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Federal Register

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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.

FEDERAL RESERVE SYSTEM

12 CFR Part 209

[Regulation I; Docket No. R–1560]

RIN 7100–AE 68

Federal Reserve Bank Capital Stock

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors (Board) is publishing a final rule that applies an inflation adjustment to the $10 billion total consolidated asset threshold in Regulation I, which implements the provision of the ''Fixing America's Surface Transportation Act'' (FAST Act) that sets the dividend rate that member banks with more than $10 billion in total consolidated assets earn on their Federal Reserve Bank (Reserve Bank) stock. The FAST Act requires that the Board annually adjust the $10 billion total consolidated asset threshold to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis. Based on the change in the Gross Domestic Product Price Index as of September 29, 2016, the total consolidated asset threshold will be $10,122,000,000 through December 31, 2017.

DATES: This final rule is effective March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Evan Winerman, Counsel (202/872–7578), Legal Division; or Kimberly Zaikov, Financial Project Leader (202/452–2256), Reserve Bank Operations and Payments Systems Division. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

Regulation I governs the issuance and cancellation of capital stock by the Reserve Banks. Under section 5 of the Federal Reserve Act [1] and Regulation I,[2] a member bank must subscribe to capital stock of the Reserve Bank of its district in an amount equal to six percent of the member bank's capital and surplus. The member bank must pay for one-half of this subscription on the date that the Reserve Bank approves its application for capital stock, while the remaining half of the subscription shall be subject to call by the Board.[3]

Prior to January 1, 2016, all member banks were entitled to a six percent dividend on their paid-in capital stock. As of January 1, 2016, the FAST Act [4] amended section 7(a)(1) of the Federal Reserve Act [5] to provide that stockholders with more than $10 billion in total consolidated assets shall receive a dividend on paid-in capital stock equal to the *lesser* of six percent and ''the rate equal to the high yield of the 10-year Treasury note auctioned at the last auction held prior to the payment of such dividend,'' while stockholders with $10 billion or less in total consolidated assets shall continue to receive a six percent dividend. The FAST Act also provides that the Board must adjust the $10 billion threshold for total consolidated assets annually to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis.

On November 23, 2016, the Board published a final rule (FAST Act Final Rule) in the **Federal Register** that amended Regulation I to implement section 32203 of the FAST Act.[6] Regulation I now includes multiple references in §§ 209.2, 209.3, and 209.4 to banks with total consolidated assets of either ''$10,000,000,000 or more'' or ''less than $10,000,000,000.'' [7] As required by the FAST Act, Regulation I provides that all references to the $10 billion total consolidated asset threshold shall be adjusted annually to reflect the change in the Gross Domestic Product Price Index.[8] The preamble to the FAST Act Final Rule noted that ''[t]he Board expects to make this adjustment using the final second quarter estimate of the Gross Domestic Product Price Index for each year, published by the Bureau of Economic Analysis.'' [9]

II. Adjustment

As of the effective date, the total consolidated asset threshold in Regulation I shall be $10,122,000,000. This is based on the final second quarter 2016 Gross Domestic Product Price Index estimate published by Bureau of Economic Analysis (111.268), which is 1.22% higher than the final second quarter 2015 Gross Domestic Product Price Index estimate (109.922).

III. Administrative Law Matters

Administrative Procedure Act

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Board finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.[10] The amendment in this document is technical and applies the method previously set forth in the FAST Act Final Rule.[11] For these reasons, the Board has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.[12] As noted previously,

[1] 12 U.S.C. 287.

[2] 12 CFR 209.4(a).

[3] 12 U.S.C. 287 and 12 CFR 209.4(c)(2).

[4] Public Law 114–94, 129 Stat. 1312 (2015). *See https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf/.*

[5] 12 U.S.C. 289(a)(1).

[6] 81 FR 84415 (Nov. 23, 2016). The final rule adopted, without change, an interim final rule that the Board published in the **Federal Register** on February 24, 2016 (81 FR 9082).

[7] Regulation I defines ''total consolidated assets'' as ''the total assets on the stockholder's balance sheet as reported by the stockholder on its Consolidated Report of Condition and Income (Call Report) as of the most recent December 31, except in the case of a new member or the surviving stockholder after a merger 'total consolidated assets' means (until the next December 31 Call Report becomes available) the total consolidated assets of the new member or the surviving stockholder at the time of its application for capital stock.'' 12 CFR 209.1(d)(3).

[8] 12 CFR 209.4(f).

[9] 81 FR at 84417.

[10] 5 U.S.C. 553(b)(B).

[11] *See* 12 CFR 209.4(f).

[12] 5 U.S.C. 603 and 604.

the Board has determined that it is unnecessary to publish a general notice of proposed rulemaking for this final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,[13] the Board has reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 12 CFR Part 209

Banks and banking, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends Regulation I, 12 CFR part 209, as follows:

PART 209—ISSUE AND CANCELLATION OF FEDERAL RESERVE BANK CAPITAL STOCK (REGULATION I)

■ 1. The authority citation for part 209 continues to read as follows:

Authority: 12 U.S.C. 12 U.S.C. 222, 248, 282, 286–288, 289, 321, 323, 327–328, and 466.

■ 2. In part 209, remove all references to ''$10,000,000,000'' and add in their place ''$10,122,000,000'', wherever they appear.

By order of the Board of Governors of the Federal Reserve System, February 17, 2017.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2017–03568 Filed 2–23–17; 8:45 am]

BILLING CODE 6210–01–P

[13] 44 U.S.C. 3506; 5 CFR 1320.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0674; Directorate Identifier 2014–SW–019–AD; Amendment 39–18792; AD 2017–03–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (Previously Eurocopter Deutschland GmbH) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2014–05–06 for Eurocopter Deutschland GmbH (ECD) (now Airbus Helicopters Deutschland GmbH) Model EC135 and MBB–BK 117 C–2 helicopters to correct an error in the compliance time. AD 2014–05–06 required inspecting the flight-control bearings and installing bushings and washers. This AD requires the same actions. These actions are intended to prevent an unsafe condition on these products.

DATES: This AD is effective March 31, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 14, 2014 (79 FR 13196, March 10, 2014).

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0674.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0674; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2014–05–06, Amendment 39–17779 (79 FR 13196, March 10, 2014) and add a new AD. AD 2014–05–06 required inspecting the flight control bearings repetitively, replacing any loose bearing with an airworthy flight control bearing, and installing bushings and washers. The NPRM published in the **Federal Register** on March 30, 2015 (80 FR 16603). The NPRM proposed to retain all of the required actions and correct an error in the compliance time. AD 2014–05–06 should have required installing the bushings and washers on Model EC135 helicopters within the next 100 hours time-in-service or at the next annual inspection, whichever occurs first. However, we omitted the word ''first'' from that sentence, which changes the meaning of the required compliance time.

AD 2014–05–06 was prompted by the discovery of loose flight control bearings because of incorrect installation. This condition could result in the affected control lever shifting, contacting the helicopter structure. The actions in AD 2014–05–06 were intended to prevent this unsafe condition, which could reduce control of the helicopter.

Also since we issued AD 2014–05–06, ECD changed its name to Airbus Helicopters Deutschland GmbH (Airbus Helicopters). This AD reflects that change and updates the contact information to obtain service documentation.

Comments

After our NPRM (80 FR 16603, March 30, 2015) was published, we received comments from one commenter.

Request

Airbus Helicopters first requested revising the compliance times for the repetitive inspections to match that in its current service information. For the Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters, Airbus Helicopters requested increasing the 800 hour interval to 1000 hours with an additional 10% margin. For MBB–BK 117 C–2 helicopters, Airbus Helicopters requested increasing the 600 hour interval to 800 hours with an additional 10% margin.

We disagree. Airbus Helicopters did not provide any technical justification to support this request. The final rule has not been changed as a result of this comment.

Airbus Helicopters also requested that if any bearing is loose, we require

replacing the lever or rebonding the affected bearing in accordance with its maintenance instructions.

We agree with the comment but disagree that a change to the AD is necessary. If there is a loose bearing, the AD requires replacing it with an airworthy part. If a bearing can be re-bonded in a manner acceptable to the FAA, then it would be an airworthy part.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA, reviewed the relevant information, considered the comments received, and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed with the changes described previously. These changes are consistent with the intent of the proposals in the NPRM (80 FR 16603, March 30, 2015), and will not increase the economic burden on any operator nor increase the scope of this AD.

Differences Between This AD and the EASA AD

Differences between this AD and the EASA AD are:

- The EASA AD is applicable to the EC 635 helicopter, whereas this AD is not because the EC 635 helicopter is not type certificated in the U.S.
- The EASA AD requires an initial inspection within 50 flight hours or one month, whichever occurs first after May 31, 2008, and a modification within the next 12 months. This AD requires the modification within 100 hours TIS or at the next annual inspection, whichever occurs first, and no inspection until after the modification has been accomplished.
- The EASA AD specifies repetitive inspection intervals not to exceed 800 hours TIS or 12 months, plus a 10% percent margin, whichever occurs first, for Model EC135 helicopters and 600 hours TIS or 12 months, plus a 10% percent margin, whichever occurs first, for the Model MBB–BK 117 C–2 helicopters. This AD requires repetitive inspection intervals not to exceed 800 hours TIS or 36 months, whichever occurs first, for Model EC135 helicopters and 600 hours TIS or 24 months, whichever occurs first, for Model MBB–BK 117 C–2 helicopters.
- The EASA AD applies to all Model EC135 and Model MBB–BK 117 C–2 helicopters, while this AD applies to certain serial-numbered Model EC135 and Model MBB–BK 117 C–2 helicopters, as recommended by the appropriate ECD ASB.

Related Service Information Under 1 CFR Part 51

Eurocopter (now Airbus Helicopters) has issued Alert Service Bulletin (ASB) MBB BK117 C–2–67A–010, Revision 3, dated February 8, 2010 for Model MBB–BK 117 C–2 helicopters, and ASB EC135–67A–019, Revision 3, dated December 16, 2009 for Model EC135 helicopters. These ASBs specify:

- Within the next 50 flight hours (FHs), inspecting the affected bearings and, if necessary, rebonding any affected bearings or replacing the lever assembly.
- Within 12 months, retrofitting bushings and washers on the levers to prevent movement of the bearings.
- After the retrofit, repeating the inspection every 800 FHs or 36 months for the Model EC135 helicopters, whichever comes first, and 600 FHs or 24 months, whichever comes first, for the Model MBB–BK 117 C–2 helicopters.

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

Costs of Compliance

We estimate that this AD affects 175 Model EC135 and 112 Model MBB–BK 117 C–2 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs:

- For EC135 helicopters, it takes about 32 work-hours to perform the modification. Parts cost about $312. The total cost for the modification is about $3,032 per helicopter and $530,600 for the U.S. operator fleet. The repetitive inspections require 6.5 work-hours for a cost of about $553 per helicopter and about $96,775 for the fleet per inspection cycle.
- For MBB–BK 117 C–2 helicopters, it takes about 32 work-hours to perform the modification. Parts cost about $396. The total cost for the modification is $3,116 per helicopter and $348,992 for the U.S. operator fleet. The cost for the repetitive inspections thereafter is about $85 per helicopter and $9,520 for the fleet per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–05–06, Amendment 39–17779 (79 FR 13196, March 10, 2014), and adding the following new AD:

2017–03–01 Airbus Helicopters Deutschland GmbH (Previously Eurocopter Deutschland GmbH): Amendment 39–18792; Docket No. FAA–2015–0674; Directorate Identifier 2014–SW–019–AD.

(a) Applicability

This AD applies to the following helicopters, certificated in any category:

(1) Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters, serial number (S/N) 0005 through 00829, with a tail rotor control lever, part number (P/N) L672M2802205 or L672M1012212; cyclic control lever, P/N L671M1005250; collective control lever assembly, P/N L671M2020108; or collective control plate, P/N L671M5040207; installed; and

(2) Model MBB–BK 117 C–2 helicopters, S/N 9004 through 9310, with a tail rotor control lever assembly, P/N B672M1007101 or B672M1807101; tail rotor control lever, P/N B672M1002202 or L672M2802205; or lateral control lever assembly, P/N B670M1008101, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as incorrectly installed flight control bearings. This condition could cause the affected control lever to shift and contact the helicopter structure, resulting in reduced control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2014–05–06, Amendment 39–17779 (79 FR 13196, March 10, 2014).

(d) Effective Date

This AD becomes effective March 31, 2017.

(e) Compliance

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

(f) Required Actions

(1) For Model EC135 P1, P2, P2+, T1, T2, and T2+ helicopters:

(i) Within the next 100 hours time-in-service (TIS) or at the next annual inspection, whichever occurs first, modify the left-hand (LH) and right-hand (RH) guidance units and the cyclic shaft by installing bushings and washers to prevent shifting of the bearings in the axial direction as follows:

(A) Remove and disassemble the LH guidance unit and install a bushing, P/N L672M1012260, between the bearing block and the lever of the LH guidance unit as depicted in Detail A of Figure 5 of Eurocopter Alert Service Bulletin EC135–67A–019, Revision 3, dated December 16, 2009 (EC135 ASB).

(B) For helicopters without a yaw brake, remove and disassemble the RH guidance unit and install a bushing, P/N L672M1012260, between the bearing block and the lever as depicted in Detail B of Figure 5 of EC135 ASB.

(C) Remove and disassemble the cyclic shaft and install a washer, P/N L671M1005260, between the bearing block and the lever as depicted in Detail C of Figure 6 of EC135 ASB.

(D) Remove the collective control rod from the bellcrank and install a washer, P/N L221M1042208, on each side of the collective control rod and bellcrank as depicted in Detail D of Figure 6 of EC135 ASB.

(E) At intervals not to exceed 800 hours TIS or 36 months, whichever occurs first, inspect the bearings in the LH guidance unit, RH guidance unit, cyclic control, upper guidance unit, and linear voltage differential transducer plate for play. If any bearing is loose, replace the affected bearing with an airworthy bearing.

(2) For Model MBB–BK 117 C–2 helicopters:

(i) Within the next 100 hours TIS or at the next annual inspection, whichever occurs first, modify the LH and RH guidance units and the lateral control lever by installing bushings and washers to prevent shifting of the bearings in the axial direction as follows:

(A) Remove and disassemble the RH guidance unit and install a bushing, P/N L672M1012260, between the lever and the bracket as depicted in Detail B of Figure 4 of Eurocopter Alert Service Bulletin MBB BK117 C–2–67A–010, Revision 3, dated February 8, 2010 (BK117 ASB). Remove and disassemble the LH guidance unit and install a bushing, P/N L672M1012260, between the lever and the bracket as depicted in Detail C of Figure 4 of BK117 ASB.

(B) Remove the lateral control lever and install new bushings in accordance with the Accomplishment Instructions, paragraphs 3.C(9)(a) through 3.C(9)(g), of BK 117 ASB.

(C) Identify the modified lever assembly by writing ''MBB BK117 C–2–67A–010'' on the lever with permanent marking pen and protect with a single layer of lacquer (CM 421or equivalent).

(D) Apply corrosion preventive paste (CM 518 or equivalent) on the shank of the screws and install airworthy parts as depicted in Figure 5 of BK117 ASB.

(E) At intervals not to exceed 600 hours TIS or 24 months, whichever occurs first, inspect the bearings in the RH guidance unit, LH guidance unit, and lateral control guidance unit for play. If any bearing is loose, replace the affected bearing with an airworthy bearing.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov*.

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

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2010–0058, dated March 30, 2010. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–0674.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6710, Main Rotor Control.

(j) Material Incorporated by Reference

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

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

(3) The Director of the Federal Register previously approved the incorporation by reference of the service information listed in this paragraph on April 14, 2014 (79 FR 13196, March 10, 2014).

(i) Eurocopter Alert Service Bulletin EC135–67A–019, Revision 3, dated December 16, 2009.

(ii) Eurocopter Alert Service Bulletin MBB BK117 C–2–67A–010, Revision 3, dated February 8, 2010.

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

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

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

Issued in Fort Worth, Texas, on January 25, 2017.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–02856 Filed 2–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9265; Airspace Docket No. 16–ANM–11]

RIN 2120–AA66

Amendment of VOR Federal Airways V–235 and V–293 in the Vicinity of Cedar City, Utah

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the preamble to a final rule published in the **Federal Register** of December 6, 2016, amending two Air Traffic Service Routes (ATS) in the vicinity of Cedar City, Utah. The three letter identifier for the renamed Enoch VOR/DME navigation aid is changed from (ENK) to (EHK).

DATES: The effective date of this final rule remains 0901 UTC, March 2, 2017. The Director of the Federal Register approves this incorporation by reference under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Correction

In the final rule FR Doc. 2016–29143, beginning on page 87802, in the issue of December 6, 2016, make the following correction, in ''The Rule'' section: On page 87802, column 3, line 61, remove ''(ENK)'' and add in its place ''(EHK)''.

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

Leslie M. Swann,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017–03544 Filed 2–23–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 160106014–7155–06]

RIN 0694–AG82

Temporary General License: Extension of Validity

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: On March 24, 2016, the Bureau of Industry and Security (BIS) published a final rule, Temporary General License. The March 24 final rule created a temporary general license that restored, for a specified time period, the licensing requirements and policies under the Export Administration Regulations (EAR) for exports, reexports, and transfers (in-country) as of March 7, 2016, to two entities (ZTE Corporation and ZTE Kangxun) that were added to the Entity List on March 8, 2016. At this time, the U.S. Government has decided to extend the temporary general license until March 29, 2017. In order to implement this decision, this final rule revises the temporary general license to remove the expiration date of February 27, 2017, and to substitute the date of March 29, 2017. This final rule makes no other changes to the EAR.

DATES: This rule is effective February 24, 2017 through March 29, 2017. The expiration date of the final rule published on March 24, 2016 (81 FR 15633) is extended until March 29, 2017.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 24, 2016, the Bureau of Industry and Security (BIS) published a final rule, Temporary General License (81 FR 15633). The March 24 final rule amended the EAR by adding Supplement No. 7 to part 744 to create a temporary general license that returned, until June 30, 2016, the licensing and other policies of the EAR regarding exports, reexports, and transfers (in-country) to Zhongxing Telecommunications Equipment (ZTE) Corporation and ZTE Kangxun to that which were in effect prior to their addition to the Entity List on March 8, 2016.

On June 28, 2016, BIS published a final rule, Temporary General License: Extension of Validity (81 FR 41799), which extended the validity of the temporary general license until August 30, 2016. On August 19, 2016, BIS published a final rule, Temporary General License: Extension of Validity (81 FR 55372), which extended, for a second time, the validity of the Temporary General License until November 28, 2016. On November 18, 2016, BIS published a final rule, Temporary General License: Extension of Validity (81 FR 81663), which extended, for a third time, the validity of the Temporary General License until February 27, 2017. Details regarding the scope of the listing are at 81 FR 12004 (Mar. 8, 2016), (''Additions to the Entity List''). Details regarding the Temporary General License can be found in the March 24 final rule and in Supplement No. 7 to Part 744—Temporary General License.

BIS issued the March 24 final rule, and the June 28, August 19, and November 18 extension of validity final rules, in connection with a request to remove or modify the listings. The March 24 final rule, and the June 28, August 19, and November 18 final rules, specified that the temporary general license was renewable if the U.S. Government determined, in its sole discretion, that ZTE Corporation and ZTE Kangxun were performing their undertakings to the U.S. Government in a timely manner and otherwise cooperating with the U.S. Government in resolving the matter which led to the two entities' listing.

At this time, the U.S. Government has decided to extend the temporary general license until March 29, 2017. In order to implement this U.S. Government decision, this final rule revises the temporary general license to remove the date of February 27, 2017, and substitute the date of March 29, 2017. This final rule makes no other changes to the EAR.

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 4, 2016, 81 FR 52587 (August 8, 2016), has continued the Export Administration Regulations in effect under the International Emergency Economic

Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222, as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). If this rule were delayed to allow for notice and comment and a delay in effective date, then the national security and foreign policy objectives of this rule would be harmed. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subject in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of January 20, 2016, 81 FR 3937 (January 22, 2016); Notice of August 4, 2016, 81 FR 52587 (August 8, 2016); Notice of September 15, 2016, 81 FR 64343 (September 19, 2016); Notice of November 8, 2016, 81 FR 79379 (November 10, 2016).

Supplement No. 7 to Part 744—[AMENDED]

■ 2. In Supplement No. 7 to part 744, remove ''February 27, 2017'' and add in its place ''March 29, 2017''.

Dated: February 21, 2017.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2017–03664 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 524, and 558

[Docket No. FDA–2016–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Withdrawal of Approval of a New Animal Drug Application; Change of Sponsor; Change of Sponsor's Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during September and October 2016. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to reflect changes of sponsorship of several applications and a change of a sponsor's address.

DATES: This rule is effective February 24, 2017, except for the amendment to 21 CFR 524.1465, which is effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Approval Actions

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during September and October 2016, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m.,

Monday through Friday. Persons with access to the Internet may obtain these documents at the CVM FOIA Electronic Reading Room: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *http://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING SEPTEMBER AND OCTOBER 2016

Approval date	File No.	Sponsor	Product name	Species	Effect of the action/indications for use	Public documents
October 26, 2016	141–465	Elanco US Inc, 2500 Innovation Way, Greenfield, IN 46140.	INTEPRITY (avilamycin) and COBAN (monensin) Type C medicated feeds.	Chickens	Original approval for the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens* in broiler chickens; and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.	FOI Summary.
September 8, 2016	200–592	Putney, Inc., One Monument Sq., Suite 400, Portland, ME 04101.	Amoxicillin Trihydrate and Clavulanate Potassium Tablets.	Dogs	Original approval of a generic copy of NADA 055–099.	FOI Summary.

