance with the applicable allocation algorithm to that class.

[25] *See* current Rules 6.45A(a)(i)(C)(1) and (2) and 6.45B(a)(ii)(C)(1) and (2).

[26] *See* current Rules 6.45A(a)(ii)(3) and 6.45B(a)(i)(3). As discussed above, there is a third alternative in Rule 6.45B(a)(ii)(C)(3) related to Component A of UMA, which the proposed rule change deletes. *See supra* note 15.

[27] *See* current Rules 6.45A(a)(ii)(2), 6.45B(a)(i)(2), 8.13(c), 8.15(d), and 8.87(b).

Rules 8.13(c), 8.15(d), and 8.87(b) and the fact that allocation and priority principles are applied to orders and quotes at CBOE's bid or offer),[28] make the language more plain English and use consistent lettering and numbering. However, the manner in which the System applies to these priority overlays remains unchanged.

The proposed rule change adds the following definitions related to the allocation of orders: [29]

- A ''broker-dealer order'' is an order for an account in which a Trading Permit Holder, a non-Trading Permit Holder broker or dealer in securities (including a foreign broker-dealer), a joint venture with Trading Permit Holder and non-Trading Permit Holder participants, or, in Hybrid classes for purposes of the Rules listed in paragraphs (fff) and (ggg) of this Rule 1.1, a Voluntary Professional or Professional has an interest; [30]
- a ''public customer'' means a person or entity that is not a broker or dealer in securities; [31]
- a ''public customer order'' means an order for the account of a public customer; [32]
- a ''priority customer'' means, in Hybrid classes, a person or entity that is a public customer and is not a Professional or Voluntary Professional, and, in Hybrid 3.0 classes, a person or entity that is a public customer; [33] and
- a ''priority customer order'' is an order for the account of a priority customer.[34]

For purposes of allocation and priority, public customers that are Professionals or Voluntary Professionals (in Hybrid classes) are treated as broker-dealers.[35] The proposed rule change adds the concept of a priority customer, which is a public customer that receives priority when the public customer overlay is in effect. The priority customer definition is consistent with how priority rules currently apply, and the same customers that currently receive priority pursuant to that overlay will continue to receive the same priority under the proposed rule change. The Exchange believes adding the concept of a priority customer provides more clarity in the allocation and priority rules regarding which customers receive priority. Similarly, the definition of a broker-dealer order clarifies that the term includes orders of Professionals and Voluntary Professionals for purposes of the Rules set forth in the definitions of those terms. The proposed rule change amends Rules 6.2A(a)(i) and (ii); 6.8C(a); 6.9 (introductory paragraph) and Interpretation and Policy .01; 6.13A(d)(v); 6.45, 6.45A and 6.45B (current) and Rule 6.45 (proposed); 6.53C(d)(v) and Interpretation and Policy .06(b); 6.74; 6.74A(b)(3) and Interpretations and Policies .07 an .08; 6.74B(b)(2)(A)(II) and Interpretation and Policy .01; 7.4(a)(1); 8.13(c) and Interpretation and Policy .01(b); 8.15(d); 8.87(b); and 17.50(g)(5) to incorporate this concept of priority customer, as well as the related concept of broker-dealer orders, by updating references to customer or public customer and adding references to broker-dealer orders, when necessary, throughout the rules in which Voluntary Professionals and Professionals are treated as broker-dealers rather than public customers pursuant to Rule 1.1(fff) and (ggg).[36]

Currently, Rules 6.45A and 6.45B define market participants as Market-Makers, DPMs (or LMMs in Rule 6.45B) with an appointment in the subject class, and floor brokers and PAR officials representing orders in the trading crowd. The allocation and priority rules generally indicate they apply to orders and quotes of market participants. However, the current definition of market participants does not include broker-dealers that are not Market-Makers or floor brokers (and thus does not include all Trading Permit Holders). While allocation and priority rules may depend on the order origin types (*i.e.,* priority customers, Professionals and Voluntary Professionals, Market-Makers, broker-dealers), the allocation and priority rules apply to all orders and quotes submitted by all Trading Permit Holders,[37] as well as orders represented by PAR Officials, which proposed Rule 6.45, Interpretation and Policy .05 explicitly states. The proposed rule change eliminates the term market participants from current Rules 6.45A and 6.45B (and proposed Rule 6.45) and updates these allocation and priority rules to indicate that the rules apply to all orders and quotes on the Exchange.[38]

The Exchange adds three new provisions to add detail regarding current System functionality. Proposed Rule 6.45(a)(iii) states, upon execution of an order or quote, the System decrements the order or quote by an amount equal to the size of that execution. The remaining size of the order or quote retains its position with respect to priority for subsequent executions. Partial executions may occur under the current rules, and if an order or quote may not be completely filled by one execution, the Exchange believes it is appropriate for the remaining size to retain priority.[39]

Proposed Rule 6.45(a)(iv) adds how modifications to an order or quote's price or size impacts priority. If a Trading Permit Holder modifies the price of an order or quote or increases

[28] The Exchange notes, pursuant to Rule 6.81, trades may not constitute trade-throughs.

[29] As noted above, the proposed rule change also moves the definition of an in-crowd market participant from Rules 6.13B(b), 6.45A (introductory paragraph), 6.45B (introductory paragraph) and 6.74 (introductory paragraph) to proposed Rule 1.1(uuu). An ''in-crowd market participant'' or ''ICMP'' is an in-crowd Market-Maker, an on-floor DPM or LMM with an allocation or appointment, respectively, in the class, or a floor broker or PAR Official representing orders in the trading crowd.