II. Change of Sponsorship

Sogeval S. A., 200 Avenue de Mayenne, 53000 Laval, France has informed FDA that it has transferred ownership of, and all rights and interest in, the following applications to Ceva Sante Animale, 10 Avenue de la Ballastière, 33500 Libourne, France:

File No.	Product name	21 CFR section
099–667	IMPOSIL (iron heptomer) Injection	522.1182
110–399	GLEPTOSIL (gleptoferron) Injection	522.1055

Following these changes of sponsorship, Sogeval S. A. is no longer the sponsor of an approved NADA. Accordingly, the firm's name, address, and drug labeler code are being removed from § 510.600(c) (21 CFR 510.600(c)).

In addition, Zoetis, Inc., 333 Portage St., Kalamazoo, MI 49007 has informed FDA that it has transferred ownership of, and all rights and interest in, the following applications to Kinetic Technologies, LLC, 961 Beasley St., Suite 270, Lexington, KY 40509:

File No.	Product name	21 CFR section
006–417	RECOVR (tripelennamine hydrochloride) Injection	522.2615
032–319	FUROX (furazolidone) Aerosol Powder	524.1005
038–838	ROBAXIN–V (methocarbamol) Injection	522.1380
108–687	PET DERM III (dexamethasone) Tablets	520.540c
111–369	Dexamethasone Sterile Solution	522.540

Following these changes of sponsorship, Kinetic Technologies, LLC is now the sponsor of an approved NADA. Accordingly, the firm's name, address, and drug labeler code are being added to § 510.600(c).

III. Withdrawals of Approval

In addition, Putney, Inc., One Monument Square, Suite 400, Portland, ME 04101 has requested that FDA withdraw approval of ANADA 200–524 for Mupirocin Ointment 2% because the product is no longer manufactured or marketed.

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of ANADA 200–524, and all supplements and amendments thereto, is withdrawn, effective March 6, 2017. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect this voluntary withdrawal of approval.

IV. Technical Amendments

Wildlife Laboratories, Inc., 1401 Duff Dr., Suite 600, Fort Collins, CO 80524 has informed FDA that it has changed its address to 1230 W. Ash St., Suite D, Windsor, CO 80550. In addition, FDA has noticed that a sponsor name in § 510.600 does not reflect the particular punctuation used in this sponsor's applications and other correspondence. At this time, we are amending the list of sponsors of approved applications in § 510.600(c) to reflect this change of sponsor address and sponsor's punctuation.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, and 524

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 524, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

§ 510.600 [Amended]

■ 2. Revise § 510.600 as follows:
■ a. In the table in paragraph (c)(1):
■ i. In the entry for ''Elanco US, Inc.'', remove ''Elanco US, Inc.'' and in its place add ''Elanco US Inc.'';
■ ii. Alphabetically add an entry for ''Kinetic Technologies, LLC'';
■ iii. Remove the entry for ''Sogeval S. A.''; and
■ iv. Revise the entry for ''Wildlife Laboratories, Inc.''
■ b. In the table in paragraph (c)(2):
■ i. Numerically add an entry for ''051031'';
■ ii. Revise the entry for ''053923''
■ iii. In the entry for ''058198'', remove ''Elanco US, Inc.'' and in its place add ''Elanco US Inc.''; and
■ iv. Remove the entry for ''059120''.

The additions and revisions read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Kinetic Technologies, LLC, 961 Beasley St., Suite 270, Lexington, KY 40509	051031
* * * * * * *	
Wildlife Laboratories, Inc., 1230 W. Ash St., Suite D, Windsor, CO 80550	053923
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
051031	Kinetic Technologies, LLC, 961 Beasley St., Suite 270, Lexington, KY 40509.
* * * * * * *	
053923	Wildlife Laboratories, Inc., 1230 W. Ash St., Suite D, Windsor, CO 80550.
* * * * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 520.88g [Amended]

■ 4. In § 520.88g, in paragraph (b), remove ''No. 054771'' and in its place add ''Nos. 026637 and 054771''.

§ 520.540c [Amended]

■ 5. In § 520.540c, in paragraph (b), remove ''054771'' and in its place add ''051031''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 6. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.540 [Amended]

■ 7. In § 522.540, in paragraph (d)(2)(i), remove ''054771'' and in its place add ''051031''.

§ 522.1055 [Amended]

■ 8. In § 522.1055, in paragraph (b), remove ''059120'' and in its place add ''013744''.

§ 522.1182 [Amended]

■ 9. In § 522.1182, in paragraph (b)(3), remove ''059120'' and in its place add ''013744''.

§ 522.1380 [Amended]

■ 10. In § 522.1380, in paragraph (b), remove ''054771'' and in its place add ''051031''.

§ 522.2615 [Amended]

■ 11. In § 522.2615, in paragraph (b), remove ''054771'' and in its place add ''051031''.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 12. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 524.1005 [Amended]

■ 13. In § 524.1005, in paragraph (b)(1), remove ''054771'' and in its place add ''051031''.

§ 524.1465 [Amended]

■ 14. Effective March 6, 2017, in § 524.1465, in paragraph (b), remove ''026637''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 15. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 16. In § 558.68, revise paragraph (e)(1)(ii) to read as follows:

§ 558.68 Avilamycin.

* * * * *

(e) * * *

(1) * * *

Avilamycin in grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(ii) 13.6 to 40.9	Monensin 90 to 110; as provided by No. 058198 in § 510.600(c) of this chapter.	Broiler chickens: For the prevention of mortality caused by necrotic enteritis associated with *Clostridium perfringens* in broiler chickens; and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.	Feed as the sole ration for 21 consecutive days. To assure responsible antimicrobial drug use in broiler chickens, treatment administration must begin on or before 10 days of age. See § 558.355(d) of this chapter for additional required labeling.	058198

* * * * *

Dated: February 21, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–03677 Filed 2–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

[Docket No. FDA–2016–N–0002]

New Animal Drugs; Withdrawal of Approval of a New Animal Drug Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of an abbreviated new animal drug application (ANADA) at the sponsor's request because the product is no longer manufactured or marketed.

DATES: Withdrawal of approval is effective March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Sujaya Dessai, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5761, *sujaya.dessai@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Putney, Inc., One Monument Square, Suite 400, Portland, ME 04101 has requested that FDA withdraw approval of ANADA 200–524 for Mupirocin Ointment 2% because the product is no longer manufactured or marketed.

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of ANADA 200–524, and all supplements and amendments thereto, is hereby withdrawn, effective March 6, 2017.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of this application.

Dated: February 21, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–03678 Filed 2–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

[Docket No. FDA–2016–N–0002]

New Animal Drugs; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 18 new animal drug applications (NADAs) and 2 abbreviated new animal drug applications (ANADAs). These withdrawals of approval of NADAs and ANADAs for antimicrobial drugs of importance to human medicine that are administered to food-producing animals in medicated feed are being made because the products are no longer manufactured or marketed. These actions are consistent with the FDA Center for Veterinary Medicine's initiative for the Judicious Use of Antimicrobials.

DATES: Withdrawal of approval is effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Sujaya Dessai, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5761, *sujaya.dessai@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is withdrawing approval of 18 NADAs and 2 ANADAs. These applications were identified as being affected by guidance for industry (GFI) #213, ''New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions With GFI #209,'' December 2013 (*http://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM299624.pdf*). Their withdrawal of approval is consistent with the FDA Center for Veterinary Medicine's initiative for the Judicious Use of Antimicrobials.

Approval of the following applications for new animal drugs administered in medicated feed is being voluntarily withdrawn at the sponsors' requests because these products are no longer manufactured or marketed:

File No.	Product name	Sponsor
044–820	LINCOMIX (lincomycin)/AMPROL PLUS (amprolium and ethopabate).	Zoetis Inc. 333 Portage St. Kalamazoo, MI 49007 (Zoetis Inc.).

File No.	Product name	Sponsor
044–972	LINCOMIX (lincomycin)/COYDEN (clopidol)	Zoetis Inc.
047–261	LINCOMIX (lincomycin)/DECCOX (decoquinate)	Zoetis Inc.
047–262	LINCOMIX (lincomycin)/DECCOX (decoquinate)	Zoetis Inc.
048–954	LINCOMIX (lincomycin)/ZOAMIX (zoalene)	Zoetis Inc.
091–513	STAFAC (virginiamycin) Type A Medicated Article	Phibro Animal Health Corp., GlenPointe Centre East, 3d floor, 300 Frank W. Burr Blvd., Suite 21, Teaneck, NJ 07666 (Phibro Animal Health Corp.).
092–482	LINCOMIX (lincomycin)/COBAN (monensin)	Zoetis Inc.
093–106	LINCOMIX (lincomycin)/ROBENZ (robenidine)	Zoetis Inc.
101–689	LINCOMIX (lincomycin)/AVATEC (lasalocid)	Zoetis Inc.
122–481	STAFAC (virginiamycin)/COBAN (monensin)	Phibro Animal Health Corp.
122–608	STAFAC (virginiamycin)/AVATEC (lasalocid)	Phibro Animal Health Corp.
122–822	STAFAC (virginiamycin)/AMPROL PLUS (amprolium and ethopabate).	Phibro Animal Health Corp.
137–537	LINCOMIX (lincomycin)/BIO–COX (salinomycin)	Zoetis Inc.
138–792	TYLAN (tylosin)/RUMENSIN (monensin)/MGA (melengestrol acetate).	Zoetis Inc.
138–828	STAFAC (virginiamycin)/BIO–COX (salinomycin)	Phibro Animal Health Corp.
138–904	TYLAN (tylosin)/BOVATEC (lasalocid)/MGA (melengestrol acetate).	Zoetis Inc.
141–110	STAFAC (virginiamycin)/COBAN (monensin)	Phibro Animal Health Corp.
141–150	STAFAC (virginiamycin)/AVATEC (lasalocid)	Phibro Animal Health Corp.
200–092	STAFAC (virginiamycin)/SACOX (salinomycin)	Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria (Huvepharma EOOD).
200–093	LINCOMIX (lincomycin)/SACOX (salinomycin)	Huvepharma EOOD.

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADAs 044–820, 044–972, 047–261, 047–262, 048–954, 091–513, 092–482, 093–106, 101–689, 122–481, 122–608, 122–822, 137–537, 138–792, 138–828, 138–904, 141–110, 141–150, 200–092, and 200–093, and all supplements and amendments thereto, is hereby withdrawn, effective February 24, 2017.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of these applications.

Dated: February 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–03595 Filed 2–23–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

[Docket No. FDA–2016–N–0002]

New Animal Drugs for Use in Animal Feed; Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of eight supplemental new animal drug applications (NADAs). The effect of these supplemental applications will be to change the marketing status from over-the-counter (OTC) use to use by veterinary feed directive (VFD) for these antimicrobial drugs of importance to human medicine, administered to food-producing animals in medicated feed. Where applicable, FDA is also withdrawing approval of those parts of the NADAs that pertain to use of these antimicrobial drugs for production indications. These actions are being taken at the sponsors' requests because these particular medicated feeds will no longer be manufactured or marketed. These applications were submitted in voluntary compliance with the goals of FDA Center for Veterinary Medicine's (CVM's) Judicious Use Initiative. In addition, the animal drug regulations are being amended to reflect the voluntary withdrawal of approval of certain entire NADAs and abbreviated new animal drug applications (ANADAs) that were affected by this initiative.

DATES: This rule is effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Supplemental Approval of Revised Labeling and Withdrawal of Approval of Portions of NADAs Pertaining to Production Indications

FDA is amending the animal drug regulations to reflect approval of eight supplemental NADAs for revised labeling reflecting a change in marketing status from OTC use to use by VFD for antimicrobial drugs of importance to human medicine administered to food-producing animals in medicated feed. Where applicable, FDA is also withdrawing approval of those parts of the NADAs that pertain to use of these antimicrobial drugs for production indications. These actions are being taken at the sponsors' requests because these particular medicated feeds will no longer be manufactured or marketed.

These applications were identified as being affected by guidance for industry (GFI) #213, ''New Animal Drugs and

New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209'', December 2013 (*http://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM299624.pdf*). Their change from OTC to VFD marketing status is consistent with FDA CVM's initiative for the Judicious Use of Antimicrobials.

The affected applications for Type A medicated articles for which supplemental applications with revised labeling were approved are as follows:

File No.	Animal drug product	Sponsor
091–467	STAFAC 500 (virginiamycin) Type A Medicated Article	Phibro Animal Health Corp., GlenPointe Centre East, 3d Floor, 300 Frank W. Burr Blvd., Suite 21, Teaneck, NJ 07666 (Phibro Animal Health Corp.).
140–998	V–MAX (virginiamycin) Type A Medicated Article	Phibro Animal Health Corp.

The affected applications for manufacturing combination drug medicated feeds follow:

File No.	Animal drug product	Sponsor
046–718	TERRAMYCIN (oxytetracycline)/MGA (melengestrol acetate)	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007 (Zoetis Inc.).
046–719	TERRAMYCIN (oxytetracycline)/MGA (melengestrol acetate)	Zoetis Inc.
140–579	TERRAMYCIN (oxytetracycline)/BOVATEC (lasalocid)	Zoetis Inc.
141–114	STAFAC (virginiamycin)/AVIAX (semduramicin)	Phibro Animal Health Corp.
141–289	STAFAC (virginiamycin)/AVIAX II (semduramicin) (biomass)	Phibro Animal Health Corp.
141–430	STAFAC (virginiamycin)/COBAN (monensin)	Phibro Animal Health Corp.

II. Withdrawals of Approval

At the sponsors' requests, approval of applications is being withdrawn for medicated feeds containing antimicrobial drugs of importance to human medicine administered to food-producing animals because these products are no longer manufactured or marketed. The applications being withdrawn are as follows:

File No.	Product name	Sponsor
044–820	LINCOMIX (lincomycin)/AMPROL PLUS (amprolium and ethopabate).	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007 (Zoetis Inc.).
044–972	LINCOMIX (lincomycin)/COYDEN (clopidol)	Zoetis Inc.
047–261	LINCOMIX (lincomycin)/DECCOX (decoquinate)	Zoetis Inc.
047–262	LINCOMIX (lincomycin)/DECCOX (decoquinate)	Zoetis Inc.
048–954	LINCOMIX (lincomycin)/ZOAMIX (zoalene)	Zoetis Inc.
091–513	STAFAC (virginiamycin) Type A Medicated Article	Phibro Animal Health Corp., GlenPointe Centre East, 3d Floor, 300 Frank W. Burr Blvd., Suite 21, Teaneck, NJ 07666 (Phibro Animal Health Corp.).
092–482	LINCOMIX (lincomycin)/COBAN (monensin)	Zoetis Inc.
093–106	LINCOMIX (lincomycin)/ROBENZ (robenidine)	Zoetis Inc.
101–689	LINCOMIX (lincomycin)/AVATEC (lasalocid)	Zoetis Inc.
122–481	STAFAC (virginiamycin)/COBAN (monensin)	Phibro Animal Health Corp.
122–608	STAFAC (virginiamycin)/AVATEC (lasalocid)	Phibro Animal Health Corp.
122–822	STAFAC (virginiamycin)/AMPROL PLUS (amprolium and ethopabate).	Phibro Animal Health Corp.
137–537	LINCOMIX (lincomycin)/BIO–COX (salinomycin)	Zoetis Inc.
138–792	TYLAN (tylosin)/RUMENSIN (monensin)/MGA (melengestrol acetate).	Zoetis Inc.
138–828	STAFAC (virginiamycin)/BIO–COX (salinomycin)	Phibro Animal Health Corp.
138–904	TYLAN (tylosin)/BOVATEC (lasalocid)/MGA (melengestrol acetate).	Zoetis Inc.
141–110	STAFAC (virginiamycin)/COBAN (monensin)	Phibro Animal Health Corp.
141–150	STAFAC (virginiamycin)/AVATEC (lasalocid)	Phibro Animal Health Corp.
200–092	STAFAC (virginiamycin)/SACOX (salinomycin)	Huvepharma EOOD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria (Huvepharma EOOD).
200–093	LINCOMIX (lincomycin)/SACOX (salinomycin)	Huvepharma EOOD.

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADAs 044–820, 044–972, 047–261, 047–262, 048–954, 091–513, 092–482, 093–106, 101–689, 122–481, 122–608, 122–822, 137–537, 138–792, 138–828, 138–904, 141–110, and 141–150, and ANADAs 200–092 and 200–093, and all supplements and amendments thereto, is withdrawn, effective February 24, 2017. As provided in the regulatory text of this document, the animal drug

regulations are amended to reflect these voluntary withdrawals of approval.

A similar rule published in the **Federal Register** of December 27, 2016 (81 FR 94991), amended the approved conditions of use in 21 CFR part 558 to reflect approval of an additional 106 supplemental NADAs and supplemental ANADAs for the manufacture of medicated feeds for administration of antimicrobial drugs to food-producing animals and the voluntary withdrawal of approval of 11 NADAs and 4 ANADAs.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

■ 2. In § 558.450, redesignate paragraph (e)(4)(iii) as paragraph (e)(4)(v) and add paragraphs (e)(4)(iii) and (iv) to read as follows:

§ 558.450 Oxytetracycline.

* * * * *

(e) * * *

(4) *Cattle*—

Oxytetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
* *	*	* *	*	*
(iii) 75 mg/head/day	Lasalocid 25 to 30	Heifers fed in confinement for slaughter (over 400 lb): For reduction of incidence of liver abscesses; and for increased rate of weight gain and improved feed efficiency.	Feed continuously to provide 250 to 360 mg lasalocid and 75 mg of oxytetracycline per head per day. Lasalocid as provided by No. 054771 in § 510.600(c) of this chapter.	054771
(iv) 75 mg/head/day	Melengestrol acetate, 0.25 to 2.0.	Heifers fed in confinement for slaughter (over 400 lb): For reduction of incidence of liver abscesses; and for increased rate of weight gain, improved feed efficiency, and suppression of estrus (heat).	Feed continuously to provide 0.25 to 0.5 mg of melengestrol acetate and 75 mg of oxytetracycline per head per day. Melengestrol as provided by No. 054771 in § 510.600(c) of this chapter.	054771
* *	*	* *	*	*

* * * * *

■ 3. In § 558.635, revise paragraphs (a) and (e) and add paragraphs (d)(1) and (2) to read as follows:

§ 558.635 Virginiamycin.

(a) *Specifications.* Type A medicated articles containing 10, 20, 50, or 227 grams virginiamycin per pound.

* * * * *

(d) *Special considerations.* (1) Federal law restricts medicated feed containing this veterinary feed directive (VFD) drug to use by or on the order of a licensed veterinarian. See § 558.6 for additional requirements.

(2) The expiration date of VFDs for virginiamycin medicated feeds must not exceed 6 months from the date of issuance. VFDs for virginiamycin shall not be refilled.

* * * * *

(e) *Conditions of use*—(1) *Chickens*—

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 20		Broiler chickens: For prevention of necrotic enteritis caused by *Clostridium* spp. susceptible to virginiamycin.	Not for use in layers	066104
(ii)–(vi) [Reserved]				
(vii) 20	Monensin, 90 to 110	Broiler chickens: For prevention of necrotic enteritis caused by *Clostridium* spp. susceptible to virginiamycin; and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. maxima,* and *E. mivati.*	Feed continuously as the sole ration. Do not feed to laying chickens. Monensin as provided by No. 058198 in § 510.600(c) of this chapter.	066104
(viii) [Reserved]				

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(ix) 20	Semduramicin, 22.7	Broiler chickens: For prevention of necrotic enteritis caused by *Clostridium* spp. susceptible to virginiamycin; for the prevention of coccidiosis caused by *Eimeria acervulina, E. brunetti, E. maxima, E mivati/mitis, E. necatrix,* and *E. tenella*.	Feed continuously as the sole ration. Do not feed to laying hens. Semduramicin as provided by No. 066104 in § 510.600(c) of this chapter.	066104
(x) 20	Semduramicin (biomass), 22.7	Broiler chickens: For prevention of necrotic enteritis caused by *Clostridium* spp. susceptible to virginiamycin; for the prevention of coccidiosis caused by *Eimeria acervulina, E. brunetti, E. maxima, E mivati/mitis, E. necatrix,* and *E. tenella*.	Feed continuously as the sole ration. Withdraw 1 day before slaughter. Do not feed to laying hens. Semduramicin as provided by No. 066104 in § 510.600(c) of this chapter.	066104

(2) *Swine*—

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 25		Growing-finishing swine: As an aid in control of dysentery in swine up to 120 pounds in animals or on premises with a history of swine dysentery but where symptoms have not yet occurred.		066104
(ii) 50 or 100		Growing-finishing swine: For treatment and control of swine dysentery in swine up to 120 pounds.	Feed 100 grams per ton for 2 weeks, 50 grams per ton thereafter.	066104
(iii) 100		Growing-finishing swine: For treatment of swine dysentery in nonbreeding swine over 120 pounds.	Feed for 2 weeks	066104

(3) *Cattle*—

Virginiamycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(i) 13.5 to 16.0		Cattle fed in confinement for slaughter: For reduction of incidence of liver abscesses.	Feed continuously as the sole ration to provide 85 to 240 milligrams per head per day. Not for use in animals intended for breeding.	066104
(ii) [Reserved]				

Dated: February 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–03596 Filed 2–23–17; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA–HQ–OPP–2014–0457; FRL–9957–97]

VNT1 Protein in Potato; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of VNT1 protein in potato when used as a plant-incorporated protectant. J.R. Simplot Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting a permanent exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of VNT1 protein in potato under FFDCA.