[30] *See* proposed Rule 1.1(ttt). This definition is consistent with those of a Trading Permit Holder (which must be a registered U.S. broker-dealer under the Rules) (see Rules 3.2 and 3.3), a Foreign Broker-Dealer (see Rule 1.1(xx)), a Voluntary Professional (see Rule 1.1(fff)), and a Professional (see Rule 1.1(ggg)), as well as the current description of who does not qualify as a public customer (see Rules 6.45A(a)(ii)(1) and 6.45B(a)(i)(1)).

[31] *See* proposed Rule 1.1(xxx). This definition is consistent with the definition in Rule 6.74, Interpretation and Policy .01 and merely extends the definition to apply to all rules.

[32] *See* proposed Rule 1.1(yyy).

[33] *See* proposed Rule 1.1(vvv). As set forth in Rule 1.1(fff) and (ggg), the Voluntary Professional and Professional designations are not available in Hybrid 3.0 classes. Thus, defining a ''priority customer'' as a ''public customer'' with respect to Hybrid 3.0 classes is consistent with the current definitions of Voluntary Professional and Professional.

[34] *See* proposed Rule 1.1(uuu).

[35] *See* Rule 1.1(fff) and (ggg) (definitions of Voluntary Professional and Professional, respectively). Pursuant to the CBOE Fees Schedule, the classification of an order as that of a Professional or Voluntary Professional impacts fees due with respect to that order. As noted in the definitions of Voluntary Professional and Professional, these designations are not available in Hybrid 3.0 classes.

[36] The proposed rule change also amends Rule 6.13(b)(i)(C) to eliminate the phrase ''non-broker-dealer'' before public customer, as the fact that a public customer is not a broker-dealer is included in the proposed definition of public customer in proposed Rule 1.1(xxx).

[37] The Exchange notes only Market-Makers may submit quotes. *See* Rule 8.7.

[38] The proposed rule change makes corresponding changes to eliminate the definition of market participants in Rules 6.13(b), 6.43(b)(i), 7.4(a)(1) and (b)(iv), and Rule 8.51, Interpretation and Policy .02, generally replacing the term with Trading Permit Holders or Trading Permit Holders and PAR Officials, as applicable. The proposed rule change also amends the name of Rule 8.3A to change the term market participants to Trading Permit Holders, which is consistent with the term used in the rule text of Rule 8.3A. Similarly, the proposed rule change amends Rule 6.13B to replace the terms ''users'' in the introductory paragraph and ''public customers and all other users'' in paragraph (a)(2) with Trading Permit Holders, as Trading Permit Holders are the market participants that may submit orders subject to the penny price improvement program under that rule.

[39] Proposed Rule 6.45(a)(iii) is substantially similar to C2 Options Exchange, Incorporated (''C2'') Rule 6.12(d).

the size of an order or quote, those orders and quotes lose priority and are treated as new orders or quotes. The Exchange believes these changes are equivalent to entering new orders or quotes, as they could impact the priority of an order or quote or potentially be allocated larger portions of a trade. The Exchange believes decreasing the size of an order or quote (similar to decrementation of an order or quote after partial execution), should not impact priority, as such a modification would potentially decrease the allocation to that order or quote.[40] These proposed provisions are consistent with current System functionality, as well as industry practices, and are merely adding detail to the rules.

Proposed Rule 6.45(a)(v) adds detail regarding the prioritization of contingency orders.[41] The proposed rule change states once a certain event or trading condition satisfies an order's contingency, an order is no longer a contingency order and is treated as a market or limit order (as applicable), prioritized in the same manner as any other market or limit order based on the time it enters the book following satisfaction of the contingency (*i.e.,* last in time priority with respect to other orders and quotes resting in the book at that time).[42] If contingencies of multiple orders are satisfied at the same time, the System sends them to the book in the order in which the System initially received them.

Notwithstanding the foregoing, under any algorithm in Rule 6.45(a):[43]

(1) All displayed orders and quotes at a given price have priority over all-or-none order.

(2) Upon receipt of a reserve order, the System displays in the book any initially display-eligible portion of the reserve order, which is prioritized in the same manner as any other order (*i.e.,* based on the time the System receives it). Once any non-displayed portion of a reserve order becomes eligible for display, the System displays in the book that portion of the order and prioritizes it based on the time it becomes displayed in the book (*i.e.,* last in time priority with respect to other orders and quotes resting in the book at that time).

(3) Immediate-or-cancel and fill-or-kill orders are not placed in the book and thus are not prioritized with respect to other resting orders and quotes in the book (by definition, those types of orders are cancelled if they do not execute as soon as they are represented on the Exchange so have no opportunity to rest in the book). These orders execute against resting orders and quotes in the book based on the time the System receives them (*i.e.,* the System processes these orders in the time sequence in which it receives them).

(4) All-or-none orders are always last in priority (including after the undisplayed portions of reserve orders). If the Exchange applies priority customer overlay to a class, orders trade in the following order: (A) Priority customer orders other than all-or-none, (B) non-priority customer orders other than all-or-none and quotes, (C) priority customer all-or-none orders (in time sequence), and (D) non-priority customer all-or-none orders (in time sequence). If the Exchange applies pro-rata with no priority customer overlay or price-time to a class, orders trade in the following order: (A) Orders other than all-or-none and quotes, and (B) all-or-none orders (in time sequence).[44]

The Exchange believes this provision is consistent with the definitions of these order types, pursuant to which most contingency orders become market or limit orders once the contingency is satisfied. All-or-none orders must always be last in priority to ensure that there is sufficient size to satisfy the condition of such an order to trade in its entirety after all other orders at the same price have executed. Additionally, the Exchange believes it is reasonable for orders not displayed in the book to not receive priority over orders that are displayed, as they are not yet eligible for execution until they become displayed. These provisions are consistent with current System functionality and are merely adding more detail to the rules to provide additional transparency regarding allocation and priority principles for investors. These provisions are also consistent with the non-inclusion of all-or-none orders and non-displayed portions of reserve orders in the NBBO.[45]