DATES: This regulation is effective February 24, 2017. Objections and requests for hearings must be received on or before April 25, 2017 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also

Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0457, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0457 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 25, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0457, by one of the following methods:

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

II. Background

In the **Federal Register** of April 25, 2016 (81 FR 24047) (FRL–9944–86), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 5F8425) by J.R. Simplot Co., 5369 W. Irving St., Boise, ID 83706. The petition requested that 40 CFR part 174 be amended by establishing an exemption from the requirement of a tolerance for residues of VNT1 protein in potato. That document referenced a summary of the petition prepared by the petitioner J.R. Simplot Company, which is available in the docket via *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

EPA previously established a temporary exemption from tolerance for VNT1 protein in potato (40 CFR 174.534; 80 FR 9387) in conjunction with an Experimental Use Permit (8917–EUP–2) in 2015. This temporary exemption was subsequently amended (extended) on December 17, 2015 and expires on April 1, 2017.

III. Final Rule

A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption, and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicity and exposure data on VNT1 protein and considered its validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on that data can be found within the December 6, 2016, document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Considerations for VNT1 protein.'' This document, as well as other relevant information, is available in the docket

for this action as described under **ADDRESSES**. Based upon its evaluation, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of VNT1 protein. Therefore, an exemption from the requirement of a tolerance is established for residues of VNT1 protein in potato when used as a plant-incorporated protectant in accordance with the terms of registration.

B. Analytical Enforcement Methodology

EPA has determined that an analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation. Nonetheless, an analytical method was provided by J.R. Simplot for the detection of VNT1 protein in potato. This method utilizes a quantitative polymerase chain reaction (qPCR) to detect the presence of the *Rpi-vntl* gene in pSIM1678 transformed plants (pSIM1678 is the transformation vector used by the registrant to incorporate the *Rpi-vntl* gene into potato varieties). There are numerous homologs of *Rpi-vnt1* present in potato and tomato varieties and other wild *Solanum* species that may result in non-specific amplification when using primers designed to amplify *Rpi-vnt1.* To distinguish between plants that naturally contain homologous sequences and those transformed with pSIM1678, a second method amplifies a unique junction between the *Rpi-vnt1* terminator and the AGP promoter present in the pSIM1678 T–DNA. This second method is intended to confirm the presence or absence of pSIM1678 if there are false positive detection of *Rpi-vnt1* homologs.

C. Revisions to Requested Tolerance Exemption

The current temporary tolerance exemption for VNT1 protein in potato (40 CFR 174.534) approved by EPA on December 17, 2015, will be changed to a permanent tolerance exemption.

IV. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, EPA has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 174

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

Dated: January 18, 2017.

Jack Housenger,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 174—[AMENDED]

■ 1. The authority citation for part 174 continues to read as follows:

Authority: 7. U.S.C. 136–136y; 21 U.S.C. 321(q), 346a and 371.

■ 2. Revise § 174.534 to read as follows:

§ 174.534 VNT1 protein; exemption from the requirement of a tolerance.

Residues of VNT1 protein in potato are exempt from the requirement of a tolerance when the *Rpi-vnt1* gene that express the VNT1 protein is used as a plant-incorporated protectant in potato.

[FR Doc. 2017–03580 Filed 2–23–17; 8:45 am]

BILLING CODE 6560–50–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1250

[Docket No. EP 724 (Sub-No. 4)]

United States Rail Service Issues—Performance Data Reporting

Correction

In rule document 2017–02492, appearing on pages 9529–9529, in the issue of Tuesday, February 7, 2017, make the following correction:

On page 9529, in the third column, the signature block should read as follows:

Decided: January 27, 2017.

By the Board, Acting Chairman Begeman, Vice Chairman Miller, and Commissioner Elliott.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. C1–2017–02492 Filed 2–23–17; 8:45 am]

BILLING CODE 1301–00–D

Proposed Rules

Federal Register

Vol. 82, No. 36

Friday, February 24, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0611; FRL–9959–42–Region 6]

Promulgation of Air Quality Implementation Plans; State of Texas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: In the January 4, 2017 **Federal Register**, the Environmental Protection Agency (EPA) requested comments by March 6, 2017 on a proposed rule pertaining to Clean Air Act requirements for regional haze and interstate visibility transport. This proposal would promulgate a Federal Implementation Plan (FIP) to address the Clean Air Act requirement for eligible electric generating units (EGUs) in Texas to install and operate the Best Available Retrofit Technology (BART). This proposal would also disapprove a portion of the Texas State Implementation Plan (SIP) that evaluated BART for Particulate Matter (PM) at EGUs. In addition, this proposal reconsiders earlier disapprovals of portions of several SIP revisions submitted to satisfy the requirement to address interstate visibility transport for six National Ambient Air Quality Standards (NAAQS), newly proposing that they be disapproved and that the proposed EGU BART FIP would satisfy any FIP obligation for interstate visibility transport that would follow from those disapprovals. EPA is extending the public comment period for this proposal until May 5, 2017.

DATES: Written comments must be received on or before May 5, 2017.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2016–0611, at *http://www.regulations.gov* or via email to *R6_TX-BART@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the Web, cloud, or other file sharing system). For additional submission methods, please contact Joe Kordzi, 214–665–7186, *Kordzi.joe@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

The Texas regional haze SIP is available online at: *https://www.tceq.texas.gov/airquality/sip/bart/haze_sip.html.* It is also available for public inspection during official business hours, by appointment, at the Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Joe Kordzi, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–7186; fax number 214–665–7263; email address *Kordzi.joe@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

On January 4, 2017, we published in the **Federal Register** a proposed rule pertaining to regional haze and interstate visibility transport (82 FR 912). Specifically, we proposed to (1) partially disapprove a portion of the Texas SIP pertaining to the PM BART requirement for EGUs, (2) address the BART requirement for Texas EGUs through a FIP including source-specific BART limits on 29 EGUs for PM and sulfur dioxide (SO_2) and a finding that NOx BART for EGUs in Texas is met by participation in the Cross-State Air Pollution Rule (CSAPR), (3) reconsider and re-propose disapproval of portions of several SIP revisions submitted to satisfy the requirement to address interstate visibility transport for six NAAQS, and (4) determine that the proposed BART FIP emission limits would meet the interstate visibility transport requirements for these NAAQS, satisfying any FIP obligations that would follow from disapprovals of the SIP revisions on requirements to address interstate visibility transport. We received several requests for an extension of the comment period and, in response, have decided to allow an additional 60 days. We are extending the comment period to May 5, 2017.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxides, Visibility, Interstate transport of pollution, Regional haze, Best available control technology.

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

Dated: February 9, 2017.

Wren Stenger,

Multimedia Division Director, Region 6.

[FR Doc. 2017–03478 Filed 2–23–17; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0067; FRL–9959–63–Region 10]

Proposed Further Delay of Effective Date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area Published by the Environmental Protection Agency on January 4, 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; further delay of effective date.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' and the **Federal Register** document published by the Environmental Protection Agency (EPA or Agency) on January 26, 2017, the EPA is proposing to further delay the effective date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area until April 20, 2017.

DATES: Written comments on the proposed rule must be received by March 3, 2017.

ADDRESSES: Submit your comments, identified by Docket ID EPA–R10–OAR–2015–0067, online at *www.regulations.gov.* For comments submitted at *www.regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency, Region 10, 1200 Sixth Ave., Suite 900, Seattle, WA 98101; telephone number: (206) 553–0256; email address: *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: On January 26, 2017, the EPA published a document in the **Federal Register** entitled ''Delay of Effective Date for 30 Final Regulations Published by the Environmental Protection Agency Between October 28, 2016 and January 17, 2017'' (82 FR 8499). In that document, the EPA delayed the effective date of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area to March 21, 2017, as requested in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'' (January 20 Memo). That memo directed the heads of Executive Departments and Agencies to temporarily postpone for 60 days from the date of the January 20 Memo the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

The January 20 Memo also states: ''Where appropriate and as permitted by applicable law, [agencies] should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period.'' In this document, the EPA is proposing to further delay the effective date for Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area until April 20, 2017. The EPA is proposing this additional delay to give Agency officials the opportunity to decide whether they would like to conduct a substantive review of this rule. If Agency officials decide to conduct a substantive review of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area, the EPA will take appropriate actions to conduct such a review, including, but not limited to, issuing a document in the **Federal Register** addressing any further delays of the effective date of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area or extensions of compliances dates in the rule. If Agency officials decide not to conduct a substantive review of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area, it will become effective on April 20, 2017.

The EPA solicits comment only on its proposal to further delay the effective date of Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho $PM_{2.5}$ Nonattainment Area. The EPA is not soliciting and will not consider comments on any other aspect of the rule itself.

Dated: February 16, 2017.

Michelle Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2017–03577 Filed 2–23–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0615; FRL–9959–08–Region 4]

Air Plan Approval; TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Middle Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Tennessee, submitted through the Tennessee Department of Environment and Conservation (TDEC), on November 21, 2016. This SIP revision was submitted in support of the State's request that EPA change the federal Reid Vapor Pressure (RVP) requirements for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties (hereinafter referred to as the ''Middle Tennessee Area'' or ''Area''). Tennessee's November 21, 2016, SIP submittal revises its maintenance plan for the Middle Tennessee Area for the 1997 8-hour ozone national ambient air quality standard (NAAQS) and demonstrates that relaxing the federal RVP requirements in this Area would not interfere with the Area's ability to meet the requirements of the Clean Air Act (CAA or Act). Specifically, Tennessee's SIP revision concludes that relaxing the federal RVP requirement from 7.8 pounds per square inch (psi) to 9.0 psi for gasoline sold between June 1 and September 15 of each year in the Area would not interfere with attainment or maintenance of the

NAAQS or with any other CAA requirement. EPA is proposing to determine that Tennessee's November 21, 2016, SIP revision is consistent with the applicable provisions of the CAA.

DATES: Comments must be received on or before March 27, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0615 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Akers can be reached via telephone at (404) 562–9089 or via electronic mail at *akers.brad@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What is being proposed today?

This rulemaking proposes to approve Tennessee's noninterference demonstration, submitted on November 21, 2016, in support of the State's request that EPA relax the federal RVP requirement from 7.8 psi to 9.0 psi for gasoline sold between June 1 and September 15 of each year (*i.e.,* during high ozone season) in the Area. The State is requesting the removal of the federal 7.8 psi RVP requirement. As part of that request, Tennessee has evaluated whether removal of this requirement would interfere with air quality in the Area. To make this demonstration of noninterference, Tennessee completed a technical analysis, including modeling, to estimate the change in emissions that would result from a switch to 9.0 psi RVP fuel. EPA has reviewed this technical analysis and is proposing to find that Tennessee's demonstration supports the conclusion that the use of gasoline with an RVP of 9.0 psi throughout the Middle Tennessee Area will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

EPA is proposing to approve changes to the existing CAA section 110(a)(1) ozone maintenance plan, including updated modeling, that show that the Middle Tennessee Area can continue to maintain the ozone standards without the use of gasoline with an RVP of 7.8 psi during the high ozone season. More specifically, EPA is proposing to approve that portion of Tennessee's November 21, 2016, SIP revision which includes a technical demonstration that changing the federal RVP requirements in this Area from 7.8 psi to 9.0 psi will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.[1]

This preamble is hereinafter organized into five parts. Section II provides the background of the Middle Tennessee Area designation status with respect to the various ozone NAAQS. Section III describes the applicable history of federal gasoline regulation. Section IV provides the Agency's policy regarding relaxation of the volatility standards. Section V provides EPA's analysis of the information submitted by Tennessee to support a change for the conventional gasoline volatility standard in the Middle Tennessee Area.

II. What is the background for the Middle Tennessee Area?

The Middle Tennessee Area was originally designated as a 1-hour ozone nonattainment area by EPA on March 3, 1978 (43 FR 8962). The Middle Tennessee Area, then referred to as the Nashville Area, was geographically defined as Davidson, Rutherford, Sumner, Williamson, and Wilson Counties, Tennessee. On November 6, 1991, by operation of law under section 181(a) of the CAA, EPA classified the Middle Tennessee nonattainment area as a moderate nonattainment area for ozone. *See* 56 FR 56693. Among the requirements applicable to nonattainment areas for the 1-hour ozone NAAQS, pursuant to the Clean Air Act Amendments of 1990, was the requirement to meet certain volatility standards (known as Reid Vapor Pressure or RVP) for gasoline sold commercially for calendar years 1992 and beyond. *See* 55 FR 23658 (June 11, 1990). As discussed in Section III below, a 7.8 psi federal RVP requirement first applied to the Area during the high ozone season given its status as a marginal nonattainment area for the 1-hour ozone standard after the effective date of the November 6, 1991 designation.[2]

TDEC originally requested a redesignation of the Middle Tennessee Area to attainment for the 1-hour ozone NAAQS on November 14, 1994. Tennessee updated its request and maintenance plan on August 9, 1995, and January 19, 1996. EPA approved the redesignation and maintenance plan on October 30, 1996, based on 1992–1994 ambient air quality monitoring data showing the Area attaining the NAAQS. *See* 61 FR 55903. Tennessee's 1-hour ozone redesignation request and maintenance plan did not include a request to relax the 7.8 psi federal RVP standard.

On April 30, 2004, EPA designated and classified areas for the 8-hour ozone NAAQS that was promulgated at a level of 0.085 parts per million on July 18, 1997. *See* 69 FR 23857. In this action, the Middle Tennessee Area had a pending designation as nonattainment for the 1997 8-hour ozone NAAQS with a delayed effective date because the Area was an Early Action Compact (EAC) area. EAC areas developed attainment demonstrations and implemented control measures on an expedited schedule to bring areas into compliance with the NAAQS prior to the effective designations. As such, TDEC submitted an attainment demonstration for the Middle Tennessee Area on December 29, 2004. EPA approved the attainment demonstration for the Area on August 26, 2005 (70 FR 50199). Subsequently, the Area showed attainment for the 1997 8-hour ozone NAAQS with a design value of 0.084 parts per million using quality assured data for the years of 2005–2007. The Area was designated to attainment for the 1997 8-hour ozone NAAQS in a final rulemaking on April 2, 2008, and was therefore never effectively designated as

[1] A separate rulemaking is required for relaxation of the current requirement to use gasoline with an RVP of 7.8 psi in the Area. This action proposes EPA's evaluation of the approvability of Tennessee's noninterference demonstration pursuant to section 110(l). The decision regarding removal of Federal RVP requirements pursuant to section 211(h) in the Area includes other considerations evaluated at the discretion of the Administrator. As such, the determination regarding whether to remove the Area from those areas subject to the section 211(h) requirements is made through a separate rulemaking action.

[2] The designations were effective January 6, 1992.

nonattainment for that NAAQS. *See* 73 FR 17897. Tennessee did not request to relax the 7.8 psi federal RVP standard in relation to the EAC planning or attainment demonstration.

Pursuant to CAA section 110(a)(1), and consistent with EPA guidance, EAC areas submitted plans to demonstrate continued maintenance of the 1997 8-hour ozone NAAQS.[3] As required, these 110(a)(1) maintenance plans provide for continued attainment and maintenance of the 1997 8-hour ozone NAAQS for at least 10 years from the effective date of these areas' designation as attainment for the 1997 8-hour ozone NAAQS. These plans also include components demonstrating how each area will continue to attain the 1997 8-hour ozone NAAQS, and provide contingency measures should an area violate the NAAQS. On August 3, 2010, TDEC submitted a draft 110(a)(1) maintenance plan for the Middle Tennessee Area for the 1997 8-hour ozone NAAQS, and submitted the final SIP revision on October 13, 2010. EPA approved the maintenance plan on January 28, 2011 (76 FR 5078).

Tennessee is now requesting that EPA remove the federal 7.8 psi RVP requirement for the Middle Tennessee Area, and the State submitted a SIP revision on November 21, 2016, revising its 110(a)(1) maintenance plan for the 1997 8-hour ozone NAAQS, including a noninterference demonstration to support its request.[4]

III. What is the history of the gasoline volatility requirement?

On August 19, 1987 (52 FR 31274), EPA determined that gasoline nationwide had become increasingly volatile, causing an increase in evaporative emissions from gasoline-powered vehicles and equipment. Evaporative emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors to the formation of tropospheric ozone and contribute to the nation's ground-level ozone problem. Exposure to ground-level ozone can reduce lung function (thereby aggravating asthma or other respiratory conditions), increase susceptibility to respiratory infection, and may contribute to premature death in people with heart and lung disease.

The most common measure of fuel volatility that is useful in evaluating gasoline evaporative emissions is RVP. Under section 211(c) of CAA, EPA promulgated regulations on March 22, 1989 (54 FR 11868), that set maximum limits for the RVP of gasoline sold during the high ozone season. These regulations constituted Phase I of a two-phase nationwide program, which was designed to reduce the volatility of commercial gasoline during the summer ozone control season. On June 11, 1990 (55 FR 23658), EPA promulgated more stringent volatility controls as Phase II of the volatility control program. These requirements established maximum RVP standards of 9.0 psi or 7.8 psi (depending on the State, the month, and the area's initial ozone attainment designation with respect to the 1-hour ozone NAAQS during the high ozone season).

The 1990 CAA Amendments established a new section, 211(h), to address fuel volatility. Section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. Section 211(h) prohibits EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower (more stringent) standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with section 211(h) of the CAA. The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, beginning in 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658). A current listing of the RVP requirements for states can be found on EPA's Web site at: *https://www.epa.gov/gasoline-standards.*

As explained in the December 12, 1991 (56 FR 64704), Phase II rulemaking, EPA believes that relaxation of an applicable RVP standard is best accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as an attainment area, section 107(d)(3) of the Act requires the state to make a showing, pursuant to section 175A of the Act, that the area is capable of maintaining attainment for the ozone NAAQS for ten years after redesignation. Depending on the area's circumstances, this maintenance plan will either demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard or that the more stringent volatility standard may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, EPA will not relax the volatility standard unless the state requests a relaxation and the maintenance plan demonstrates, to the satisfaction of EPA, that the area will maintain attainment for ten years without the need for the more stringent volatility standard.

As noted previosly, Tennessee did not request relaxation of the applicable 7.8 psi federal RVP standard when the Middle Tennessee Area was redesignated to attainment for the 1-hour ozone NAAQS. Tennessee is therefore now revising its maintenance plan and modeling for the 1997 8-hour ozone NAAQS with a conservative approach in estimating emissions by using a level of 9.0 psi.

IV. What are the section 110(l) requirements?

To support Tennessee's request to relax the federal RVP requirement in the Middle Tennessee Area, the State must demonstrate that the requested change will satisfy section 110(l) of the CAA. Section 110(l) requires that a revision to the SIP not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of the Act. EPA's criterion for determining the approvability of Tennessee's November 21, 2016, SIP revision is whether the noninterference demonstration associated with the relaxation request satisfies section 110(l). The modeling associated with Tennessee's maintenance plan for the 1997 8-hour ozone NAAQS is premised upon the 7.8 psi RVP requirements. So the request for a change in the federal RVP requirement is accompanied by a revision to the maintenance plan with updated modeling based on the 9.0 psi RVP. EPA is proposing approval of the revised maintenance plan based on an evaluation of current air quality monitoring data, the information provided in the revised maintenance plan, and the maintenance plan requirements in the CAA.

EPA evaluates each section 110(l) noninterference demonstration on a case-by-case basis considering the circumstances of each SIP revision. EPA

[3] US EPA, Lydia Wegman, May 20, 2005. *Memorandum and Guidance Document: Maintenance Plan Guidance Document for Certain 8-hour Ozone Areas Under Section 110(a)(1) of Clean Air Act.*

[4] Effective July 20, 2012, EPA designated the Middle Tennessee Area as unclassifiable/attainment for the 2008 8-hour ozone NAAQS. See 77 FR 30088 (April 30, 2012). Although the Middle Tennessee Area is designated as unclassifiable/attainment for the 2008 8-hour ozone NAAQS and attainment for the 1997 8-hour ozone NAAQS, the federal 7.8 psi RVP requirement nonetheless remains in place because the State has never requested removal of the more stringent RVP.

interprets 110(l) as applying to all NAAQS that are in effect, including those that have been promulgated but for which EPA has not yet made designations. The degree of analysis focused on any particular NAAQS in a noninterference demonstration varies depending on the nature of the emissions associated with the proposed SIP revision. EPA's analysis of Tennessee's November 21, 2016, SIP revision pursuant to section 110(l) is provided below.