Next, current Rules 6.45A(d)(i) and 6.45B(d)(i) state the length of the counting period for the quote lock functionality described in each of those paragraphs will be established by the Exchange, may vary by product (*i.e.,* on a class-by-class basis) and will not exceed one second. The proposed rule change adds to proposed Rule 6.45(d)(i) the Exchange may determine on a class-by-class basis whether to apply a counting period, and if so, the length of the counting period, which may not exceed one second. Setting a counting period to zero is consistent with the current rule requiring the time period not exceed one second. Additionally, the rule filing adopting Rule 6.45B, including the quote lock provision in substantially similar form as the current version, indicated the counting period may not exceed one second. In the discussion of this proposed rule provision, it was contemplated the Exchange (at the time through a committee, which committee structure no longer exists on the Exchange), may eliminate the timer (*i.e.,* set it to zero seconds). Additionally, the rule previously required a notification be sent to Market-Makers advising their quotes were locked, *unless the counting period was set to zero seconds* (this provision was later deleted from the Rules).[46] It was understood the counting period could be set to zero, and the proposed rule change merely clarifies this in proposed Rule 6.45(d)(i).

To further simplify the priority and allocation rules, the proposed rule change deletes the following obsolete and duplicative rule provisions:

- Rule 6.13A, Interpretation and Policy .04(ii): The proposed rule change deletes a provision related to a pilot program related to DPM and LMM participation entitlements applicable to executions pursuant to the simple auction liaison (SAL) for classes in which pro-rata was the applicable allocation algorithm. The pilot program expired on December 30, 2010 and was not renewed, and therefore the Exchange believes it is appropriate to delete from the rules.
- Rule 6.45(a)(ii)(4)(ii): This provision relates to bids and offers in excess of an eligibility size for the Exchange's Retail Automatic Execution System

[40] The proposed rule change indicates modifications to a quote only impact the changed side of a two-sided quote; the other side retains priority. Proposed Rule 6.45(a)(iv) is substantially similar to C2 Rule 6.12(e).

[41] Rule 6.53(c) defines a contingency order as a limit or market order to buy or sell that is contingent upon a condition being satisfied while the order is at the post.

[42] The System generally bases priority of a non-contingency order on the time the System receives it.

[43] This is consistent with the definition of reserve orders in current Rule 6.53(t) and current Rules 6.45A, Interpretation and Policy .03 and 6.45B, Interpretation and Policy .04. The proposed rule change moves this provision to proposed subparagraph (v)(A) so all provisions of this rule regarding priority of contingency orders are included in the same paragraph. The proposed rule change also adds all-or-none orders to this provision, as those are also not displayed until their contingencies are triggered, similar to the non-displayed portions of reserve orders.

[44] Note other priorities may be applied to the class as well and would function as set forth in the rules.

[45] Proposed Rule 6.45(a)(v) is substantially similar to C2 Rule 6.12(c).

[46] *See* Securities Exchange Act Release No. 34–51822 (June 10, 2005), 70 FR 35321 (June 17, 2005) (SR–CBOE–2004–087) (order approving rules relating to the trading of index options and options on ETFs on the Hybrid Trading System, including the quote lock rule).

(''RAES'').[47] The Exchange no longer uses RAES and thus did not include this provision in proposed Rule 6.45(b).

• Rule 6.45(c): This provision relates to priority principles that apply during opening rotations with respect to orders on the book. Rule 6.2B describes the Exchange's opening process for the Hybrid System (''HOSS'') applicable to orders and quotes in the book and includes a provision that market orders have first priority and limit orders and quotes have second priority when clearing bids and offers to determine the opening price.[48] The Exchange no longer uses current Rule 6.45(c) for opening rotations with respect to orders on the book, and only uses the process described in Rule 6.2B and thus proposes to delete Rule 6.45(c).[49]

• Rule 6.45(d): This provision includes an allocation provision that applies only when the Rapid Opening System (''ROS'') is used to open a class.[50] The Exchange no longer uses ROS to open classes and only uses HOSS. Therefore, the Exchange believes this provision is no longer necessary and thus did not include it in proposed Rule 6.45.[51]

• Rule 6.45, Interpretation and Policy .01: This provision relates to holding a market order to sell on the floor when there is a customer order in the book at the minimum increment. By definition, the market order would sell at the best bid. Additionally, pursuant to Rule 6.53(g), orders entrusted to a floor broker are considered not held unless otherwise specified. The customer order in the book would have priority to sell against a bid of the minimum increment. If there was a remainder of that bid at the minimum increment after execution against the customer order, the market order would sell at the minimum increment as well, as that is the best (lowest) price at which it could trade. Therefore, this provision is no longer necessary, the Exchange proposes to delete it.

• Rules 6.45A(a)(ii)(2)(C) and 6.45B(a)(i)(2)(C): This provision states, in establishing the counterparties to a particular trade, the participation entitlement must first be counted against the Market-Maker's highest priority bids or offers. For a Market-Maker to receive an entitlement, it must have a quote at the BBO. It is common for a Market-Maker firm to have multiple individual Market-Makers submitting quotes within a class.[52] If a Market-Maker firm has multiple quotes at the BBO, those quotes are treated as separate individual quotes (and are not aggregated for the firm), and those quotes are subject to the same priority principles as all other quotes, and thus an entitlement will apply to the quotes with highest priority. Therefore, the Exchange believes the general allocation and priority rules provide that contracts are allocated to quotes with the highest priority and thus believes this provision is redundant.

• Rules 6.45A(c) and 6.45B(c): This provision relates to the interaction of market participants' quotes and orders with electronic orders, including an allocation based on orders or quotes submitted within a period of time not to exceed five seconds of the first market participant to submit an order (the ''N-second group''). This was part of the allocation process upon initial implementation of the Hybrid System on the Exchange, pursuant to which the System managed orders and quotes for a period prior to their interaction and execution. The Exchange no longer uses this delay and instead applies the allocation and priority rules in proposed Rule 6.45(a) and (b) apply to all quotes and orders submitted on the Exchange. Because the Exchange no longer uses the concept of the N-second group, this provision is not included in proposed Rule 6.45.[53]

• Rule 6.45A(e): This provision states the Exchange intends to implement Hybrid floorwide in all other equity classes by the fourth quarter of 2006. This transition occurred numerous year ago, and all classes currently trade on the Hybrid or Hybrid 3.0 system, rendering this provision no longer necessary.

The proposed rule change amends Rule 6.53C(d)(v)(1), (3) and (4) regarding the execution of complex order auction (''COA'')-eligible orders by indicating order and response sizes will be capped for allocation purposes. A similar requirement exists for other auctions, such as SAL,[54] to prevent a Trading Permit Holder submitting an order or auction response from submitting such an order or response with an extremely large size in order to obtain a larger pro-rata share of the auctioned order. The Exchange believes it is appropriate to similarly cap the size of orders and responses for allocation purposes for COA.

The proposed rule change makes additional technical and nonsubstantive changes in various rules amended by this rule filing, including to make the language describing the allocation principles consistent throughout, to make the rule text plain English, to use defined terms, to clarify rules that apply to orders and quotes (when in the context, it is apparent the rule should not apply to just orders), and to use consistent lettering and numbering for subparagraphs within the rules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[55] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[56] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[57] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change amends allocation and priority rules (including the addition of defined terms) to condense and simplify the allocation and priority rules, delete obsolete and duplicative rule text, add detail to certain provisions regarding current System functionality, and make technical and nonsubstantive changes

[47] *See* Rule 6.8 regarding RAES operations.

[48] *See* Rule 6.2B(c)(iv). The Exchange notes current Rule 6.45(c) applies to public customer orders while Rule 6.2B(c)(iv) does not. However, the distinction relates to the fact that the electronic book used to be fo r public customer orders, while the electronic book now contains all orders, including public customer orders, and thus Rule 6.2B does not include this distinction. To the extent the Exchange applies the public customer priority overlay to the electronic allocation algorithm for a class, the priority in this provision will apply to public customer orders.

[49] The proposed rule change deletes a corresponding reference to this provision in Rule 6.53(c)(ii)(3).

[50] *See* Rule 6.2A for a description of ROS.

[51] The proposed rule change makes a corresponding change to Rule 6.2A(a)(ii) to delete the reference to Rule 6.45(d).

[52] Pursuant to the CBOE Fees Schedule, a Market-Maker Trading Permit provides up to three logins.

[53] The proposed rule change makes a corresponding change to Rule 6.53C, Interpretation and Policy .06(c) to delete a reference to the inapplicability of the N-second group timer to stock-option orders.

[54] *See, e.g.,* Rule 6.13A(c)(ii).

[55] 15 U.S.C. 78f(b).

[56] 15 U.S.C. 78f(b)(5).

[57] *Id.*

(such as conform language, make language more plain English and use consistent lettering and numbering), which transparency and simplification protects investors and perfects the mechanism of a free and open market. The changes to UMA, which is proposed to be called aggregated pro-rata, are intended to delete the various components of that algorithm that are no longer in use. UMA with 100% weighted to Component B with the standard participation entitlement (rather than modified participation entitlement) applies to numerous classes today. The Exchange has not applied Component A or the modified participation entitlement in years, and has no intention of doing so, and thus believes it will benefit investors to simplify the rules to include only the components of the algorithm that are in use. The proposed change regarding how the System rounds the number of contracts when they cannot be allocated proportionally in whole numbers pursuant to the pro-rata algorithm (which previously only addressed the situation if there one additional contract for two market participants) and proposed aggregated pro-rata algorithm (which previously was silent on this matter) adds detail to the rules regarding the allocation process and provides a fair, objective manner for rounding and distribution in all situations in which the number of contracts many not be allocated proportionally in whole numbers. Distributing contracts to resting orders and quotes in time priority when they cannot be allocated proportionally in whole numbers is also consistent with the rules of another options exchange.[58] The Exchange believes adding these details while simplifying the rules, as well as the technical and nonsubstantive changes to the rules, will better enable investors to understand how the System allocates trades and affords priority. The proposed rule change does not change how the System allocates and prioritizes orders and quotes; thus, orders and quotes will be subject to the same priority principles as they are today.

The proposed rule changes providing a PMM's, LMM's or DPM's participation right is determined in part by how many Market-Maker quotes and non-public customer orders are at the BBO, and that broker-dealer orders at the same price will be treated as one broker-dealer order, is not only consistent with current System functionality (and the UMA allocation algorithm, proposed to be renamed the aggregated allocation algorithm, which algorithm applies along with a participation entitlement to most classes), but also encourages all Market-Makers, not just Trading Permit Holders, to continue to provide liquidity to the market because it may provide them with the opportunity to participate in a larger portion of a trade in which a PMM, LMM or DPM has a participation right (70% v. 60% v. 50%), which liquidity will ultimately benefit investors. PMMs, LMMs and DPMs will still be entitled to a significant participation right of 30%, 40% or 50%, as applicable, which continues to provide an appropriate balance with their heightened quoting obligations. The proposed rule change that the PMM, LMM or DPM participation entitlement may not be fewer than one contract when there are other Market-Maker quotes or non-Public Customer orders ensures PMMs, LMMs and DPMs will receive a benefit in exchange for their heightened quoting obligations when executions involve small number of contracts.