EPA notes that in this action, it is only proposing to approve the State's technical demonstration that the Area can continue to attain and maintain the NAAQS and meet other CAA requirements after switching to the sale of gasoline with an RVP of 9.0 psi in the Middle Tennessee Area during the high ozone season and to amend the SIP to include this demonstration and revise the maintenance plan for the 1997 8-hour ozone NAAQS. Consistent with CAA section 211(h) and the Phase II volatility regulations, EPA will initiate a separate rulemaking to relax the current federal requirement to use gasoline with an RVP of 7.8 psi in the Middle Tennessee Area.

V. What is EPA's analysis of Tennessee's submittal?

a. Overall Preliminary Conclusions Regarding Tennessee's Non-Interference Analyses

On November 21, 2016, TDEC submitted a SIP revision making changes to the 110(a)(1) maintenance plan for the Middle Tennessee Area, including a noninterference demonstration to support the State's request to modify the RVP summertime gasoline requirement from 7.8 psi to 9.0 psi for the Area. This demonstration includes an evaluation of the impact that the removal of the 7.8 psi RVP requirement would have on maintenance of the ozone standards and on the maintenance of the other NAAQS.[5] Tennessee focused its analysis on the impact of the change in RVP to attainment and maintenance of the ozone, PM,[6] and NO_2 NAAQS because RVP requirements do not affect lead, sulfur dioxide (SO_2), or carbon monoxide (CO) emissions; because VOC and NO_X emissions are precursors for ozone and PM; and because NO_2 is a component of NO_X.

TDEC's noninterference analysis utilized EPA's 2014 Motor Vehicle Emissions Simulator (MOVES2014a) emission modeling system to estimate emissions for mobile sources.[7] These mobile source emissions are used as part of the evaluation of the potential impacts to the NAAQS that might result exclusively from changing the high ozone season RVP requirement from 7.8 psi to 9.0 psi. As summarized in Tables 1 and 2, below, the MOVES model predicted minor increases in mobile source NO_X and VOC emissions from the switch to 9.0 psi RVP fuel. Daily on-road mobile NO_X emissions are projected to increase by 0.09 tpd in 2018 during the ozone season, while daily on-road mobile VOC emissions are projected to increase by 0.05 tpd (approximately 0.3 percent for both pollutants).

TABLE 1—ON-ROAD MOBILE SOURCE OZONE SEASON NO_X EMISSIONS (AVEAGE TONS/DAY) IN MIDDLE TENNESSEE

County	7.8 psi RVP				9.0 psi RVP
	2007	2010	2014	2018	2018
Davidson	40.50	33.80	24.86	15.88	15.92
Rutherford	20.40	17.10	12.70	8.28	8.30
Sumner	9.20	7.50	5.22	2.94	2.95
Williamson	13.50	11.06	7.82	4.56	4.57
Wilson	13.80	11.31	8.00	4.67	4.68
Total	97.40	80.77	58.59	36.33	36.42

TABLE 2—ON-ROAD MOBILE SOURCE OZONE SEASON VOC EMISSIONS (AVERAGE TONS/DAY) IN MIDDLE TENNESSEE

County	7.8 psi RVP				9.0 psi RVP
	2007	2010	2014	2018	2018
Davidson	17.10	14.69	11.47	8.25	8.26
Rutherford	5.60	5.10	4.44	3.75	3.77
Sumner	3.30	2.93	2.45	1.95	1.96
Williamson	4.50	3.93	3.17	2.41	2.41
Wilson	3.30	2.95	2.47	1.99	2.00
Total	33.80	29.60	24.00	18.35	18.40

TDEC's analysis in the November 21, 2016, submittal shows that RVP relaxation could increase total anthropogenic VOC emissions by 0.8 percent and increase total anthropogenic NO_X emissions by 0.1 percent in 2018. Table 3, below, shows the total estimated anthropogenic emissions of NO_X and VOC from area, point, on-road, nonroad and aircraft, locomotive, and commercial marine source categories for the Middle Tennessee Area.[8] Emissions reported for 2018 in the Table assume the use of 9.0 psi RVP fuel whereas emissions from 2007 through 2014 assume the use of 7.8 psi RVP fuel. The 110(a)(1) Maintenance Plan Guidance indicates that the principal mechanism for demonstrating continued attainment is a projected future inventory. NO_X and VOC

[5] The six NAAQS for which EPA establishes health and welfare based standards are CO, lead, NO_2, ozone, PM, and SO_2.

[6] PM is composed of $PM_{2.5}$ and PM_{10}.

[7] The MOVES2014a model was the latest EPA mobile source model available to the State at the time that it developed its SIP revision. TDEC's modeling using MOVES2014a conforms with EPA's modeling guidance.

[8] To see more details about emissions inventory development, see Appendices A–D of the November 21, 2016, SIP submittal.

emissions are projected to continue to decrease in the Middle Tennessee Area even with the use of 9.0 psi RVP fuel in the entire Area. NO_X emissions are expected to decrease by 46% from 2007 to 2018 for the Middle Tennessee Area. Similarly, VOC emissions are expected to decrease by 26% over the same timeframe. Therefore, emissions resulting in the change in RVP are not expected to cause the area to be out of compliance with any NAAQS.

TABLE 3—TOTAL ANTHROPOGENIC OZONE SEASON EMISSIONS OF NO_X AND VOC (AVERAGE TONS/DAY) FOR MIDDLE TENNESSEE

Year	NO_X	VOC
2007 (7.8 psi RVP)	164.25	126.18
2010 (7.8 psi RVP)	141.48	119.18
2014 (7.8 psi RVP)	115.90	93.30
2018 (9.0 psi RVP)	89.17	92.91
Difference from 2007 to 2018	−75.08	−33.27

b. Noninterference Analysis for the Ozone NAAQS

As described above, the Middle Tennessee Area was redesignated to attainment for purposes of the 1-hour ozone NAAQS. This redesignation was based upon a Tennessee redesignation request for the Area which included the required 1-hour ozone monitoring data and maintenance plan ensuring the Area would remain in attainment of the 1-hour ozone NAAQS for at least a period of 10 years (consistent with CAA 175A(a)). The maintenance plan requirements remained in place for the counties when they were subsequently designated unclassifiable/attainment on April 30, 2004, for the 1997 8-hour ozone NAAQS (69 FR 23858) effective June 15, 2004. However, because this 1997 8-hour ozone unclassifiable/attainment area had an existing maintenance plan pursuant to the 1-hour ozone NAAQS, it was required to submit a 10-year 110(a)(1) maintenance plan for purposes of the 1997 8-hour ozone NAAQS. As required, 110(a)(1) maintenance plans provide for continued attainment and maintenance of the 1997 8-hour ozone NAAQS for at least 10 years from the effective date of areas' designation as unclassifiable/attainment for the 1997 8-hour ozone NAAQS. As a previous 1-hour ozone nonattainment area, the Middle Tennessee Area was already subject to the federal RVP requirements for high ozone season gasoline. Although originally implemented for the 1-hour ozone NAAQS, these Federal RVP requirements continued to apply to the Middle Tennessee Area per the 110(a)(1) maintenance plan required to show continued attainment and maintenance of the 1997 8-hour ozone NAAQS.

The Middle Tennessee Area is continuing to meet the 1-hour NAAQS, the 1997 8-hour ozone NAAQS,[9] and the 2008 8-hour ozone NAAQS, based on recent air quality monitoring data. The 2008 ozone NAAQS is met when the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years is 0.075 parts per million (ppm) or less. Similarly, the 2015 ozone NAAQS, promulgated October 1, 2015, as published in a final rule on October 26, 2015 (80 FR 65292), is met when the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years is 0.070 ppm or less. The trend in design values (DV) for ozone for the Middle Tennessee Area is shown in Table 4, with the current DV in the Area being 0.067 ppm in 2015, below the 2015 standard. EPA also evaluated the potential increase in the VOC and NO_X precursor emissions, and whether it is reasonable to conclude that the requested change to RVP requirements in the Areas during the high ozone season would cause the Middle Tennessee Area to be out of compliance with the 2008 8-hour ozone NAAQS.

TABLE 4—MIDDLE TENNESSEE AREA OZONE DESIGN VALUE TRENDS

Years	Design value (ppm)
2005–2007	0.084
2006–2008	0.084
2007–2009	0.078
2008–2010	0.076
2009–2011	0.075
2010–2012	0.079
2011–2013	0.076
2012–2014	0.072
2013–2015	0.067

Table 4 also shows that there is an overall downward trend in ozone concentrations in the Middle Tennessee Area. This decline can be attributed to federal and state programs that have led to significant emissions reductions in ozone precursors, such as federal standards in onroad and nonroad mobile source sectors and resultant fleet turnover. Given this downward trend, the downward trend in precursor emissions, the current ozone concentrations in the Middle Tennessee Area, and the results of Tennessee's emissions analysis, EPA is proposing to determine that a change to 9.0 psi RVP fuel for the affected counties would not interfere with the Area's ability to attain or maintain the ozone NAAQS in the Area. There has been no formal determination at this point for whether the Middle Tennessee Area is attaining the 2015 ozone NAAQS.[10] However, for the reasons noted above, EPA is proposing to determine that changing the RVP to 9.0 psi for the Middle Tennessee Area will not significantly impact the Area's ability to attain or maintain the 2015 ozone NAAQS.

c. Noninterference Analysis for the PM NAAQS

Over the course of several years, EPA has reviewed and revised the $PM_{2.5}$ NAAQS a number of times. On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour $PM_{2.5}$ NAAQS of 65 μg/m³, based on a 3-year average of the 98th percentile of 24-hour concentrations. *See* 62 FR 36852 (July 18, 1997). On September 21, 2006, EPA retained the 1997 Annual $PM_{2.5}$ NAAQS of 15.0 μg/m³ but revised the 24-hour $PM_{2.5}$ NAAQS to 35 μg/m³, based again on a 3-year average of the 98th

[9] The air quality design value for the 8-hour ozone NAAQS is the 3-year average of the annual 4th highest daily maximum 8-hour ozone concentration. The level of the 2008 8-hour ozone NAAQS is 0.075 ppm. The 2008 8-hour ozone NAAQS is not met when the design value is greater than 0.075 ppm.

[10] EPA will designate areas for the 2015 ozone NAAQS based on 2013–2015 data by October 1, 2017. The deadline for states to submit recommendations for initial designations with respect to the 2015 ozone NAAQS was October 1, 2016. *See* 80 FR 65292 (October 26, 2015).

percentile of 24-hour concentrations. *See* 71 FR 61144 (October 17, 2006). On December 14, 2012, EPA retained the 2006 24-hour $PM_{2.5}$ NAAQS of 35 μg/m³ but revised the annual primary $PM_{2.5}$ NAAQS to 12.0 μg/m³, based again on a 3-year average of annual mean $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013).

The main precursor pollutants for $PM_{2.5}$ are NO_X, SO_2, VOC, and ammonia. As mentioned earlier in this rulemaking, the federal RVP requirements only result in emissions benefits for VOC and NO_X. Therefore, Tennessee focused on these two $PM_{2.5}$ precursors in its analysis of the potential impact of changing the RVP requirements for the Middle Tennessee Area on the $PM_{2.5}$ NAAQS. Tennessee asserted in its 110(l) demonstration that relaxing the RVP standard will have little impact on these precursor emissions in relation to PM formation and is not expected to negatively impact attainment or maintenance of the $PM_{2.5}$ NAAQS. Moreover, there have been a number of studies which have indicated that SO_2 is the primary driver of $PM_{2.5}$ formation in the Southeast.[11]

Given the downward trend in precursor emissions noted above and the small increases in those emissions with a relaxation of the RVP standard (less than 0.1 tpd for each pollutant), and given that RVP will not affect the most significant $PM_{2.5}$ precursor (SO_2), EPA is proposing to determine that a change to 9.0 psi RVP fuel for the affected counties would not interfere with the Area's ability to attain or maintain the $PM_{2.5}$ NAAQS in the Area.

d. Noninterference Analysis for the 2010 NO_2 NAAQS

On February 17, 2012, EPA designated all counties in Tennessee as unclassifiable/attainment for the 2010 NO_2 NAAQS. *See* 77 FR 9532. Based on the technical analysis in Tennessee's November 21, 2016, SIP revision, the projected increase in total anthropogenic NO_X emissions associated with the change to 9.0 psi RVP fuel for the Middle Tennessee Area is approximately 0.09 tpd in 2018. Given the current unclassifiable/attainment designation and the results of Tennessee's emissions and modeling analysis, EPA is proposing to determine that a change to 9.0 psi RVP fuel for the Middle Tennessee Area would not interfere with maintenance of the 2010 NO_2 NAAQS in the Area.

VI. Proposed Action

EPA is proposing to approve Tennessee's November 21, 2016, SIP revision consisting of a revision to its 110(a)(1) maintenance plan for the 1997 8-hour ozone NAAQS for the Middle Tennessee Area and the technical noninterference demonstration supporting the State's request to relax the RVP standard to 9.0 psi in the Area. Specifically, EPA is proposing to accept updated emissions inventory and projections associated with the mobile source modeling used in the State's noninterference demonstration related to RVP. EPA is also proposing to find that this change in the RVP requirements for the Middle Tennessee Area will not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

EPA is proposing that Tennessee's November 21, 2016, SIP revision, including the technical demonstration associated with the State's request for the removal of the federal RVP requirements, and the updated attainment inventory and emissions projections, are consistent with the applicable provisions of the CAA. Should EPA decide to remove the counties of the Middle Tennessee Area from those areas subject to the 7.8 psi federal RVP requirements, such action will occur in a separate, subsequent rulemaking.

VII. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: January 20, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–03579 Filed 2–23–17; 8:45 am]

BILLING CODE 6560–50–P

[11] See, *e.g.,* Journal of Environmental Engineering—Quantifying the sources of ozone, fine particulate matter, and regional haze in the Southeastern United States (June 24, 2009), *http://www.journals.elsevier.com/journalofenvironmental-management.*

Notices

Federal Register
Vol. 82, No. 36
Friday, February 24, 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

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Scanner Capability Assessment of SNAP-Authorized Small Retailers (SCANR) Study

AGENCY: Food and Nutrition Service (FNS), U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection of information for the Scanner Capability Assessment of SNAP-Authorized Small Retailers (SCANR) Study. This is a NEW information collection.

The SCANR Study will provide FNS with an understanding of the extent to which small retailers participating in the Supplemental Nutrition Assistance Program (SNAP) are able to meet Section 4002 of the Agricultural Act of 2014 (2014 Farm Bill) requirement that all authorized SNAP retailers use scanning technologies at the point of sale (POS) to redeem SNAP benefits. Understanding the number of small retailers that lack scanning systems, the costs of adopting and maintaining scanning systems, and the barriers small retailers face in adopting the technology are key to informing rulemaking for the 2014 Farm Bill requirement.

DATES: Written comments must be submitted on or before April 25, 2017.

ADDRESSES: Comments are invited on (a) whether the proposed data collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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 on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Jenny Laster Genser, Office of Policy Support, U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Jenny Laster Genser at 703–305–2559 or via email to *jenny.genser@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, VA 22302.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Jenny Laster Genser at 703–305–2559.

SUPPLEMENTARY INFORMATION:

Title: Scanner Capability Assessment of SNAP-Authorized Small Retailers (SCANR) Study.

OMB Number: 0584—NEW.

Expiration Date of Approval: Not yet determined.

Type of Request: New collection.

Abstract: The Scanner Capability Assessment of SNAP-Authorized Small Retailers Study will provide FNS with information to inform rulemaking for the 2014 Farm Bill requirement that all authorized SNAP retailers use scanning technologies at the POS to redeem SNAP benefits. This study will result in a comprehensive description of the scanner capability of small SNAP-authorized retailers that will provide FNS with information to inform rulemaking for the 2014 Farm Bill requirement. Cost estimates from the industry interviews and follow-up interviews with retailers and data from secondary sources will be used to estimate store-level costs for adopting scanning systems with different levels of functionality. The cost estimates will account for all costs associated with the purchase, installation, and maintenance of scanning systems. Using the store-level costs and data from the SCANR Survey on the number of small SNAP-authorized retailers without scanning systems, the study will also include the total cost estimate for all small SNAP-authorized retailers to comply with the 2014 Farm Bill requirements. Finally, the study will include a descriptive assessment of the technological and economic barriers small SNAP retailers face in adopting and using scanning systems.

Specifically, this study will employ a mixed-methods approach in which both quantitative and qualitative data will be collected, analyzed, and synthesized to assess the economic and technological barriers of adopting scanning technologies by small SNAP-authorized retailers and possible inducements. The study design will include industry interviews, a national survey of small SNAP-authorized retailers, and follow-up interviews with a subset of survey respondents to provide qualitative information on the barriers and inducements to adopting scanning systems.

The study design comprises three data collection components to address four study objectives:

- *Objective 1:* Determine and describe the requirements for installing and operating electronic scanning systems at small SNAP-authorized retailers.
- *Objective 2:* Provide a store-level and industry-wide cost analysis of installing and maintaining electronic scanning systems at small SNAP-authorized retailers in order to be in full compliance with the 2014 Farm Bill.
- *Objective 3:* Provide reliable national estimates of the extent to which scanning systems are in place at small SNAP-authorized retailers.
- *Objective 4:* Determine barriers and inducements to using scanning technologies by small SNAP-authorized retailers.

The data collection components are as follows:

Structured interviews with nine vendors of POS scanning systems to

provide information on the requirements and costs for two options of functionality for scanning systems. The structured interviews will be used to address Objectives 1 and 2.

FNS is interested in the requirements and costs for two options of functionality for scanning systems: (1) Scanning systems that can identify which items are eligible to be purchased with SNAP and are integrated with the store inventory to scan the item's price and (2) scanning systems that can identify which items are eligible to be purchased with SNAP and are integrated with the store inventory to scan the item's price *and* are integrated with the EBT terminal. The first option will allow a retailer to meet the minimum requirements as outlined in the 2014 Farm Bill. The cost data will be combined with the survey data and data from secondary sources (*e.g.,* labor rates) to conduct a cost analysis to estimate store-level and industry-level costs for complying with the 2014 Farm Bill requirements.

Nationally representative survey of small SNAP-authorized retailers to provide information on the number of retailers that lack scanning systems and the number that may not comply with this provision and choose to leave SNAP instead. Data will be collected through a nationally representative survey of small SNAP-authorized retailers to provide information to address Objectives 2 and 3.

The target population for the survey is small SNAP-authorized retailers defined as small grocery stores, medium grocery stores, convenience stores, and specialty stores excluding chains that have 10 or more outlets under the same owner. The sample design for the survey will be sufficiently powered to provide national and subgroup estimates by store type and urbanicity. The survey approach will use multiple modes to facilitate response (hard copy or web-based) and telephone reminders to nonrespondents to maximize the response rate.

Follow-up interviews with a subset of survey respondents to provide qualitative information on the barriers and inducements to adopting scanning systems. Data will be collected through follow-up interviews with a subset of the retailers that responded to the structured survey to address Objectives 2 and 4.

Approximately half of the retailers selected for the interviews will be stores that reported on the survey that they currently are using scanning systems (via in-person interviews) and half will be stores that do not use scanning systems (via phone interviews). The interviews will provide the opportunity to learn about costs, benefits, and challenges associated with implementing and operating scanning systems from a group of retailers that currently use them and about costs and other concerns of retailers that do not use scanning systems. Interview questions will also provide insight regarding the level of knowledge about scanning technology among small retailers and the information gaps, particularly among nonusers.

Affected Public: Business for profit.

There are a total of 1,389. The respondent groups that were identified include 12 POS vendors and 1,377 SNAP-authorized small retailers.

Industry Interviews

- POS vendors that supply retailers with scanning systems. We estimate that nine vendors will participate in the interviews.

SCANR Survey

- SNAP-authorized small retailers: Store owner, store manager, or regional manager. Out of 1,377 respondents, we estimate that 936 of the small retailers sampled will go on to participate in the survey.

Follow-Up Interviews

- SNAP-authorized small retailers: Store owner, store manager, or regional manager. Out of 936 small retailers who participated in the SCANR survey, we estimate that 50 of them will take part in a follow-up interview.

Estimated Total Number of Respondents: 1,389.

For the industry interviews, it is estimated that 12 of the industry interview respondents will be contacted and, of these, 9 will complete the interview, 3 will be non-respondents.

For the SCANR Survey, a multimode, two-phase approach will be used. For phase I (survey), respondents can choose to participate by hard copy (mail survey) or web, and for phase II (interview), all non-respondents will be re-contacted by phone and asked to complete the survey (by phone or reminded to complete the survey by mail or web). Out of 123,000 small retailers, a sample of 1,377 will be selected. It is estimated that, of these, 207 will not be eligible for the survey (*e.g.,* no longer in operation), 585 will complete phase I (50% response rate after adjusting for eligibility), and 351 will complete phase II (60% response rate), yielding 936 completed surveys. Adjusting for eligibility, we are targeting an 80% response rate (936/(1,377 − 207)).

For the follow-up interviews, a sample of 71 respondents that completed the SCANR Survey will be selected for either telephone or on-site interviews. It is estimated that 50 of the selected respondents will take part in the interview (70% response rate).

Estimated Number of Responses per Respondent: 1.545.

For the industry interviews with vendors, there is one response per respondent. For retailers, there is one response for 886 of the respondents (SCANR Survey only) and two responses for 50 of the respondents who participate in follow-up interviews.

Estimated Total Annual Responses: 1,925.

For the industry interviews, this total includes 9 completed interviews with vendors and 3 attempted interviews. For the SCANR Survey, this total includes 936 responses from small retailers and 441 attempted, but non-completed or non-responses. For the follow-up interviews, this total includes 50 completed interviews and 21 attempted interviews.

Estimated Time per Response: 0.21.

For the telephone interviews with vendors: Vendors will take up to 1 hour to participate in the telephone interviews. Vendors who choose not to participate will spend 5 minutes (0.08 hours) reading the recruitment materials.

For the SCANR Survey: Small retailers will take 15 minutes (0.25 hours) to respond to the survey (via mail, web, or phone). Small retailers who choose not to participate will spend 5 minutes (0.08 hours) reading the recruitment materials.

For the follow-up interviews: Small retailers will take 30 minutes (0.5 hours) to respond to the in-depth telephone or on-site interviews. Small retailers selected for a follow-up interview who choose not to participate will spend 5 minutes (0.08 hours) reading the recruitment materials.

Estimated Total Annual Burden on Respondents: FNS estimates the total burden is 345.57 hours. See Table 1 below:

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Table 1. Estimated Burden Hours

Affected Public	Respondent Type	Instrument (Study Activities)	Sample size	Estimated number of respondents	Frequency of responses per respondent	Estimated total annual responses	Estimated average burden hours per response	Estimated total annual hour burden	Sample size	Estimated number of non-respondents	Frequency of responses per respondent	Estimated total annual responses	Estimated average burden hours per response	Estimated total annual hour burden
Business for Profit	Vendors	Industry Interviews	12	9	1	9	1.00	9	12	3	1	3	0.0835	0.2505
	Retailers	SCANR Survey	1377	936	1	936	0.25	234	1,377	441	1	441	0.0835	36.8235
		Follow-up Interviews [1]	71	50	1	50	0.50	25	71	21	1	21	0.0835	1.7535
	Grand Total		**1,389**	**945**	**1.544973545**	**1,460**	**0.21009589**	**306.74**	**1,389**	**444**		**465**		**38.8275**

1. Retailers participating in the follow-up interviews are a subset of those who complete the survey.
Sample size = total number actually contacted
For consistency and rounding purposes, OMB 0.0835 is 5 minutes using OMB established conversion minutes to decimals

Dated: February 8, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–03570 Filed 2–23–17; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Evaluation of the Direct Certification With Medicaid for Free and Reduced-Price (DCM–F/RP) Meals Demonstrations

AGENCY: Food and Nutrition Service (FNS), U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a new collection for the Evaluation of the Direct Certification with Medicaid for Free and Reduced-Price Meals (DCM–F/RP) Demonstrations.

DATES: Written comments must be received on or before April 25, 2017.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were 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 on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Conor McGovern, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1040, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Conor McGovern at 703–305–2576 or via email to *conor.mcgovern@fns.usda.gov*. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at 3101 Park Center Drive, Room 1040, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Conor McGovern at 703–457–7740.

SUPPLEMENTARY INFORMATION:

Title: Evaluation of the Direct Certification with Medicaid for Free and Reduced-Price Meals (DCM–F/RP) Demonstrations.

Form Number: N/A.

OMB Number: Not Yet Assigned.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: Direct certification has improved access to free school meals while easing the burden on families and district staff by reducing the use of household applications and decreasing the number of students subject to verification for school meal benefit eligibility. Direct certification also improves program integrity because it is less error-prone than certification by application.

Recently, FNS has sought ways to further expand direct certification, including experimenting with allowing direct certification based on data from means-tested programs that do not confer categorical eligibility. Prior DCM demonstrations have authorized selected States and districts to use income information from Medicaid files to determine students' eligibility based on their household income and directly certify those students found to be eligible for free meals. The new DCM–F/RP demonstration expands the use of direct certification using income information from Medicaid files to include eligibility for reduced-price meals. The evaluation of the DCM–F/RP demonstration will investigate the processes, challenges, and outcomes of using Medicaid data to directly certify students.

The study will gather data from State, School Food Authority,[1] and State Agency vendor staff, including (1) site visits and follow-up interviews to document DCM–F/RP processes, (2) administrative records on certification for school meal benefits and participation in the school meal programs, and (3) cost logs and clarification interviews on the State-level administrative costs of DCM–F/RP. Data will be collected for school year (SY) 2017–2018.

FNS is also conducting research with the State Child Nutrition and Medicaid agency officials, school district directors and school district food service staff to develop, test, and improve the evaluation data collection instruments and methodologies. This pre-testing burden was approved by the Office of Management and Budget on December 19, 2016 under OMB # 0584–0606 FNS Generic Clearance for Pre-Testing, Pilot, and Field Test Studies.

Affected Public: State and Local Government—Respondent groups identified include (1) State Child Nutrition Agency staff who administer the National School Lunch Program and School Breakfast Program from 15 State agencies, (2) State Medicaid Agency staff from 15 State agencies, (3) staff from 3 other State Agencies that play key roles in the direct certification process, and (4) school district staff from 32 districts.

Businesses—Respondent groups identified include 2 State Child Nutrition agency vendors and 2 Medicaid Agency vendors that play key roles in the direct certification process.

Estimated Number of Respondents: The total estimated number of unique respondents for SY 2017–2018 is 197 (193 respondents and 4 non-respondents). This count assumes 100 percent response from State Child Nutrition Agency staff on site visits, follow-up telephone interviews, administrative records requests, and cost data collection. For State Medicaid Agency staff, it assumes 100 percent response on site visits and 93 percent response on the follow-up telephone interviews and cost data collection. For other State Agency staff, it assumes 100 percent response on site visits and cost data collection. For school district staff, it assumes 100 percent response on site visits and 91 percent response on follow-up telephone interviews. For State Agency vendor staff, it assumes 100 percent response on site visit interviews. State Child Nutrition Agency, State Medicaid Agency, other State Agency, and district staff are expected to participate in multiple data collection activities, but each individual is counted only once in the total.

[1] Because nearly all schools in the National School Lunch Program and School Breakfast Program are parts of entities commonly known as school districts, we use that term in the rest of this document instead of School Food Authority to refer to local entities that enter into agreements with State agencies to operate the National School Lunch Program and the School Breakfast Program.

A total of 45 State Child Nutrition Agency staff (3 per State) will take part in the on-site interviews, with 30 of those respondents (2 per State) also taking part in on-site observations. Of the 45 State Child Nutrition Agency respondents, 15 (one from each State) will complete the follow-up telephone interview, administrative records request, and collection logs used to track State cost data. A total of 45 State Medicaid Agency staff (3 per State) will also take part in the on-site interviews, with 30 of those respondents (2 per State) also taking part in the on-site observations. Of the 45 State Medicaid Agency respondents, 15 (one from each State) will be asked to complete the follow-up telephone interview and collection logs used to track State cost data (including 14 respondents and 1 non-responder). A total of 3 respondents from other State Agencies (1 in each of 3 States) will take part in the on-site interviews and complete the collection logs used to track State cost data.

A total of 96 district respondents (3 per participating district) will take part in the on-site interviews, with 64 (2 per district) of those respondents also taking part in on-site observations. Of the 96 district respondents, 32 (one per district) will be asked to complete the follow-up telephone interview (including 29 respondents and 3 non-responders).

A total of 4 respondents from State Agency vendors (1 for each of 2 State Child Nutrition Agency vendors and 2 Medicaid Agency vendors) will take part in the on-site interviews.

Estimated Number of Responses per Respondent: The average estimated annual number of responses per respondent is 5.168 (5.217 for respondents and 2.75 for non-respondents). Site visits (including interviews and observations—both preceded by advance letters and scheduling calls) with State- and district-level staff will take place once during the year, and follow-up telephone interviews (preceded by scheduling calls) with State- and district-level staff will take place once later in the year. Administrative records data will be requested via email and collected twice during the year. Cost data will also be requested via email and collected through cost-tracking logs and interviews with State-level administrators four times during the year.

Estimated Total Annual Responses: We estimate that 1,007 total responses will be gathered in SY 2017–2018 (including 1,003 responses from state and local government entities and 4 from businesses) from 193 respondents (189 state and local government entities and 4 business entities). A further 11 responses from 4 non-responders (all from state and local government entities) are anticipated, for a total of 1,018 responses.

Estimated Time per Response: The estimated time per response is 0.879 hours (approximately 53 minutes). The estimated time of response varies from 2 minutes to 4 hours depending upon respondent action, as shown in the table below.

Estimated Total Annual Burden on Respondents: The total estimated annual burden is 894.675 hours, as shown in the table below.

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Respondent Type	Instrument	Sample Size (Districts)	Sample Size (Individuals)	Responsive					Non-Response					Total Burden Hours
				Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	
State Child Nutrition Agency Responses														
(State Government) State Child Nutrition Agency Staff	Site Visit Letter	NA	15	15	1	15	0.084	1.260	0	0	0	0	0	1.260
(State Government) State Child Nutrition Agency Staff	Site Visit Scheduling	NA	15	15	1	15	0.500	7.500	0	0	0	0	0	7.500
(State Government) State Child Nutrition Agency Staff	On-Site Interview	NA	45	45	1	45	1	45	0	0	0	0	0	45
(State Government) State Child Nutrition Agency Staff	On-Site Observations	NA	30	30	1	30	0.500	15	0	0	0	0	0	15
(State Government) State Child Nutrition Agency Staff	Site Visit Follow-Up Telephone Interview Email	NA	15	15	1	15	0.030	0.450	0	0	0	0	0	0.450
(State Government) State Child Nutrition Agency Staff	Site Visit Follow-Up Telephone Interview	NA	15	15	1	15	1	15	0	0	0	0	0	15
(State Government) State Child Nutrition Agency Staff	Administrative Records Request Email	NA	15	15	2	30	0.030	0.900	0	0	0	0	0	0.900
(State Government) State Child Nutrition Agency Staff	Administrative Records Request	NA	15	15	2	30	4	120	0	0	0	0	0	120
(State Government) State Child Nutrition Agency Staff	State Cost Data Collection Email	NA	15	15	4	60	0.030	1.800	0	0	0	0	0	1.800
(State Government) State Child Nutrition Agency Staff	State Cost Data Collection Tracking Log	NA	15	15	4	60	3	180	0	0	0	0	0	180
(State Government) State Child Nutrition Agency Staff	State Cost Data Collection Clarification Call	NA	15	15	4	60	0.250	15	0	0	0	0	0	15

Respondent Type	Instrument	Sample Size (Districts)	Sample Size (Individuals)	Responsive					Non-Response					Total Burden Hours
				Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	
State Medicaid Agency Responses														
(State Government) State Medicaid Agency Staff	Site Visit Letter	NA	15	15	1	15	0.084	1.260	0	0	0	0	0	1.260
(State Government) State Medicaid Agency Staff	Site Visit Schedulin	NA	15	15	1	15	0.500	7.500	0	0	0	0	0	7.500
(State Government) State Medicaid Agency Staff	On-Site Interview	NA	45	45	1	45	1	45	0	0	0	0	0	45
(State Government) State Medicaid Agency Staff	On-Site Observations	NA	30	30	1	30	0.500	15	0	0	0	0	0	15
(State Government) State Medicaid Agency Staff	Site Visit Follow-Up Telephone Interview Email	NA	15	14	1	14	0.030	0.420	1	1	1	0.030	0.030	0.450
(State Government) State Medicaid Agency Staff	Site Visit Follow-Up Telephone Interview	NA	15	14	1	14	1	14	1	1	1	0.167	0.167	14.167
(State Government) State Medicaid Agency Staff	State Cost Data Collection Email	NA	15	14	4	56	0.030	1.680	1	1	1	0.030	0.030	1.710
(State Government) State Medicaid Agency Staff	State Cost Data Collection Tracking Log	NA	15	14	4	56	3	168	1	1	1	0.167	0.167	168.167
(State Government) State Medicaid Agency Staff	State Cost Data Collection Clarification Call	NA	15	14	4	56	0.250	14	1	1	1	0.250	0.250	14.250
Other State Agency Responses														
(State Government) Other State Agency Staff	Site Visit Letter	NA	3	3	1	3	0.084	0.252	0	0	0	0	0	0.252
(State Government) Other State Agency Staff	Site Visit Scheduling Call	NA	3	3	1	3	0.500	1.500	0	0	0	0	0	1.500

Respondent Type	Instrument	Sample Size (Districts)	Sample Size (Individuals)	Responsive					Non-Response					Total Burden Hours
				Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	Number of Respondents	Freq. of Response (annual)	Total Annual Response	Avg. Hours per Response	Total Annual Burden	
(State Government) Other State Agency Staff	On-Site Interview	NA	3	3	1	3	1	3	0	0	0	0	0	3
(State Government) Other State Agency Staff	State Cost Data Collection Email	NA	3	3	4	12	0.030	0.360	0	0	0	0	0	0.360
(State Government) Other State Agency Staff	State Cost Data Collection Tracking Log	NA	3	3	4	12	3	36	0	0	0	0	0	36
(State Government) Other State Agency Staff	State Cost Data Collection Clarification Call	NA	3	3	4	12	0.250	3	0	0	0	0	0	3
School District Responses														
(Local Government) School District Staff	Site Visit Letter	32	32	32	1	32	0.084	2.688	0	0	0	0	0	2.688
(Local Government) School District Staff	Site Visit Scheduling Call	32	32	32	1	32	0.500	16	0	0	0	0	0	16
(Local Government) School District Staff	On-Site Interview	32	96	96	1	96	1	96	0	0	0	0	0	96
(Local Government) School District Staff	On-Site Observations	32	64	64	1	64	0.500	32	0	0	0	0	0	32
(Local Government) School District Staff	Site Visit Follow-Up Telephone Interview Email	32	32	29	1	29	0.030	0.870	3	1	3	0.030	0.090	0.960
(Local Government) School District Staff	Site Visit Follow-Up Telephone Interview	32	32	29	1	29	1	29	3	1	3	0.167	0.501	29.501
State/Local Government Subtotal		32	189	189	5.307	1,003	0.887	889.44	4	2.75	11	0.112	1.235	890.675
(Business) Vendor Staff	On-Site Interview	NA	4	4	1	4	1	4	0	0	0	0	0	4
Business Subtotal		NA	4	4	1	4	1	4	0	0	0	0	0	4
GRAND TOTAL		32	193	193	5.217	1,007	0.872	893.44	4	2.75	11	0.112	1.235	894.675

Dated: February 8, 2017.

Jessica Shahin,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2017–03569 Filed 2–23–17; 8:45 am]

BILLING CODE 3410–30–C

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Idaho Advisory Committee To Vote on 2016 School Equity Report and To Discuss Civil Rights Topics in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Idaho State Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Mountain Time) Friday, March 10, 2017, for the purpose discussing civil rights issues in the state and deliberating on a topic of study. The Committee will also discuss a report on school equity in the state.

DATES: The meeting will be held on Friday, March 10, 2017, at 1:00 p.m. MST.

ADDRESSES: Public call information:
Dial: 800–327–5138.
Conference ID: 3765784.

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

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–327–5138, conference ID number: 3765784. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (312) 353–8311, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=245.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discussion of 2016 School Equity Report
III. Discussion of Civil Rights Issues in Idaho—Members of the Idaho Advisory Committee
IV. Public Comment
V. Adjournment

Dated: February 21, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–03673 Filed 2–23–17; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–455–805]

Emulsion Styrene-Butadiene Rubber From Poland: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that emulsion styrene-butadiene rubber (ESB rubber) from Poland is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016.

DATES: Effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0193.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on August 19, 2016.[1] The Department postponed the preliminary determination of this investigation until February 16, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The product covered by this investigation is ESB rubber from Poland. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding

[1] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Initiation of Less Than Fair Value Investigations,* 81 FR 55438 (August 19, 2016) (*Initiation Notice*).

[2] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Postponement of Preliminary Determination of Sales at Less Than Fair Value Investigations,* 81 FR 85208 (November 25, 2016).

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for the Preliminary Determination in the Less Than Fair Value Investigation of Emulsion Styrene-Butadiene Rubber from Poland'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

product coverage (*i.e.,* scope).[5] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. Export prices have been calculated in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, the Department shall determine an estimated all-others rate for all exporters and producers not individually investigated, which shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

The Department calculated a company-specific rate for Synthos Dwory (Synthos) that is not zero, *de minimis* or determined entirely under section 776 of the Act. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the weighted-average dumping margin calculated for Synthos as the estimated weighted-average dumping margin assigned to all other producers and exporters of the merchandise under consideration.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average margins (percent)
Synthos Dwory	25.43
All-Others	25.43

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed to interested parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i) of the Act, we intend to verify information relied upon in making our final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Section 351.210(e)(2) of the Department's regulations requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On February 3, 2017, pursuant to 19 CFR 351.210(e), Synthos requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[7] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) Our preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, we are postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we are notifying the International Trade Commission (ITC) of our preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections

[5] *See Initiation Notice.*

[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[7] *See* Letter to the Secretary of Commerce from Synthos, entitled, ''Emulsion Styrene-Butadiene Rubber from Poland: Request to Extend the Final Determination,'' dated February 3, 2017.

733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

For purposes of this investigation, the product covered is cold-polymerized emulsion styrene-butadiene rubber (ESB rubber). The scope of the investigation includes, but is not limited to, ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets, strip, *etc.* ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process.

ESB rubber is produced and sold in accordance with a generally accepted set of product specifications issued by the International Institute of Synthetic Rubber Producers (IISRP). The scope of the investigation covers grades of ESB rubber included in the IISRP 1500 and 1700 series of synthetic rubbers. The 1500 grades are light in color and are often described as ''Clear'' or ''White Rubber.'' The 1700 grades are oil-extended and thus darker in color, and are often called ''Brown Rubber.''

Specifically excluded from the scope of this investigation are products which are manufactured by blending ESB rubber with other polymers, high styrene resin master batch, carbon black master batch (*i.e.,* IISRP 1600 series and 1800 series) and latex (an intermediate product).

The products subject to this investigation are currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

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II. Background
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  A. Determination of the Comparison Method
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[FR Doc. 2017–03638 Filed 2–23–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (the ''Department'') and the International Trade Commission (the ''ITC'') that revocation of the antidumping duty (''AD'') duty order on wooden bedroom furniture from the People's Republic of China (''PRC'') would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the AD duty order.

DATES: Effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Aleksandras Nakutis or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3147 or 202–482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2005, the Department published in the **Federal Register** the AD duty order on wooden bedroom furniture from the PRC.[1] On November 3, 2015, the Department published in the **Federal Register** the initiation notice for the second sunset review of the AD duty order on wooden bedroom furniture from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[2] On December 3, 2015, the Department received a substantive response from the domestic industry to participate in the second sunset review;[3] no other parties participated. As a result of its review, the Department determined, pursuant to sections 751(c)(1) and 752(b) and (c) of the Act, that revocation of the AD duty order on wooden bedroom furniture from the PRC would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the order be revoked.[4] On February 14, 2017, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the AD duty order on wooden bedroom furniture from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Order

The product covered by the *Order* is wooden bedroom furniture, subject to certain exceptions. Imports of subject merchandise are classified under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 9403.50.9042 and 9403.50.9045 of the HTSUS as ''wooden . . . beds'' and under subheading 9403.50.9080 of the HTSUS as ''other . . . wooden furniture of a kind used in the bedroom.'' In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9042 or 9403.50.9045 of the HTSUS as ''parts of wood.'' Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, or 9403.20.0018. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as ''glass mirrors . . . framed.'' However, the product description, and not the HTSUS classification, is dispositive of whether merchandise imported into the United

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[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See Initiation of Five-Year (''Sunset'') Review,* 80 FR 67705 (November 3, 2015).

[3] *See* letter form the American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. to the Department, regarding ''Five-Year(''Sunset'') Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China/The Domestic Industry's Substantive Response to the Notice of Initiation,'' dated December 3, 2015.

[4] *See Wooden Bedroom Furniture From the People's Republic of China: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order,* 81 FR 12462 (March 9, 2016) (''Final Results'').

[5] *See Wooden Bedroom Furniture from China;* Determination, 82 FR 10587 (February 14, 2017), and USITC Publication 4665 (January 2017), entitled *Wooden Bedroom Furniture from China: Investigation No. 731–TA–1058 (Second Review).*

States falls within the scope of the order.[6]

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the AD duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the AD duty order on wooden bedroom furniture from the PRC. U.S. Customs and Border Protection will continue to collect AD duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) and 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

Dated: February 17, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–03639 Filed 2–23–17; 8:45 am]

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[6] For a full description of the scope of the order, including exclusions, *see Final Results* and the accompanying ''Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Wooden Bedroom Furniture from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–848]

Emulsion Styrene-Butadiene Rubber From Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that emulsion styrene-butadiene rubber (ESB rubber) from Mexico is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016.

DATES: Effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Julia Hancock or Javier Barrientos, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1394 or (202) 482–2243, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on August 19, 2016.[1] The Department postponed the preliminary determination of this investigation until February 16, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The product covered by this investigation is ESB rubber from Mexico. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually investigated, which shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated,

[1] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Initiation of Less Than Fair Value Investigations,* 81 FR 55438 (August 19, 2016) (*Initiation Notice*).