The proposed rule changes regarding the decrementation of an order or quote following partial execution, the priority of modified orders and quotes, and the priority of contingency orders, are consistent with current System functionality. The additional detail provides transparency of this functionality to the Rules, which benefits investors. These proposed rule changes are consistent with the rules of another options exchange.[59]

The proposed rule change regarding the length of the counting period for the quote lock functionality is consistent with a previous rule filing regarding this functionality, which accounted for the possibility of having the counting period set to zero seconds. The proposed rule change merely clarifies this possibility in the Rules. The proposed rule change to cap orders and auction responses for allocation purposes for COA is consistent with another auction on CBOE (SAL) and promotes just and equitable principles of trade ensuring Trading Permit Holders may not submit orders and responses of large sizes to obtain a larger pro-rata share of an auctioned order.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe 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 proposed rule change is consistent with how the System currently executes and prioritizes orders and quotes and primarily simplifies the allocation and priority rules, adds detail to the rules regarding current System functionality, and eliminates duplicative and obsolete rule text. Thus, the System will allocate orders and quotes under the proposed rule change in the same manner as it does today. These allocation and priority rules apply in the same manner to the orders and quotes of all Trading Permit Holders (and PAR Officials), and the additional transparency and simplification in the rules benefits all investors. The proposed rule change has no impact on intermarket competition, as it applies to the allocation of orders and quotes executed on CBOE. Additionally, as discussed above, certain provisions of the proposed rule change are substantially similar to those of another options exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[60] and Rule 19b–4(f)(6)[61] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[58] *See* C2 Rule 6.12(a)(2).

[59] *See* C2 Rule 6.12(c)–(e).

[60] 15 U.S.C. 78s(b)(3)(A).

[61] 17 CFR 240.19b–4(f)(6).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2017–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2017–009. 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–CBOE–2017–009 and should be submitted on or before March 6, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[62]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–02836 Filed 2–10–17; 8:45 am]

BILLING CODE 8011–01–P

[62] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15033 and #15034]

Georgia Disaster Number GA–00090

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4297–DR), dated 01/26/2017.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 01/21/2017 through 01/22/2017.

DATES: *Effective Date:* 02/03/2017.

Physical Loan Application Deadline Date: 03/27/2017.

EIDL *Loan Application Deadline Date:* 10/26/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Georgia, dated 01/26/2017 is hereby amended to update the incident to Severe Storms, Tornadoes, Straight-line Winds, and Flooding and to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Thomas, Worth.

Contiguous Counties: (Economic Injury Loans Only):

Georgia: Grady.

Florida: Jefferson, Leon.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–02825 Filed 2–10–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15039 and #15040]

South Dakota Disaster #SD–00073

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–4298–DR), dated 02/01/2017.

Incident: Severe Winter Storm.

Incident Period: 12/24/2016 through 12/26/2016.

Effective Date: 02/01/2017.

Physical Loan Application Deadline Date: 04/03/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 11/01/2017.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/01/2017, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Butte, Clark, Codington, Day, Deuel, Dewey, Edmunds, Fall River, Faulk, Grant, Haakon, Hamlin, Harding, Jackson, Jones, Marshall, McPherson, Meade, Pennington, Perkins, Roberts, Stanley, Sully, Ziebach.

The Cheyenne River Sioux Tribe within Dewey and Ziebach Counties and the Oglala Sioux Tribe with Jackson County.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15039B and for economic injury is 15040B.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–02824 Filed 2–10–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9883]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''Matisse/Diebenkorn'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the object to be included in the exhibition ''Matisse/Diebenkorn,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the San Francisco Museum of Modern Art, San Francisco, California, from on or about March 11, 2017, until on or about May 29, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–02853 Filed 2–10–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9882]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''Marsden Hartley's Maine'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the object to be included in the exhibition ''Marsden Hartley's Maine,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about March 14, 2017, until on or about June 18, 2017, at the Colby College Museum of Art, Waterville, Maine, from on or about July 9, 2017, until on or about November 12, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–02852 Filed 2–10–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9884]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''The Berlin Painter and his World: Athenian Vase-Painting in the Early Fifth Century'' Exhibition

Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that the objects to be included in the exhibition ''The Berlin Painter and his World: Athenian Vase-Painting in the Early Fifth Century,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Princeton University Art Museum, Princeton, New Jersey, from on or about March 9, 2017, until on or about June 11, 2017, at the Toledo Museum of Art, Toledo, Ohio, from on or about July 8, 2017, until on or about October 1, 2017, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–02850 Filed 2–10–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9886]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, March 30, 2017 at 1777 F Street NW., Washington, DC 20006. Entry and registration will begin at 12:30 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The purpose of the meeting will be to discuss current defense trade issues and topics for further study.

The following agenda topics will be discussed: (1) Review small business registration requirements, requesting recommendations from the DTAG regarding an appropriate annual registration fee for such persons; (2) Clarify requirements for licensing and registration of U.S. Persons Abroad (USPAB); (3) Discuss and outline suggestions for sample guidelines of a proposed Company Visit Program—Outreach (CVP–O); (4) Discuss flexibility under the Defense Export Control and Compliance System (DECCS) for third party authorizations; (5) Discuss potentially establishing two-way communications methods within DECCS for reporting and status and (6) Discuss approaches for automating material changes to licenses that involve non-registered entities.