[2] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Postponement of Preliminary Determination of Sales at Less Than Fair Value Investigations,* 81 FR 85208 (November 25, 2016).

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcment and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled, ''Decision Memorandum for the Preliminary Determination in the Less Than Fair Value Investigation Emulsion Styrene-Butadiene Rubber from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

The Department calculated a company-specific rate for Industrias Negromex S.A. de C.V.—Planta Altamira (Negromex) that is not zero, *de minimis,* or determined entirely under section 776 of the Act. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the weighted-average dumping margin calculated for Negromex as the estimated weighted-average dumping margin assigned to all other producers and exporters of the merchandise under consideration.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margins (percent)
Industrias Negromex S.A. de C.V.—Planta Altamira	13.77
All-Others	13.77

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register,** as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed to interested parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i) of the Act, we intend to verify information relied upon in making our final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Section 351.210(e)(2) of the Department's regulations requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 24, 2017, pursuant to 19 CFR 351.210(e), Negromex requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[7] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) Our preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, we are postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we are notifying the International Trade Commission (ITC) of our preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

For purposes of this investigation, the product covered is cold-polymerized emulsion styrene-butadiene rubber (ESB rubber). The scope of the investigation includes, but is not limited to, ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets, strip, *etc.* ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process.

ESB rubber is produced and sold in accordance with a generally accepted set of product specifications issued by the International Institute of Synthetic Rubber Producers (IISRP). The scope of the investigation covers grades of ESB rubber included in the IISRP 1500 and 1700 series of synthetic rubbers. The 1500 grades are light in color and are often described as ''Clear'' or ''White Rubber.'' The 1700 grades

[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[7] *See* Letter to the Secretary of Commerce from Negromex entitled, ''Negromex's Request for Extension of Final Determination and Provisional Measures,'' dated January 24, 2017.

are oil-extended and thus darker in color, and are often called ''Brown Rubber.''

Specifically excluded from the scope of this investigation are products which are manufactured by blending ESB rubber with other polymers, high styrene resin master batch, carbon black master batch (*i.e.,* IISRP 1600 series and 1800 series) and latex (an intermediate product).

The products subject to this investigation are currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
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III. Period of Investigation
IV. Scope Comments
V. Discussion of the Methodology
  A. Determination of the Comparison Method
  B. Results of the Differential Pricing Analysis
VI. Date of Sale
VII. Product Comparisons
VIII. Constructed Export Price
IX. Normal Value
  A. Home Market Viability
  B. Affiliated-Party Transactions and Arms'-Length Test
  C. Level of Trade
  D. Cost of Production (COP) Analysis
  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
  E. Calculation of NV Based on Comparison Market Prices
X. Currency Conversion

[FR Doc. 2017–03625 Filed 2–23–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–890]

Emulsion Styrene-Butadiene Rubber From the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that emulsion styrene-butadiene rubber (ESB rubber) from the Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016.

DATES: Effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Carrie Bethea or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1491 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on August 19, 2016.[1] The Department postponed the preliminary determination of this investigation until February 16, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The product covered by this investigation is ESB rubber from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for interested parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. The Department has calculated export prices in accordance with section 772(a) of the Act. Constructed export prices have been calculated in accordance with section 773 of the Act. Normal value (NV) For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 733(e) of the Act and 19 CFR 351.206, we preliminarily find that critical circumstances do not exist for LG Chem, Ltd. (LG Chem). However, because Daewoo International Corporation (Daewoo) and Kumho Petrochemical Co, Ltd (Kumho) did not respond to the Department's questionnaires, we have determined pursuant to sections 776(a) and (b) of the Act, that critical circumstances exist for both Daewoo and Kumho as adverse facts available (AFA). For a full description of the methodology and results of our critical circumstances analysis, *see* the Preliminary Decision Memorandum.

Adverse Facts Available

Daewoo and Kumho were each selected as a mandatory respondent, but each failed to respond to the Department's questionnaires. Accordingly, we preliminarily determine to based their dumping margins on AFA, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. As AFA, we applied the

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[1] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Initiation of Less Than Fair Value Investigations,* 81 FR 55438 (August 19, 2016) (*Initiation Notice*).

[2] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Postponement of Preliminary Determination of Sales at Less Than Fair Value Investigations,* 81 FR 85208 (November 25, 2016).

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled, ''Decision Memorandum for the Preliminary Determination in the Less Than Fair Value Investigation of Emulsion Styrene-Butadiene Rubber from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

highest dumping margin calculated for Korean exports of subject merchandise contained in the petition,[6] 44.30 percent. For further discussion, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually investigated, which shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

The Department calculated a company-specific rate for LG Chem that is not zero, *de minimis* or determined entirely under section 776 of the Act. However, the Department is preliminarily applying AFA, pursuant to section 776(a) and (b) of the Act, to Daewoo and Kumho. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the weighted-average dumping margin calculated for LG Chem as the estimated weighted-average dumping margin assigned to all other producers and exporters of the merchandise under consideration.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average margins (percent)
LG Chem, Ltd.	11.63
Daewoo International Corporation	44.30
Kumho Petrochemical Co, Ltd	44.30
All-Others	11.63

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price. These suspension of liquidation instructions will remain in effect until further notice.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. The Department preliminarily finds that critical circumstances exist for imports of subject merchandise produced and exported by Daewoo and Kumho. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Disclosure

We intend to disclose the calculations performed to interested parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i) of the Act, we intend to verify information relied upon in making our final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Section 351.210(e)(2) of the Department's regulations requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 10, 2017, pursuant to 19 CFR 351.210(e), LG Chem requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[8] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) Our preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, we are postponing the final determination and extending the provisional measures from a four-month

[6] *See* the Petitions for the Imposition of Antidumping Duties on Emulsion Styrene Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland, dated July 21, 2016.

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* Letter to the Secretary of Commerce from LG Chem, entitled, ''LG Chem's Request for Extension of Final Determination and Provisional Measures,'' dated January 10, 2017.

period to a period not greater than six months. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we are notifying the International Trade Commission (ITC) of our preliminary affirmative determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

For purposes of this investigation, the product covered is cold-polymerized emulsion styrene-butadiene rubber (ESB rubber). The scope of the investigation includes, but is not limited to, ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets, strip, *etc.* ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process.

ESB rubber is produced and sold in accordance with a generally accepted set of product specifications issued by the International Institute of Synthetic Rubber Producers (IISRP). The scope of the investigation covers grades of ESB rubber included in the IISRP 1500 and 1700 series of synthetic rubbers. The 1500 grades are light in color and are often described as ''Clear'' or ''White Rubber.'' The 1700 grades are oil-extended and thus darker in color, and are often called ''Brown Rubber.''

Specifically excluded from the scope of this investigation are products which are manufactured by blending ESB rubber with other polymers, high styrene resin master batch, carbon black master batch (*i.e.,* IISRP 1600 series and 1800 series) and latex (an intermediate product).

The products subject to this investigation are currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

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  A. Application of Facts Available
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[FR Doc. 2017–03637 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–849]

Emulsion Styrene-Butadiene Rubber From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that emulsion styrene-butadiene rubber (ESB rubber) from Brazil is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016.

DATES: Effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Drew Jackson, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4406.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on August 19, 2016.[1] The Department postponed the preliminary determination of this investigation until February 16, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The product covered by this investigation is ESB rubber from Brazil. For a complete description of the scope of this investigation, *see* Appendix I.

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[1] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico and Poland: Initiation of Less Than Fair Value Investigations,* 81 FR 55438 (August 19, 2016) (*Initiation Notice*).

[2] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Postponement of Preliminary Determination of Sales at Less Than Fair Value Investigations,* 81 FR 85208 (November 25, 2016).

[3] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled, ''Decision Memorandum for the Preliminary Determination in the Less Than Fair Value Investigation of Emulsion Styrene-Butadiene Rubber from Brazil,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* The Department is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, we preliminarily find that critical circumstances do not exist for mandatory respondent, Arlanxeo Brasil S.A. (Arlanxeo Brasil), or for exporters and producers not individually investigated (*i.e.,* ''all others''). For a full description of the methodology and results of our critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually investigated, which shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

The Department calculated a company-specific rate for Arlanxeo Brasil that is not zero, *de minimis* or determined entirely under section 776 of the Act. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the weighted-average dumping margin calculated for Arlanxeo Brasil as the estimated weighted-average dumping margin assigned to all other producers and exporters of the merchandise under consideration.

Preliminary Determination

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margins (percent)
Arlanxeo Brasil S.A.	34.44
All-Others	34.44

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value exceeds U.S. price. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed to interested parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i) of the Act, we intend to verify information relied upon in making our final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the final verification report is issued in this proceeding, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by Petitioners. Section 351.210(e)(2) of the Department's regulations requires that requests by respondents for postponement of a final antidumping determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 17, 2017, pursuant to 19 CFR 351.210(e), Arlanxeo Brasil requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[7] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) Our preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[7] *See* Letter to the Secretary of Commerce from Arlanxeo Brasil, entitled, ''Emulsion Styrene-Butadiene Rubber from Brazil: Arlanxeo's Request for Extension of Final Determination,'' dated January 17, 2017.

subject merchandise; and (3) no compelling reasons for denial exist, we are postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, we will make our final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we are notifying the International Trade Commission (ITC) of our preliminary determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: February 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

For purposes of this investigation, the product covered is cold-polymerized emulsion styrene-butadiene rubber (ESB rubber). The scope of the investigation includes, but is not limited to, ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets, strip, *etc.* ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process.

ESB rubber is produced and sold in accordance with a generally accepted set of product specifications issued by the International Institute of Synthetic Rubber Producers (IISRP). The scope of the investigation covers grades of ESB rubber included in the IISRP 1500 and 1700 series of synthetic rubbers. The 1500 grades are light in color and are often described as ''Clear'' or ''White Rubber.'' The 1700 grades are oil-extended and thus darker in color, and are often called ''Brown Rubber.''

Specifically excluded from the scope of this investigation are products which are manufactured by blending ESB rubber with other polymers, high styrene resin master batch, carbon black master batch (*i.e.,* IISRP 1600 series and 1800 series) and latex (an intermediate product).

The products subject to this investigation are currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (''CAS'') Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

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  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
  D. Calculation of NV Based on Comparison-Market Prices
X. Preliminary Negative Determination of Critical Circumstances
  A. Legal Framework
  B. Critical Circumstances Analysis
  C. Analysis
XI. Currency Conversion
XII. Conclusion

[FR Doc. 2017–03631 Filed 2–23–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 150901797–7177–02]

RIN 0648–XE163

Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on a Petition To List Thorny Skate as Threatened or Endangered Under the Endangered Species Act (ESA)

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

ACTION: Notice; 12-month finding and availability of status review document.

SUMMARY: We, NMFS, have completed a comprehensive status review under the Endangered Species Act (ESA) for thorny skate (*Amblyraja radiata*) in response to a petition to list this species. Based on the best scientific and commercial information available, including the status review report, and taking into account ongoing efforts to protect this species, we have determined that the listing of a Northwest Atlantic (NWA) distinct population segment (DPS) or a U.S. DPS is not warranted at this time. While the petition only sought the listing of one of two alternative DPSs, we exercised our discretion to consider whether the listing of the species at the taxonomic level is warranted. We conclude that thorny skate is not currently in danger of extinction throughout all or a significant portion of its range or likely to become so in the foreseeable future.

DATES: This finding was made on February 24, 2017.

ADDRESSES: The status review document for thorny skate is available electronically at: *www.nmfs.noaa.gov/pr/species/notwarranted.htm.* You may also obtain a copy by submitting a request to the Protected Resources Division, NMFS GARFO, 55 Great Republic Drive, Gloucester, MA 01930, Attention: Thorny Skate 12-month Finding.

FOR FURTHER INFORMATION CONTACT: Kim Damon-Randall, NMFS Greater Atlantic Regional Fisheries Office, 978–282–8485; or Marta Nammack, NMFS Office of Protected Resources, 301–427–8469.

SUPPLEMENTARY INFORMATION:

Background

We received a petition, dated May 28, 2015, from Animal Welfare Institute (AWI) and Defenders of Wildlife (DW) requesting that we list a ''Northwest Atlantic DPS'' of thorny skate as threatened or endangered under the ESA, or, as an alternative, a ''U.S. DPS'' as threatened or endangered. The petition also requests we designate critical habitat for thorny skate. In response to this petition, we published a ''positive'' 90-finding on October 26, 2015 (80 FR 65175), in which we concluded that the petition presented substantial scientific and commercial information indicating that listing under the ESA may be warranted, and a review of the status of the species was initiated.

We then performed a detailed review and determined that the best available scientific and commercial information does not support a listing. The resulting status review report included an in-depth review of the available scientific literature, an analysis of the five ESA section 4(a)(1) factors (16 U.S.C. 1533(a)(1)(A)–(E)), and an assessment of extinction risk. The status review report was independently peer reviewed by external experts. This listing determination is based on the status

review report, along with other published and unpublished information.

Listing Species Under the ESA

We are responsible for determining whether the thorny skate is threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a ''species'' under section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines species to include ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a DPS of a taxonomic species (61 FR 4722). Under the joint DPS policy, we consider the following when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species or subspecies to which it belongs; and (2) the significance of the population segment to the species or subspecies to which it belongs.

Section 3 of the ESA further defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened). Section 4(a)(1) of the ESA also requires us to determine whether any species is endangered or threatened as a result of any of the following five factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence. (16 U.S.C. 1533(a)(1)(A)–(E)). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any state or foreign nation or political subdivision thereof to protect the species. In evaluating the efficacy of existing domestic protective efforts, we rely on the Services' joint *Policy on Evaluation of Conservation Efforts When Making Listing Decisions* (''PECE''; 68 FR 15100; March 28, 2003) for any conservation efforts that have not been implemented or have been implemented but not yet demonstrated effectiveness.

Status Review

The status review report for thorny skate is composed of two components: (1) A scientific literature review and analysis of the five ESA section 4(a)(1) factors and (2) an assessment of the extinction risk. A biologist in NMFS' Greater Atlantic Region, working in cooperation with NMFS Northeast Fisheries Science Center (NEFSC), completed the first component, undertaking a scientific review of the life history and ecology, distribution and abundance, and an analysis of the ESA section 4(a)(1) factors. The Extinction Risk Assessment (ERA) was compiled by a biologist in NMFS' Greater Atlantic Region. The ERA was informed by invited workshop participants who based their individual expert opinions on the information contained in the scientific literature review. The workshop participants were comprised of a fisheries management specialist from NMFS' Highly Migratory Species Management Division, two research fishery biologists from NMFS' Northeast Fisheries Science Center, an elasmobranch expert from Sharks International, a fisheries manager from the New England Fishery Management Council, and a research director from the New England Aquarium. The workshop participants had expertise in elasmobranch biology and ecology, population dynamics, fisheries management, climate change and/or stock assessment science. The workshop participants reviewed the information from the scientific literature review. The status review report for thorny skate (NMFS 2017) compiles the best available information on the status of the species as required by the ESA, provides an evaluation of the discreteness and significance of populations in terms of the DPS policy, and assesses the current and future extinction risk, focusing primarily on threats related to the five statutory factors set forth above. We prepared this report to summarize the workshop participants' professional judgments of the extinction risk facing thorny skate. The workshop participants made no recommendations as to the listing status of the species, nor does the status review report. The status review report is available electronically at the Web site listed in **ADDRESSES**.

The status review report underwent independent peer review as required by the Office of Management and Budget Final Information Quality Bulletin for Peer Review (M–05–03; December 16, 2004). The status review report was peer reviewed by three independent specialists selected from government, academic, and scientific communities, with expertise in elasmobranch biology, conservation and management, and specific knowledge of thorny skates. The peer reviewers were asked to evaluate the adequacy, quality, and completeness of the data considered and whether uncertainties in these data were identified and characterized in the status review report, as well as to evaluate the findings made in the ''Assessment of Extinction Risk'' section of the report. They were also asked to specifically identify any information missing or lacking justification, or whether information was applied incorrectly in reaching conclusions. We addressed all peer reviewer comments prior to finalizing the status review report. Comments received are posted online at *www.cio.noaa.gov/services_programs/prplans/ID365.html.*

We subsequently reviewed the status review report, the cited references, and the peer review comments, and we concluded that the status review report, upon which this listing determination is based, provides the best available scientific and commercial information on thorny skate. Much of the information discussed below on thorny skate biology, genetic diversity, distribution, abundance, threats, and extinction risk is attributable to the status review report. However, we have independently applied the statutory provisions of the ESA, including evaluation of the factors set forth in section 4(a)(1)(A)–(E); our regulations regarding listing determinations; and, our DPS and Significant Portion of its Range (SPR) policies in making the listing determination.

Distribution and Habitat Use

The thorny skate belongs to the family Rajidae, genus *Amblyraja,* and species *radiata.* The thorny skate is a widely distributed boreal species, spanning both sides of the Atlantic. In the western North Atlantic, it ranges from western

Greenland to South Carolina. In the eastern North Atlantic, it ranges from the Barents Sea southward to the southwestern coasts of Ireland and England, including Iceland (Bigelow and Schroeder, 1953). Found over a wide variety of substrates including sand, broken shell, gravel, pebbles and soft mud, the thorny skate ranges over depths from 18 to 1400 m (COSEWIC 2012).

Despite its generalist nature, some habitat preferences exist. There is some evidence that the species prefers complex hard bottom habitat instead of sand or mud. Scott (1982) reported that catch rates of thorny skate were highest on coarser grained sediment, and catch rates diminished as grain size decreased on the Scotian Shelf. Also, more skates are caught by longlines in bottom areas that are considered categorized as rough versus those considered smooth (Sosebee *et al.,* in prep).

Generally, thorny skate appear to prefer deeper waters within their range, although the specific depth varies by location and may be impacted by other factors including temperature. Survey data from the inshore waters in the Gulf of Maine stratified by depth indicate catch by trawl survey gear increases sharply in depths greater than 40 meters (m), and peaks at around 95 m. Most individuals are caught between 70 m and the upper depth limit for the survey, 120 m (Sosebee *et al.,* in prep). Generally, within U.S. waters, they range from a depth of 141 to 300 m in spring and 31 to 500 m in fall, with the majority of both spring and fall captures between 141 to 300 m (Packer *et al.,* 2003). Previous studies found thorny skate most abundant between 111 m and 366 m throughout the U.S. range (McEachran and Musick 1975). In Canadian waters from the Labrador Shelf to the Grand Banks, 88 percent of thorny skate are found between 30 and 350 m (COSEWIC 2012). In the Gulf of St. Lawrence, thorny skate have been found to be increasingly concentrated in depths below 100 m since the early 1990s, with the majority of fish greater than 33 centimeters (cm) in length found around 200 m (Swain and Benoit 2006). Fish smaller than 33 cm concentrate in shallower waters around 100 m in the Gulf of St. Lawrence. In Norway, thorny skate show a preference for even deeper waters, being more concentrated between 600 and 650 m (Williams *et al.,* 2008). Within the Barents Sea, average catch is highest between 100 and 200 m but thorny skates are captured all the way to 800 m (Dolgov *et al.,* 2005a). Together, this information demonstrates that thorny skate occur in a wide range of depths throughout their range, but are most likely to occur in deeper waters.

Thorny skate have been caught at temperatures ranging from −1.4 to 14 °Celsius (C) (McEachran and Musick 1975); however, they have a more narrow thermal range than most sympatric species (Hogan *et al.,* 2013). In the U.S. waters of the inshore Gulf of Maine, surveys catch nearly twice as many skates at 2.5 °C as between 4.5 and 9.5 °C, with catch rates dropping off sharply for temperatures warmer than 10 °C (Sosebee *et al.,* in prep). Generally, in U.S. waters during spring, adult thorny skate were found at temperatures between 2 and 13 °C, with the majority between 4 and 7 °C. During the fall, they were found over a temperature range of 3 and 13 °C, with the majority found between 5–8 °C (Packer *et al.,* 2003). Preliminary tagging results are available from a 2016 Gulf of Maine study with data from 23 thorny skate with pop-up satellite archival transmitting (PSAT) tags. The daily (min/max) temperature records from all PSAT-tagged skates indicated that thorny skate occurred in temperatures of 4.5–10.5 °C from November to August and have a broad temperature tolerance (J. Kneebone, pers. comm.). On the Grand Banks, catches of thorny skate are generally highest between 3 and 5 °C, although catch has concentrated on the warmer edge of the Bank since the 1990s (Colbourne and Kulka 2004). A similar concentration on the edge of the banks has been observed in the Gulf of St Lawrence, correlating with temperatures between 2 and 4 °C (Swain and Benoit, 2006). Few thorny skates were caught where temperature was <0 °C. The available information consistently demonstrates that thorny skate are most likely to occur in areas with cooler water temperatures (0 to 14 °C).

Seasonal migrations have been noted on the Scotian Shelf and the Grand Banks, but are not well understood (NEFSC 2003). Within the Gulf of St. Lawrence, skates move into deeper waters in November and December and into shallower waters in April and May, with peak numbers present there in late summer and fall (Clay 1991; Darbyson and Benoit 2003). A change in spring and fall distributions results in higher density and concentration of biomass in deeper waters during the spring, corresponding with areas of warmer temperature in Canadian waters (Kulka and Miri 2003). These may be examples of skates seeking out their preferred temperature range.