Members of the public may attend this open session and will be permitted to participate in the discussion in accordance with the Chair's instructions. Members of the public may, if they wish, submit a brief statement to the committee in writing.

As seating is limited to 125 persons, each member of the public that wishes to attend this plenary session should provide: His/her name and contact information such as email address and/or phone number and any request for reasonable accommodation to notify the DTAG Alternate Designated Federal Officer (DFO), Anthony Dearth, via email at *DTAG@state.gov* by COB Monday, March 20, 2017. If notified after this date, the Department might be unable to accommodate requests due to requirements at the meeting location. A valid photo identification will be required for admission to the meeting, such as a U.S. driver's license, passport, or U.S. or state Government ID.

For additional information, contact Ms. Glennis Gross-Peyton, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112; telephone (202) 663–2862; FAX (202) 261–8199; or email *DTAG@state.gov.*

Anthony Dearth,

Alternate Designated Federal Officer, Defense Trade Advisory Group, Department of State.

[FR Doc. 2017–02851 Filed 2–10–17; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 9876]

Advisory Committee on Historical Diplomatic Documentation: Notice of Charter Renewal

The Advisory Committee on Historical Diplomatic Documentation has renewed its charter for a period of two years. This Advisory Committee will continue to make recommendations to the Historian and the Department of State on all aspects of the Department's program to publish the Foreign Relations of the United States series as well as on the Department's responsibility under statute (22 U.S.C. 4351, *et seq.*) to open its 30-year old and older records for public review at the National Archives and Records Administration. The Committee consists of nine members drawn from among historians, political scientists, archivists, international lawyers, and other social scientists who are distinguished in the field of U.S. foreign relations.

Questions concerning the Committee and the renewal of its Charter should be directed to Stephen P. Randolph, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, 2300 E Street NW., Washington, DC, 20372 (Navy Potomac Annex), telephone (202) 955–0215 (email *history@state.gov*).

Stephen P. Randolph,

Executive Secretary, Department of State.

[FR Doc. 2017–02849 Filed 2–10–17; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice: 9874]

Transfer of the Presidential Permit To Operate and Maintain the Brownsville West Rail Bypass From Cameron County, Texas to the Union Pacific Railroad Company

SUMMARY: The Department of State issued a Presidential permit to the Union Pacific Railroad Company (UPRR) on January 13, 2017, authorizing the UPRR to operate and maintain the Brownsville West Rail Bypass International Bridge. This permit supersedes the Presidential permit that the Department of State issued on October 1, 2004 to Cameron County, TX. In making this determination, the Department provided public notice of the proposed permit (81 FR 57644, August 23, 2016), offered the opportunity for comment, and consulted with other federal agencies, as required by Executive Order 11423, as amended.

FOR FURTHER INFORMATION CONTACT: Contact the Office of Mexican Affairs' Border Affairs Unit via email at *WHABorderAffairs@state.gov,* by phone at 202–647–9894, or by mail at Office of Mexican Affairs—Room 3924, Department of State, 2201 C St. NW., Washington, DC 20520. Information about Presidential permits is available on the Internet at *http://www.state.gov/p/wha/rt/permit/.*

SUPPLEMENTARY INFORMATION: The following is the text of the issued permit:

PRESIDENTIAL PERMIT

AUTHORIZING THE UNION PACIFIC RAILROAD COMPANY TO OPERATE AND MAINTAIN THE BROWNSVILLE WEST RAIL BYPASS INTERNATIONAL BRIDGE, ITS APPROACHES AND FACILITIES, AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND MEXICO

By virtue of the authority vested in me as Under Secretary of State for Economic Growth, Energy, and the Environment, including those authorities under Executive Order 11423, 33 FR 11741 (1968); as amended by Executive Order 12847 of May 17, 1993, 58 FR 29511 (1993), Executive Order 13284 of January 23, 2003, 68 FR 4075 (2003) and Executive Order 13337 of April 30, 2004, 69 FR 25299 (2004); the International Bridge Act of 1972 (86 Stat. 731; 33 U.S.C. 535 *et seq.*); and Department of State Delegation of Authority 118–2 of January 26, 2006; and having requested and received the views of various of the federal

departments and other interested persons; I hereby grant permission, subject to the conditions herein set forth, to the Union Pacific Railroad Company (hereinafter referred to as ''permittee''), to operate and maintain the Brownsville West Rail Bypass International Bridge. This permit supersedes the Presidential Permit that the Department of State issued on October 1, 2004 to Cameron County, Texas.

* * * * *

The term ''facilities'' as used in this permit means the bridge, its approaches and any land, structure or installations appurtenant thereto.

The term ''United States facilities'' as used in this permit means that part of the facilities in the United States.

This permit is subject to the following conditions:

Article 1. The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions and requirements of this permit and any amendment thereof. This permit may be terminated at the will of the Secretary of State or the Secretary's delegate or may be amended by the Secretary of State or the Secretary's delegate at will or upon proper application therefore. The permittee shall make no substantial change in the location of the United States facilities or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

Article 2. The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal or state agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the operation and maintenance of the United States facilities, and with all applicable industrial codes. The permittee shall obtain the requisite permits from the relevant Mexican authorities as well as from the relevant state and local government entities and relevant federal agencies.

Article 4. Upon the termination, revocation or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession or removal.

Article 5. If, in the future, it should appear to the United States Coast Guard or the Secretary of Homeland Security (or the Secretary's delegate) that any facilities or operations permitted hereunder cause unreasonable obstructions to the free navigation of any of the navigable waters of the United States, the permittee may be required, upon notice from the United States Coast Guard or the Secretary of Homeland Security (or the Secretary's delegate), to remove or alter such facilities as are owned by it so as to render navigation through such waters free and unobstructed.