Few data are available regarding thorny skates' preferred salinity, although catch is highest between 32 and 35 practical salinity units (PSU) (COSEWIC, 2012). In U.S. waters during the spring, they are primarily caught at salinities of 33–34 PSU and in the fall at salinities of 32–35 parts per thousand (ppt), with more than 60 percent at 33 ppt (Packer *et al.,* 2003). In the Barents Sea, thorny skate are caught at a much larger range of salinities than other species (Dolgov *et al.,* 2004a).

Thorny skates eat a varied diet, with smaller skates consuming copepods, krill, polychaete worms and amphipods, and larger skates eating other fish and larger crustaceans including shrimp and crabs (Skjaeraasen and Bergstad 2000; Dolgov 2002). Thorny skate are opportunistic feeders; important fish prey species can include cod, capelin, and redfish (Pedersen 1995; Dolgov 2002). Within the Gulf of Maine, fish make up the majority of the thorny skate diet (Link and Sosebee 2011).

Overall, thorny skate are considered a habitat generalist, found over a wide variety of substrates, depths and temperatures. Thorny skate vary widely in depth preferences over the range of the species (Dolgov *et al.,* 2005a; COSEWIC 2012; Sosebee *et al.,* in prep), likely indicating an ability to seek out ideal temperatures.

Life History

Thorny skate, like other skate, ray and shark species, are relatively slow-growing, late to mature and have low fecundity when compared to bony fishes. An oviparous (egg-laying) species, they reproduce year-round (Kneebone *et al.,* 2007), although more females contain mature egg capsules in the summer (Collette and Klein-MacPhee 2002). In the Gulf of Maine, average egg capsule size is largest in October (Sulikowski *et al.,* 2005a). Mature females are estimated to produce an average of 40.5 eggs per year, with a hatching success of 38 percent (COSEWIC 2012). Others have estimated up to 56 eggs per year, slightly higher than similar species (McPhie and Campana 2009). Incubation time is long and, depending on temperature (low water temperatures slow development), is estimated to take from 2.5–3 years after deposit (Berestovskii 1994).

Lifespan for the species is difficult to estimate, due to the slow growth of the species and limited number of maximum-sized fish available for aging. A limited number of maximum-sized fish may result from fishing and natural mortality or from differential capture rates for different sized skates. Individuals estimated to be up to 16 years of age using vertebral and caudal thorn aging have been observed from the Gulf of Maine (Sulikowski *et al.,* 2005b)

and from Greenland (Gallagher *et al.,* 2006), respectively. Long-term tagging indicated these fish may live at least 20 years in Canadian waters (Templeman 1984) and further vertebral aging confirmed with radiocarbon bomb dating methodology indicated a maximum age of at least 28 years for individuals caught off the Scotian Shelf (McPhie and Campana 2009). Theoretical longevity was estimated at up to 39 years, much longer compared to other native skates (McPhie and Campana 2009).

Total length and length at reproductive maturity vary widely over the species' range. Maximum length and length at maturity (L50) decrease with increases in latitude. Maximum lengths range from 90 cm on the Labrador Shelf to 100–110 cm in the Gulf of Maine (COSEWIC 2012). The smallest L50s were reported farthest north, with female L50 reported at 44–47 cm, and male L50 at 44–50 cm reported for skates caught around Baffin Island on the Labrador Shelf (Templeman 1987). In the Gulf of Maine, L50 for females occurred at approximately 11 years and 87.5 cm; for males, L50 was reached at 10.9 years and 85.6 cm (Sulikowski *et al.,* 2005b). A later study on the eastern Scotian Shelf (midway between these populations) noted that female skates could show signs of maturity anywhere from 39.0–74.5 cm and males between 51.0–78.0 cm (McPhie and Campana 2009). The reasons behind variation in total length and length at maturity are unknown but may stem from environmental or genetic factors.

Age at maturity was estimated to be 11 years for females and 10.9 years for males. Size and age at maturity for thorny skate were greater and also demonstrated more variability than for sympatric skate species (Sosebee 2005; McPhie and Campana, 2009). Size and maturity were not found to correlate with depth (Templeman 1987).

Overall, thorny skates were found to have the highest potential reproductive rate and predicted population increase when compared to sympatric skate species (McPhie and Campana 2009); this may indicate a greater ability to recover from fishing for thorny skate than for similar species. Reproductive rate is still considered low overall compared to teleost species.

Population Structure

Tagging data from both sides of the Atlantic show thorny skates remaining in or returning to the same area with 85 percent of individuals traveling less than 120 kilometers (km) from their tagging locations (Templeman 1984; Walker *et al.,* 1997). In both studies, 13 percent of individuals traveled longer distances between 180 and 445 km. Preliminary study results from a 2016 study in the Gulf of Maine recovered data from five thorny skates tagged with PSATs in the vicinity of Cashes Ledge. The tag results indicated movements of 3–26 km at 100 days post-tagging (J. Kneebone, pers.comm). Three thorny skates tagged offshore in the Gulf of Maine near the Hague line exhibited movements of 3.5–6.5 km over 100 days post-tagging. In the western Gulf of Maine (Massachusetts Bay), data from 13 PSAT-tagged skates indicated distance traveled of 2–30 km over 100-day (n=12) and 200-day (n=1) tag deployment periods (J. Kneebone, pers. comm.). Collectively, these preliminary data corroborate previously published data and further demonstrate that thorny skates exhibit limited movements in the Gulf of Maine. However, some thorny skates off the coast of Newfoundland were observed to travel rapidly, with several individuals moving up to 200 km within a few months (Templeman 1984).

Conventional tagging data have several limitations when it comes to accurately monitoring movement for this species, including that all returns are produced from commercial fishing gear. First, these data rely on recaptures and reporting (commercial/recreational fishermen or surveys may report catch of a tagged fish) and the information obtained is generally limited to the location where the fish was recaptured in relation to where it was originally tagged. Second, the information from conventional tagging is limited by the small number of thorny skates tagged and recaptured. Return rates in the western Atlantic were 14 percent (Templeman 1984) and 25 percent in the eastern Atlantic (Walker *et al.,* 1997). The prosecution of fisheries in relatively shallow waters compared to the depth range of the species limits returns and therefore, data, because there are fewer opportunities for recapture. A particularly low rate of return of five percent was observed for skates tagged offshore (Templeman 1984), making it difficult to understand offshore movements. However, based on the available information, thorny skates are capable of occasional long distance movements, and this may be sufficient to promote reproductive mixing across the species' range.

Comparisons with sympatric skate species suggest that the thorny skate has one of the highest levels of haplotype and nucleotide genetic diversity when compared to other western Atlantic skate species, although this can be skewed by some individuals (Coulson *et al.,* 2011). Haplotype and nucleotide diversity are useful metrics for assessing species genetic diversity because they can be influenced by factors such as the size and age of a population and degree of connectivity between populations. High genetic diversity was also detected in studies that examined additional genetic markers (Chevolot *et al.,* 2007, Lynghammar *et al.,* 2014). Overall, barcode gap analysis (an analytical tool wherein the barcoding gap is the difference between interspecific and intraspecific genetic distance within a group of organisms) indicates the genetic distance within the thorny skate species is low compared to the average genetic distance within other species in the skate family (0.93 v. 3.9 percent, Lynghammar *et al.,* 2014). This means that, within the skate species sampled, thorny skates are genetically more similar to each other, suggesting greater gene flow across their range, than all of the other skate species in this study.

Distribution of genetic diversity did not mirror geographic distribution in the thorny skate, with the center of the range having the highest genetic diversity (Lynghammar *et al.,* 2014). Highest diversity in one study occurred between two adjacent sites in the eastern Atlantic, and when these were removed, there was no significant difference in genetic diversity between remaining sites (Chevolot *et al.,* 2007). Thorny skates captured in Iceland had the highest levels of diversity with fourteen different haplotypes present; thorny skates from the eastern and western Atlantic sites had significantly lower levels with three haplotypes each. The distribution of specific genetic haplotypes and the depth range of the species likely indicate gene flow across the range of the species (Chevolot *et al.,* 2007) and indicate that there are not isolated populations, as there is no significant gap in distribution across the species' range (COSEWIC 2012).

Comparisons of haplotype frequencies between the Northwest and Northeast Atlantic alone indicated that there was a statistically significant difference between haplotype frequencies of thorny skates in these two areas; however, when samples from Greenland were included, the differences in haplotype frequencies among thorny skates from these locations were not statistically significant (Lynghammar *et al.,* 2014). Additionally, Greenland represented a higher number of genetic haplotypes than either the Northwest or Northeast Atlantic, confirming previous results and suggesting that genetic mixing is occurring in the center of the species' range (Lynghammar *et al.,* 2014).

Further work comparing individuals of different sizes from two sites in the Gulf of Maine and two sites in Canadian waters found no significant genetic differences (Tsang *et al.,* 2008). Comparison of ''late maturing'' skates collected mostly north of Newfoundland and ''early maturing'' skates collected within Canadian waters south of Newfoundland also showed no significant genetic differences (Lynghammar *et al.,* 2014).

In summary, current information indicates thorny skates in the Northwestern Atlantic comprise a single stock, despite the differences in length and length at maturity. Some genetic differentiation is present between the Northwest Atlantic and Northeast Atlantic, but the center of the range appears to have genetic mixing between these two areas. This is likely made possible by the depth range of the species, which allows for continuous distribution as there are no known barriers to migration.

Abundance and Trends

The best available information regarding population abundance and trends is provided by independent trawl surveys within different regions of the species' range. Trawl surveys underestimate thorny skate abundance, however, because skates are able to escape capture by sliding under the foot rope of trawl gear (Templeman 1984). Capture efficiency varies widely with the configuration of the gear and size of the fish, as well as area (COSEWIC 2012), making it difficult to compare results or pool surveys. In addition, surveys are generally conducted to support fisheries management and are designed for other (commercial) species and thus may not be optimal for estimating skate abundance. In Europe, the areas surveyed do not always overlap with areas of known thorny skate abundance, particularly in deeper waters (Templeman 1984; Walker and Hislop 1998). Across the species' range, available data vary widely in survey gear, timing of surveys, and time series, making comparisons between different areas difficult (COSEWIC 2012).

Trawl surveys are limited in the types of bottom they can survey. For trawls, catch efficiency increases with the smoothness of the bottom. The roughest bottoms may be avoided by survey operators to prevent gear hang-ups. The increase in number and length of skates caught by longline surveys, particularly on rough bottom (Sosebee *et al.,* in prep), confirms that trawl gear underestimates total abundance and biomass of thorny skates (Dolgov *et al.,* 2005b) because rough bottom areas are not as efficiently surveyed with trawl gear.

The utility of trawl survey data to provide information on the thorny skate is thus limited in two ways: By location, missing an unknown portion of the species' preferred habitat; and by catch efficiency, underestimating the number of skates in surveyed areas. Trawl survey data, therefore, are an index and represent a minimum estimate of overall thorny skate abundance. Trends are still evident from these data but should be viewed with the sampling caveats described above, given the lack of information collected beyond the survey areas and the unknown proportion of individuals in un-trawlable habitat (see Davies and Jonsen 2011).

United States Waters

Northeast Fisheries Science Center Surveys

In U.S. waters, the relative abundance of the thorny skate is measured via NEFSC bottom trawl surveys. The NEFSC trawl survey has been conducted in the autumn from the Gulf of Maine to Southern New England since 1963 as a method of measuring abundance of groundfish for fishery management purposes. A spring survey was started in 1968. The autumn surveys provide a longer time series and are used for stock assessment purposes.

Numbers and catch-per-unit-effort (CPUE; abundance or biomass per tow) of thorny skates caught by this survey have declined over time. After reaching a peak during the 1970s with 5.3 kilogram (kg) per tow (2.9 fish per tow) during the spring survey and 5.9 kg per tow (1.8 fish per tow) in the autumn survey, catch has declined to less than five percent of these maximum levels, with the average current CPUE from 2013–2015 being 0.17 kg/tow (Sosebee *et al.,* in prep). Average length decreased from a high of 63 cm in 1971 to a low of 23 cm in 2003, but has been stable from 2014–2015 at 40–50 cm. From 1963 to 2015, minimum swept-area abundance and biomass estimates decreased from a high of 10.9 million individuals and 36,393 metric tons (mt) in the 1966 autumn survey to a low of 518,900 individuals (mean length = 19 cm) and 365 mt in autumn 2012 and 485,000 individuals (mean length = 30 cm) and 499 mt in autumn 2013. Spring survey numbers have followed a similar trend. Despite the decline from 1970s levels, recent data demonstrate increased capture. Survey estimates from 2014–2015 have increased from previous lows, with estimates of 865,000 individuals and 1,264 mt in spring 2015 and 628,000 individuals and 844 mt in autumn 2015.

It is important to note that the low efficiency of the gear in capturing skate for these surveys (as described above) indicates minimum abundance and biomass in the survey area, and true abundance and biomass are higher than numbers reflect. Historical survey efforts also likely underestimated thorny skate abundance and biomass. Edwards (1968) estimates the catch efficiency of thorny skates in the NEFSC trawl survey at 0.1. Using this value, the 2015 autumn survey represents an estimated 8,440 mt and 6 million fish within U.S. waters surveyed by NEFSC (Sosebee *et al.,* in prep).

State Surveys

Additional surveys in shallow water show similar patterns regarding trends of thorny skate biomass and abundance, or fluctuations without trend. The Massachusetts Division of Marine Fisheries (MADMF) surveys inshore state waters in spring and autumn. Catch of thorny skates is variable in this survey (1978 to 2015) but demonstrates an overall decreasing trend in thorny skate biomass and abundance. The spring index had stabilized around the median of 0.07 kg/tow throughout the 2000s, but has since declined, and none were caught in 2013. The autumn index has generally been below the median of 0.14 kg/tow since 1994. Average length of fish in this survey is variable but tends toward smaller fish (Sosebee *et al.,* in prep).

The Maine-New Hampshire Inshore Trawl Survey was established in 2000. This survey is stratified by depth and demonstrates low abundance of thorny skates in the inshore area with little trend over the time series (Sosebee *et al.,* in prep).

The Atlantic States Marine Fisheries Commission shrimp survey samples deeper offshore waters within the Gulf of Maine. A decreasing trend is evident here in both abundance and biomass of skate for the duration of the time series (1985–2015); however, recent survey results show stable biomass estimates from 2009–2015. Although average length has varied considerably over the time series (1985–2015), in general it shows a stable trend (Sosebee *et al.,* in prep).

Overall, NEFSC bottom trawl surveys indicate that thorny skates are most abundant in the Gulf of Maine and Georges Bank offshore strata regions, with very few fish caught in inshore (<27 m depth), Southern New England, or MA regions (NEFSC 2007, Sosebee *et al.,* in prep). More recent surveys (2007–2009) show a broadening of thorny skate

distribution into deeper water but also a concentration in the western Gulf of Maine (Sosebee *et al.,* in prep).

Canadian Waters

Where data are available, a decrease in abundance has been observed since the 1970s in Canadian waters; however, recent data indicate an increasing or stable trend in Canadian waters. The thorny skate is widely distributed and is the most common skate species in Canadian waters. The amount of decrease varies widely between different regions, varying from 30 percent on the Southern Labrador Shelf to more than 80 percent on the Scotian Shelf between 1977 and 2010 (COSEWIC 2012). Over the same time period, the average individual weight of commercially targeted demersal fish on the Scotian Shelf declined from 41–51 percent with the larger decline being on the eastern portion of the shelf (Zwanenburg 2000). Most Canadian areas saw a decline in abundance of thorny skates between 50–60 percent during this time period (COSEWIC 2012).

From 1990 to 2011, survey abundance has been mostly stable on the Southern Labrador Shelf and Northern Gulf of St. Lawrence, and has increased 61 percent on the Grand Banks (COSEWIC 2012). More recent information is available for the Grand Banks region, where a fishery persists for skates. Biomass in some Northwest Atlantic Fisheries Organization (NAFO) subdivisions has been increasing, but overall abundance and biomass remains at low levels, averaging 33,500 tons (t) (30,391 mt) from 1993 to 2012 (DFO 2013). Biomass of thorny skates overall on the Grand Banks has been stable since 2006 (Simpson *et al.,* 2016, Nogueira *et al.,* 2015).

Overall declines in abundance have been higher for larger thorny skates (COSEWIC 2012). In Canadian waters around Newfoundland, mortality for the smallest thorny skates has declined since the 1970s, while mortality has increased for older juveniles and adults in the Gulf of St. Lawrence (Swain *et al.,* 2013). Fishing effort in the area has declined over the same period; suggesting natural mortality factors (not attributable to fishing) are responsible for this change in mortality rates. On the Grand Banks, average length has increased since the 1990s (Nogueira *et al.,* 2015). Recruitment rate has also increased in the Southern Gulf of St. Lawrence since the 1970s (Benoit and Swain 2011).

Despite the overall downward trend in abundance of thorny skates within Canadian waters throughout the entire time series, recent (mid to late 1990s to 2012) trends for abundance, biomass, average length, and recruitment rate have been stable and increasing and thorny skates remain numerous. Estimated minimum abundance for Canada in 2010 was more than 188 million individuals, with recent increases in abundance of 61 percent on the Grand Banks (COSEWIC 2012). The true number is likely much higher because of the limitations of sampling gear and sampling locations and depth (as discussed above). Approximately 30–40 percent of the species' range lies within Canadian waters (COSEWIC 2012).

Northeast Atlantic

The thorny skate is widely distributed and is the most common skate species in the Northeast Atlantic. Within the Barents Sea, the population abundance was estimated to average 143 million fish and the biomass 95,000 mt during the period 1998 through 2001 (Dolgov *et al.,* 2005a). In Norway, their numbers fluctuated without trend between 1992 and 2005. They remain the most widely occurring skate species with a mean catch rate in Norwegian waters of 55.2 per km^2 (Williams *et al.,* 2008). While not directly comparable given differences in tow length and capture efficiency of different gears, this is relatively high when compared to capture rates in Canada and the United States. In Iceland and East Greenland, population estimates are not available, but abundance in groundfish surveys has remained stable since 2000. Area occupied has likewise remained stable, averaging 50 percent from 2000–2014 (International Council for the Exploration of the Sea (ICES) 2015).

In the North Sea off the coast of Scotland, thorny skates comprise eighty percent of the total skate biomass (Walker and Heeseen 1996; Piet *et al.,* 2009). Biomass was estimated to be greater than 100,000 t (90,718 mt) during the early 1980s (Sparholt and Vinther 1991). Abundance of thorny skates in the area increased greatly when comparing the 1906–1909 and 1990–1995 time periods, despite the overall decrease in landings of skates and rays in this region over the same time period (Walker and Hislop 1998). Abundance decreased (1977–2015) but is comparable to the abundances observed during the early 1970s (ICES 2015). Recent abundance estimates of thorny skates in the Northeast Atlantic have been stable (ICES 2015).

Area Occupied in the Northwest Atlantic

Some evidence suggests a contraction of the thorny skate's range over time. In Canadian waters, area occupied has remained stable through much of the species' range. Populations off Labrador, north of Newfoundland and on the St. Pierre Bank have all remained stable. Areas south of Newfoundland and St. Pierre Bank have experienced a decline in area occupied. On the Grand Banks, area occupied has decreased approximately 50 percent from a high of almost 60,000 km^2 to approximately 30,000 km^2 in 2010 (COSEWIC 2012). It appears fish in this area have been avoiding colder waters present on the top of the Bank, instead moving towards the warmer edge (Kulka and Miri 2003). In the Southern Gulf of St. Lawrence, the area occupied has decreased from about 55,000 km^2 in the mid-1970s to approximately 20,000 km^2 in 2010. Meanwhile, within the Northern Gulf of St. Lawrence, the area occupied has doubled from 42,300 km^2 from 1991–1993 to 90,400 km^2 from 2008–2010 (COSEWIC 2012). This supports the conclusion that the range of the thorny skate is shifting within the Gulf of St. Lawrence.

On the Scotian Shelf, area occupancy has declined steadily over the time series, by 58 percent since 1970–1972, and 66 percent since 1974–1976 (when it occupied 150,000 km^2). The decline ceased in 2000, and skate in this area now occupy approximately 50,000 km^2. There is a strong correlation in this location between area occupied and abundance (Shackell *et al.,* 2005), indicating that remaining skates are using the most suitable habitat. Thorny skate occupancy has also declined on the Canadian side of Georges Bank by about 40 percent. Overall, area occupied for all areas surveyed off Canada (averages for 2007–2009) is approximately 290,000 km^2, about 90,000 km^2 less than in the 1970s. Most of the decline occurred prior to 1991 with the largest decrease on the Scotian Shelf (COSEWIC 2012).

Within the United States, NEFSC bottom trawl surveys show an approximately 75 percent decrease in number of total tows containing skate from 1965 to 2008. There is an upward trend in the number of positive tows since 2008. There are several distribution indicators of possible contractions or expansions in distribution, such as positive tows, the Gini index (a measure indicating deviation from equal spatial distribution), and design-weighted area of occupancy, which takes into account

the area swept by the tows and the proportion of positive tows. Multiple estimates of biomass and abundance versus area also show a moderate increase in concentration of fish (Sosebee *et al.,* in prep).