Article 6. This permit and the operation of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government, including but not limited to the United States Coast Guard, the Department of Homeland Security, the General Services Administration, and the United States Section of the International Boundary and Water Commission (USIBWC). This permit shall continue in force and effect only so long as the permittee shall continue the operations hereby authorized in exact accordance with such limitations, terms and conditions.

Article 7. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 8. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State for approval, including identification of the transferee. In the event of such transfer of ownership or control, the permit shall remain in force and the United States facilities shall be subject to all the conditions, permissions, and requirements of this permit and any amendments thereof.

Article 9. (1) The permittee shall acquire such right-of-way grants or easements, permits and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of the operation or maintenance of the facilities.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation.

Article 10. The permittee shall provide to the U.S. Customs and Border Protection, at no cost to the federal government, facilities for the Rail-Vehicle and Cargo Inspection Systems (VACIS), to include office space for CBP personnel, restrooms, parking area, utilities, and an access road.

Article 11. The permittee shall take all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of significant archeological resources in connection with the operation and maintenance of the United States facilities, including those mitigation measures set forth in the Final Environmental Assessment and in the Department's Finding of No Significant Impact (FONSI) dated June 18, 2004 issued in response to Cameron County's application of June 2003 for a Presidential permit with respect to the Brownsville West Rail Bypass International Bridge.

Article 12. The permittee shall comply with all agreed actions and obligations undertaken to be performed in by Cameron County in its Application for a Presidential Permit, dated June 2003, in the Final Environmental Assessment, and in the FONSI, dated June 18, 2004, and in Union Pacific Railroad Company's application for a Presidential Permit, dated July 7, 2016. The Final Environmental Assessment includes the ''Draft Environmental Assessment Document for the Proposed

Brownsville-Matamoros West Rail Bypass Plan'' dated June 2003, all comments submitted by agencies on that document, the responses to those comments, and all correspondence between agencies and the permittee addressing agencies' concerns.

Article 13. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's actions in connection therewith, as are now or may hereafter be required under any laws or regulations of the United States Government or its agencies.

In witness whereof, I, Catherine A. Novelli, Under Secretary of State for Economic Growth, Energy, and the Environment, have hereunto set my hand this 13th day of January, 2017 in the City of Washington, District of Columbia.

Catherine A. Novelli

Under Secretary of State for Economic Growth, Energy, and the Environment.

[FR Doc. 2017–02829 Filed 2–10–17; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Evansville, IN, and Henderson, KY

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA), will be prepared for the proposed I–69 Corridor in the Evansville, Indiana and Henderson, Kentucky area. This Notice of Intent (NOI) represents a revision to the original NOI that was issued for the project on May 10, 2001 (66 FR 23966 May 10, 2001). Under the original NOI, a Draft Environmental Impact Statement (DEIS) was completed in 2004 but the project was subsequently suspended in 2005. This NOI reinitiates the NEPA process for the project.

FOR FURTHER INFORMATION CONTACT: Michelle Allen, Planning and Environmental Specialist, Federal Highway Administration, Indiana Division, 575 N. Pennsylvania Avenue, Room 254, Indianapolis, Indiana 46204, Telephone 317–226–7344, Email *michelle.allen@dot.gov;* Laura Hilden, Director of Environmental Services, Indiana Department of Transportation, 100 North Senate Avenue, Room N642, Indianapolis, Indiana 46204, Telephone 317–232–5018, Email *lhilden@indot.in.gov;* or David Waldner, Director, Division of Environmental Analysis, Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622, Telephone 502–564–7250, Email *david.waldner@ky.gov.*

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana Department of Transportation (INDOT) and the Kentucky Transportation Cabinet (KYTC), will prepare an EIS to identify a preferred alternative for the I–69 Corridor through the Evansville, Indiana-Henderson, Kentucky area. The project area will extend from I–69 south of Evansville (formerly I–164) across the Ohio River to the Edward T. Breathitt Pennyrile Parkway (now designated as I–69 up to Mile Point 76.9) near Henderson. The study will build upon the information developed for the 2004 DEIS, the 2008 Conceptual Financing Plan for I–69 Corridor conducted by KYTC, the 2013 I–69 Innovative Financing Study conducted by the Arkansas State Highway and Transportation Department (AHTD) (serving as the project manager for the seven-state I–69 Steering Committee), and the 2014 I–69 Feasibility Study conducted by KYTC. The proposed project would provide an interstate-type facility with at least two lanes in each direction separated by a median. The EIS will analyze environmental, cultural, social, and economic impacts associated with the development of the proposed action.

The project's purpose and need that was developed as part of the 2004 DEIS included the following: (1) Support the completion of the National I–69; (2) Provide sufficient cross-river mobility in the Evansville/Henderson area; and (3) Strengthen the transportation network in the Evansville/Henderson area. The 2004 DEIS initially identified ten alternatives, including six alternatives west of the Evansville/Henderson area; one alternative following existing US 41; one alternative using the Edward T. Breathitt Pennyrile Parkway north to US 41 and continuing north on US 41 to I–164; and two alternatives east of US 41. The northern terminus for all of the alternatives was I–64 north of Evansville. The southern terminus for all the alternatives was the Edward T. Breathitt Pennyrile Parkway south of Henderson. Based on the ability to meet the project's purpose and need, environmental impacts, costs, and public and agency input, the DEIS identified Alternative 2 as the Preferred Alternative. The DEIS Preferred Alternative utilized the existing I–164 alignment (now designated I–69) from its northern terminus at I–64 in Warrick County, to just east of the Green River Road interchange and west of Angel Mounds State Memorial Site. From that location, the alternative left the existing I–164 alignment and traveled along a new alignment south across the Ohio River immediately west of the mouth of the Green River. The new route continued south to KY 351, then southwest to the Edward T. Breathitt Pennyrile Parkway (now designated I–69). The alternative was 30.2 miles in length and utilized 18.6 miles of the existing I–164.

The 2014 Feasibility Study conducted by KYTC reexamined the possibility of providing a single, new Ohio River bridge at Henderson, replacing the existing US 41 bridges. Seven alternatives, some with variations, were developed and evaluated. The 2014 Feasibility Study also introduced a modified version of the DEIS Preferred Alternative, designated as Alternative 1, that used the same Ohio River crossing location, but connected to the Edward T. Breathitt Pennyrile Parkway just south of Henderson and farther north than the DEIS Preferred Alternative to take advantage of the improvements to and the designation of the Edward T. Breathitt Pennyrile Parkway as I–69.

This EIS will review and update, as needed, the purpose and need from the 2004 DEIS and will consider changes to the project termini as a result of I–164 and Edward T. Breathitt Pennyrile Parkway being designated as I–69. It will also review and update the alternatives development and screening process based on the updated purpose and need and project termini. New alternatives will be developed and evaluated, as appropriate, and it is anticipated that this project will consider the potential use of tolls as part of its funding plan.

With the resumption of the project, the public and federal, state, and local agencies will be invited to participate in scoping meetings to review the project's purpose and need and range of alternatives to be considered. These meetings will be scheduled at a later date. Public and agency meetings will also be held at key milestones throughout the EIS process to present project information and to obtain public and agency input. In addition, a project Web site will be established and public information offices will be set up in both Evansville and Henderson to allow the public to view project information and provide comments. Project e-newsletters and social media will also

be used to present project information and issue notices of upcoming events.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, INDOT, or KYTC contacts at the addresses provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to the program).

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Dated: February 6, 2017.

Mayela Sosa,

Division Administrator, FHWA, Indianapolis, Indiana.

[FR Doc. 2017–02861 Filed 2–10–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0021]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CLUB M. SEA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 15, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0021. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CLUB M. SEA is:

—*Intended Commercial Use of Vessel*: ''The intended commercial use of this vessel is to operate charters of no more than 6 passengers. These charters will consist of whale watching, sport fishing, coastal and harbor cruising.''

—*Geographic Region:* ''California''

The complete application is given in DOT docket MARAD–2017–0021 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator.

Dated: February 8, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–02897 Filed 2–10–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0023]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SATORI; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 15, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0023. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SATORI is:

—INTENDED COMMERCIAL USE OF VESSEL: ''Passenger charters, day sailing and Private charters.''

—GEOGRAPHIC REGION: ''Maine, Rhode Island, Massachusetts, Connecticut, New

Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Puerto Rico''

The complete application is given in DOT docket MARAD–2017–0023 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

By Order of the Maritime Administrator
Dated: February 8, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–02901 Filed 2–10–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration.

[Docket No. MARAD–2017–0018]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CHANTERELLE; Invitation for Public Comments

AGENCY: Maritime Administration.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before March 15, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0018. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CHANTERELLE is:

—INTENDED COMMERCIAL USE OF VESSEL: ''SPORT FISHING''

—GEOGRAPHIC REGION: ''Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound])''

The complete application is given in DOT docket MARAD–2017–0018 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

By Order of the Maritime Administrator.
Dated: February 7, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–02826 Filed 2–10–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8830

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning enhanced oil recovery credit.

DATES: Written comments should be received on or before April 14, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue

Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 317–5746, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224 or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Enhanced Oil Recovery Credit.

OMB Number: 1545–1292.

Form Number: 8830.

Abstract: This regulation provides guidance concerning the costs subject to the enhanced oil recovery credit, the circumstances under which the credit is available, and procedures for certifying to the Internal Revenue Service that a project meets the requirements of section 43(c) of the Internal Revenue Code.

Current Actions: There are no changes being made to the regulations, at this time. Form 8830 was not issued for 2006–2015 because it did not apply for tax years beginning in those years due to the continued high price of crude oil; however it will apply again for tax years beginning in 2016. Since oil prices remain low, it is possible that the credit will apply for tax years beginning in 2017. The changes made to Form 8830, reflect Notice 2016–44. This will increase the number of responses by 1,550 and annual burden by 11,067 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations

Estimated Number of Respondents: 1,590.

Estimated Time per Respondent: 7.87 hours.

Estimated Total Annual Burden Hours: 12,527.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 6, 2017.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2017–02802 Filed 2–10–17; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on February 23, 2017 on ''China's Advanced Weapons.''

DATES: The meeting is scheduled for Thursday, February 23, 2017, from 9:30 a.m. to 3:35 p.m.

ADDRESSES: Dirksen Senate Office Building, Room 419, Washington, DC. A detailed agenda for the hearing will be posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW., Suite 602, Washington DC 20001; phone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the second public hearing the Commission will hold during its 2017 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The hearing on ''China's Advanced Weapons'' will examine the military technologies China is considering or pursuing at the global technological frontier, its ability to develop innovative technologies going forward, and the implications of these efforts for the United States. It will specifically examine China's programs for the development of hypersonic, maneuverable re-entry vehicle, directed energy, electromagnetic, other counterspace, unmanned, and artificial intelligence systems. The hearing will be co-chaired by Chairman Carolyn Bartholomew and Senator James Talent. Any interested party may file a written statement by February 23, 2017 mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: February 8, 2017.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2017–02891 Filed 2–10–17; 8:45 am]

BILLING CODE 1137–00–P

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