An example of this is the design-weighted area of occupancy from the spring and fall NEFSC surveys, which incorporate a stratified random survey design (Kulka 2012). This index takes into account the area swept by the tows and the proportion of positive tows (Swain *et al.,* 2012). The calculation is the proportion of positive tows within a stratum multiplied by the area of that stratum and summed over the stock area. For the thorny skate, the design-weighted area of occupancy declined over time, from a high of almost 85,800 km^2 in the mid-1970s to 14,000–17,000 km^2 in 2008. Area occupied has increased recently, but concentrations of thorny skates remain within the Gulf of Maine (Sosebee *et al.,* in prep).

Abundance of the thorny skate has declined since the highs of the 1970s. The areas of greatest decline have been along the southern portion of their range, including U.S. waters and Canadian waters of the Scotian shelf. Abundance has declined by up to 80 or 95 percent in these areas (COSEWIC 2012), although recent surveys show the number of thorny skates in these areas are stable or slightly increasing (Sosebee *et al.,* in prep; COSEWIC 2012). In more northern parts of the range, decline in abundance has been closer to 60 percent on average and recent surveys show the number of thorny skates in these areas is increasing or stable (ICES 2015).

Biomass has also decreased, in part due to decreased abundance but also due to high average adult mortality. Recent biomass estimates indicate stabilization (at low levels) or increasing trends in some regions (COSEWIC 2012; Sosebee *et al.,* in prep). Thorny skates remain numerous throughout the greater portion of their range, numbering in the hundreds of millions (COSEWIC 2012). Due to low catchability, the species may be even more numerous than estimates predict. Area occupied has declined by approximately half since the 1970s; however, some expansion of area occupied has been observed recently and current estimates have demonstrated an upward trend in recent years (COSEWIC 2012; ICES 2015).

Distinct Population Segment Analysis

As described above, the ESA's definition of ''species'' includes ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' The term ''distinct population segment'' is not recognized in the scientific literature and is not defined in the ESA or its implementing regulations. Therefore, the Services adopted a joint policy for recognizing DPSs under the ESA (DPS Policy; 61 FR 4722) on February 7, 1996. Congress has instructed the Secretaries of Interior and Commerce to exercise this authority with regard to DPSs '' * * * . . . sparingly and only when biological evidence indicates such an action is warranted.'' The DPS Policy requires the consideration of two elements when evaluating whether a vertebrate population segment qualifies as a DPS under the ESA: (1) The discreteness of the population segment in relation to the remainder of the species or subspecies to which it belongs; and (2) the significance of the population segment to the species or subspecies to which it belongs.

A population segment of a vertebrate species may be discrete if it satisfies either one of the following conditions: (1) It is markedly separated from other populations of the same taxon (an organism or group of organisms) as a result of physical, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation; or (2) it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA (*e.g.,* inadequate regulatory mechanisms). If a population segment is found to be discrete under one or both of the above conditions, its biological and ecological significance to the taxon to which it belongs is evaluated. This consideration may include, but is not limited to: (1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon; (2) evidence that loss of the discrete population segment would result in a significant gap in the range of a taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historical range; or (4) evidence that the discrete population segment differs markedly from other population segments of the species in its genetic characteristics.

The petition from AWI and DW requested that we list a ''Northwest Atlantic DPS'' of the thorny skate as threatened or endangered under the ESA, or, as an alternative, a ''United States DPS'' as threatened or endangered under the ESA.

In May 2016, we convened an ERA workshop with thorny skate experts. The workshop participants provided individual expert opinions regarding the available information to assess whether there are any thorny skate population segments that satisfy the DPS criteria of both discreteness and significance. Data relevant to the discreteness question included physical, ecological, behavioral, tagging, and genetic data. As described above, the thorny skate is widely distributed across the Northern Atlantic, without any significant known gaps or barriers in the species range (COSEWIC 2012) or between the Northwest and Northeast Atlantic. Likewise, populations are considered contiguous between the United States and Canada.

Conventional tagging data suggest that individual movement is limited (Templeman 1984; Walker *et al.,* 1997); however, tagging studies to date have been small and relied upon recapture of individuals by fishing operations. There is a lack of information regarding species' movements in deeper water. However, the long distance movements of some tagged individuals (hundreds of kilometers) suggest that occasional long distance movements by some individuals may be sufficient to promote reproductive mixing across the species' range (Templeman 1984; Chevolot *et al.,* 2007). Connectivity between areas is also supported by high areas of genetic diversity in the center of the range (Lynghammar *et al.,* 2014). There are no physical barriers to thorny skate migration, and migratory pathways appear to be present between all ocean basins (*i.e.,* connected areas of appropriate habitat). Collectively, this information indicates that thorny skates are one contiguous population.

As highlighted in the DPS Policy, quantitative measures of morphological discontinuity or differentiation can serve as evidence of marked separation of populations. No genetic difference was detected between thorny skates caught within Canadian versus U.S. waters (Tsang *et al.,* 2008). Best available genetic information (Lynghammar *et al.,* 2014) suggests a significant amount of genetic diversity between populations in the Northwest and Northeast extremes; however, no significant difference is found when individuals from the center of the range are included, which indicates genetic mixing is occurring in the center of the range (Lynghammar *et al.,* 2014). The center of the species' range around Iceland and Greenland contains the highest amount of genetic diversity,

with the edges of the species' range in the Northwest and Northeast Atlantic both having lower levels of diversity. We do not know if the diversity is in neutral genetic markers or is indicative of adaptation. It should be noted that Lynghammar *et al.* (2014) was not specifically targeting thorny skates; therefore, improved sampling for thorny skates is suggested for future research. However, this study represents the best available scientific information on thorny skate genetics.

In summary, current information indicates thorny skates in the North Atlantic comprise a single species, despite the differences in age and length at maturity. Some genetic differentiation is present between the Northwest Atlantic and Northeast Atlantic, but the center of the range bridges genetic diversity between these two areas, indicating that there is mixing and gene flow across the range. This is likely made possible by the continuous distribution and depth range of the species, as there are no known physical barriers to migration. Morphological differences in thorny skate populations are limited to body size and age at maturity. Comparisons of individuals of different sizes from two sites in the Gulf of Maine and two sites in Canadian waters found no significant genetic differences (Tsang *et al.,* 2008). Comparison of ''late maturing'' skates collected mostly north of Newfoundland and ''early maturing'' skates collected within Canadian waters south of Newfoundland also found no significant genetic differences (Lynghammar *et al.,* 2014).

Thorny skates are habitat generalists. None of the populations appear to occur in an ecological setting unusual or unique for the taxon. Thorny skates are well distributed throughout the Atlantic; there is no population that represents the only surviving natural occurrence of the taxon. Thorny skates do not exist as an introduced population outside their historical range.

A population can be determined to be discrete if it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA. A directed fishery for thorny skates is permitted in the central portion of the species' range comprising the area of the Grand Banks in Canadian waters, as well as Iceland and Greenland. Landings of thorny skates are prohibited in the extreme western (U.S.) and eastern (U.K. eastward) portions of the species' range. In most shallow water areas across the species' range, thorny skates undergo some form of fishing mortality because they are a common bycatch species. There are some differences in management in the Northwestern Atlantic (by the Northwest Atlantic Fisheries Organization (NAFO) and the Northeastern Atlantic (by ICES). In 2004, the NAFO Fisheries Commission set a total allowable catch (TAC) of 13,500 mt for 2005–2009 in Division 3 LNO. This TAC was lowered by NAFO to 12,000 mt for 2010–2011, and to 8,500 mt for 2012. The TAC was further reduced to 7,000 mt for 2013, 2014, 2015 (Simpson *et al.,* 2016). In the Northeastern Atlantic there is a prohibition against landing thorny skates from European Union waters in the Barents Sea and east of the United Kingdom (ICES 2015). A very small fishery exists in Iceland and off East Greenland, where survey numbers have remained stable since 2000 (ICES 2015). With populations within the Northeast Atlantic currently considered stable (ICES 2015), existing regulatory measures appear sufficient to control fishing mortality within this region. Iceland reported 1,625 mt of thorny skate landings in 2014. A 2016 EU regulation prohibits thorny skate landing for EU waters of ICES divisions IIa, IIIa and VIId and ICES subarea IV Subareas II and IV and Division IIIa (Norwegian Sea, North Sea, Skagerrak, and Kattegat), based on ICES advice that a precautionary approach dictates no targeted fishing and measures to reduce bycatch. ICES advice for this species west of the UK is currently pending.

Within U.S. waters, thorny skates are managed under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Landings of thorny skates within U.S. waters were unregulated until 2003 when the New England Fishery Management Council (NEFMC) established a Fishery Management Plan (FMP) for the skate complex. In 2003, the stock was deemed ''overfished'' and a landing prohibition was put in place, requiring all catch of thorny skates to be discarded at sea. Compliance with the prohibition against landing thorny and other skates is examined via port sampling. While thorny skates are still considered overfished within the United States, overfishing is no longer occurring (NEFMC 2009), indicating that fishery management measures are successfully controlling fishing mortality in those waters.

Under the Fisheries Act, Canadian fisheries may take thorny skates as bycatch in other fisheries, and a small directed fishery still operates on the Grand Banks. Available information suggests that catch is well below the total allowable catch limits as set by NAFO and Canada, indicating fishing mortality is controlled (Simpson *et al.,* 2016). The Scotian shelf has been closed to directed fishery for skates (thorny and winter) since the early 2000s. In addition to compliance with catch limits, thorny skate abundance has been stable on the Grand Banks and the rest of Canada, yet still below historical levels (COSEWIC 2012). Therefore, existing regulatory measures appear sufficient to control fishing mortality.

Throughout its range, thorny skates cross international governmental boundaries. There are regulatory mechanisms in place across the species' range with respect to conserving and recovering the thorny skate. While there are regulatory differences in different parts of its range, when evaluated as described further below in the Inadequacy of Existing Regulatory Mechanisms section, these regulatory mechanisms are adequate and the effects on thorny skates are similar. These mechanisms include regulating directed catch and bycatch, and result in effective management of the harvest of thorny skates throughout their range.

In summary, thorny skates rangewide exhibit genetic continuity between the Northwest and Northeast Atlantic through a high degree of diversity in the center of their range, a lack of significant differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms across international borders. We have determined that neither thorny skates in the United States nor thorny skates in the Northwest Atlantic are discrete from thorny skates throughout the rest of the North Atlantic.

The workshop participants provided their individual expert opinions regarding the best available information related to the discreteness criterion for thorny skates. Upon our review of their individual analyses and the DPS policy, we have concluded that there are no populations of the thorny skate that are discrete. Because we do not find any populations that are discrete, we do not go on to the second element of the DPS criteria (significance). Therefore, none of the segments suggested by the petitioners (*i.e.,* Northwest Atlantic or United States) qualifies as a DPS. Because there are no DPSs of the thorny skate, the workshop participants next provided their individual expert opinions regarding extinction risk rangewide for the thorny skate.

Assessment of Extinction Risk

The ESA (section 3) defines endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range.'' A threatened species is ''any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' We consider the best available information and apply professional judgment in evaluating the level of risk faced by a species in deciding whether the species is currently in danger of extinction throughout all or a significant portion of its range (endangered) or likely to become so in the foreseeable future (threatened). We evaluate both demographic risks, such as low abundance and productivity, and threats to the species, including those related to the factors specified by the ESA sections 4(a)(1)(A)–(E).

Methods

As described above, we convened a workshop of invited experts to provide individual input regarding extinction risk to the species. This section discusses the methods used to evaluate demographic factors, threats, and overall extinction risk to the species now and in the foreseeable future. For this assessment, the term ''foreseeable future'' was defined as 40 years. The workshop participants reviewed other comparable assessments (which used generation times of either one or two generations) and provided their expert opinions on the appropriate timeframe for the thorny skate. Each of the workshop participants considered thorny skate generation time (16 years), the ability to predict population trends, climate-modeling predictions, and the time for management actions to be realized and reflected in abundance trends when considering a foreseeable future timeline. The individual workshop participants determined that, for the thorny skate, there was reasonable confidence across this time-period (40 years) that the information on threats and management is accurate. We agree that, because of the factors listed above, this is a reasonable definition of ''foreseeable future'' for the thorny skate, and we use the same definition here.

Often the ability to measure or document risk factors is limited, and information is not quantitative or very often is lacking altogether. Therefore, in assessing risk, it is important to include both qualitative and quantitative information. In previous NMFS status reviews, Biological Review Teams have used a risk matrix method, described in detail by Wainwright and Kope (1999), to organize and summarize the professional judgement of a panel of knowledgeable scientists. The approach of considering demographic risk factors to help frame the consideration of extinction risk has been used in many of our status reviews (see *http://www.nmfs.noaa.gov/pr/species* for links to these reviews). In this approach, the collective condition of individual populations is considered at the species level according to four demographic viability factors: Abundance, growth rate/productivity, spatial structure/connectivity, and diversity. Connectivity refers to rates of exchange among populations of organisms. These viability factors reflect concepts that are well founded in conservation biology and that individually and collectively provide strong indicators of extinction risk.

Using these concepts, the workshop participants each evaluated demographic risks by individually assigning a risk score to each of the four demographic criteria (abundance, growth rate/productivity, spatial structure/connectivity, diversity). The scoring for the demographic risk criteria corresponded to the following values: 1—very low risk, 2—low risk, 3—moderate risk, 4—high risk, and 5—very high risk. A demographic factor (or viable population descriptor) was ranked very low if it was unlikely that this descriptor contributed significantly to risk of extinction, either by itself or in combination with other viable population descriptors. A factor was ranked low risk if it was unlikely that this descriptor contributed significantly to long-term or near future risk of extinction by itself, but there was some concern that it may, in combination with other viable population descriptors. A factor was ranked moderate risk if this descriptor contributed significantly to long-term risk of extinction, but did not in itself constitute a danger of extinction in the near future. A factor was ranked high risk if this descriptor contributed significantly to long-term risk of extinction and was likely to contribute to short-term risk of extinction in the near future, and a factor was ranked very high risk if this descriptor by itself indicated danger of extinction in the near future.

Each workshop participant scored each demographic factor individually. Each workshop participant identified other demographic factors and/or threats that would work in combination with factors ranked in the higher categories to increase risk to the species. During the workshop, the participants provided their expert opinions for each of the demographic risks, including considerations outlined in McElhany *et al.* (2000) and the supporting data on which it was based. Workshop participants were given the opportunity to adjust their individual scores, if desired, after the workshop. The scores were then tallied, reviewed, and considered in our overall extinction risk determination. As noted above, this scoring was carried out for the species rangewide.

Each workshop participant also performed a threats assessment for the thorny skate by evaluating the impact that a particular threat was currently having on the extinction risk of the species. Threats considered included habitat destruction, modification, or curtailment; overutilization; disease or predation; inadequacy of existing regulatory mechanisms; and other natural or manmade threats, because these are the five factors identified in section 4(a)(1) of the ESA. Workshop participants each ranked the threats for the thorny skate at a range-wide scale. The workshop participants used the ''likelihood point'' (FEMAT) method to allow individuals to express uncertainty in determining the contribution to extinction risk of each threat to the species. Each workshop participant was allotted five likelihood points to rank each threat. Workshop participants individually ranked the severity of each threat through the allocation of these five likelihood points across five ranking criteria ranging from a score of ''very low contribution'' to ''very high contribution.'' The scoring for the threats correspond to the following values: 1—very low contribution, 2—low contribution, 3—moderate contribution, 4—high contribution, and 5—very high contribution. A threat was given a rank of very low if it is unlikely that this threat contributes significantly to risk of extinction, either by itself or in combination with other threats. That is, it is unlikely that the threat will have population-level impacts that reduce the viability of the species. A threat was ranked as low contribution if it is unlikely that this threat contributes significantly to long-term or near future risk of extinction by itself, but there is some concern that it may, in combination with other threats. A threat was ranked as medium contribution if this threat contributes significantly to long-term risk of extinction, but does not in itself constitute a danger of extinction in the near future. A threat was ranked high contribution if this threat contributes significantly to long-

term risk of extinction and is likely to contribute to short-term risk of extinction in the near future. Finally, a threat was ranked very high contribution if the threat by itself indicates a danger of extinction in the near future. Detailed definitions of the risk scores can be found in the status review report (NMFS 2017).

Similar to the demographic parameters, the workshop participants were asked to identify other threat(s) and/or demographic factor(s) that may interact to increase the species' extinction risk. The workshop participants also considered the ranking with respect to the interactions with other factors and threats. For example, workshop participants identified that threats due to the inadequacy of existing regulatory mechanisms may interact with the threat of overutilization and slow population growth rates (a demographic factor) to increase the risk extinction.

Workshop participants were asked to rank the effect that the threat was currently having on the extinction risk of the species. Each workshop participant could allocate all five likelihood points to one ranking criterion or distribute the likelihood points across several ranking criteria to account for any uncertainty. Each individual workshop participant distributed the likelihood points as she/he deemed appropriate with the condition that all five likelihood points had to be used for each threat. Workshop participants also had the option of ranking the threat as ''0'' to indicate that, in their opinion, there was insufficient data to assign a score, or ''N/A'' if in their opinion the threat was not relevant to the species either throughout its range or for individual stock complexes. When a workshop participant chose either N/A (Not Applicable) or 0 (Unknown) for a threat, all five likelihood points had to be assigned to that category only.

During the group discussion, the workshop participants were asked to identify other threat(s) or demographic factor(s) that were interacting with the threats or demographic factors to increase the species' extinction risk. As scores were provided by individual workshop participants, each individual stated his or her expert opinion regarding each of the threats, and the supporting data on which it was based. We considered these along with the demographic scores in our overall risk assessment.

The workshop participants were then asked to use their informed professional judgment to individually qualitatively score overall extinction risk for the thorny skate. The results of the demographic risks analysis and threats assessment, described below, informed this ranking. For this analysis, the workshop participants used three levels of extinction risk, consistent with the NMFS (2016) listing guidance: Low risk, moderate risk, and high risk. Low risk was defined as: ''A species or DPS is at low risk of extinction if it is not at moderate or high level of extinction risk (see ''Moderate risk'' and ''High risk''). A species or DPS may be at low risk of extinction if it is not facing threats that result in declining trends in abundance, productivity, spatial structure, or diversity. A species or DPS at low risk of extinction is likely to show stable or increasing trends in abundance and productivity with connected, diverse populations.'' Moderate risk was defined as: ''A species or DPS is at moderate risk of extinction if it is on a trajectory that puts it at a high level of extinction risk in the foreseeable future (see description of ''High risk''). A species or DPS may be at moderate risk of extinction due to projected threats or declining trends in abundance, productivity, spatial structure, or diversity. The appropriate time horizon for evaluating whether a species or DPS will be at high risk in the foreseeable future depends on various case- and species-specific factors. For example, the time horizon may reflect certain life history characteristics (*e.g.,* long generation time or late age-at-maturity) and may also reflect the time frame or rate over which identified threats are likely to impact the biological status of the species or DPS (*e.g.,* the rate of disease spread). (The appropriate time horizon is not limited to the period that status can be quantitatively modeled or predicted within predetermined limits of statistical confidence. The biologist (or Team) should, to the extent possible, clearly specify the time horizon over which it has confidence in evaluating moderate risk.).'' High Risk was defined as: ''A species or DPS with a high risk of extinction is at or near a level of abundance, productivity, spatial structure, and/or diversity that places its continued persistence in question. The demographics of a species or DPS at such a high level of risk may be highly uncertain and strongly influenced by stochastic or depensatory processes. Similarly, a species or DPS may be at high risk of extinction if it faces clear and present threats (*e.g.,* confinement to a small geographic area; imminent destruction, modification, or curtailment of its habitat; or disease epidemic) that are likely to create imminent and substantial demographic risks.''

The workshop participants adopted the ''likelihood point'' method for ranking the overall risk of extinction to allow individual workshop participants to express uncertainty. For this approach, each workshop participant distributed 10 'likelihood points' among the extinction risk categories (that is, each workshop participant had 10 points to distribute among the three extinction risk categories). Uncertainty is expressed by assigning points to different risk categories. For example, a workshop participant would assign all 10 points to the 'low risk' category if he/she was certain that the definition for 'low risk' was met. However, he/she might assign a small number of points to the 'moderate risk' category and the majority to the 'low risk' category if there was a low level of uncertainty regarding the risk level. The more points assigned to one particular category, the higher the level of certainty. This approach has been used in previous NMFS status reviews (*e.g.,* Pacific salmon, Southern Resident killer whale, Puget Sound rockfish, Pacific herring, black abalone, and common thresher shark) to structure the workshop participant's thinking and express levels of uncertainty when assigning risk categories. Although this process helps to integrate and summarize a large amount of diverse information, there is no simple way to translate the risk matrix scores directly into a determination of overall extinction risk. The workshop participant scores were tallied, discussed, and summarized by NMFS for the thorny skate rangewide.

The workshop participants did not make recommendations as to whether the species should be listed as threatened or endangered. Rather, the workshop participants drew scientific conclusions about the overall risk of extinction faced by the thorny skate under present conditions and in the foreseeable future (as noted above, defined as 40 years) based on his/her evaluation of the species' demographic risks and assessment of threats.

Evaluation of Demographic Risks

Abundance: The workshop participants individually evaluated the available thorny skate abundance information, which is summarized in the Abundance section of the listing determination. Several workshop participants noted that the available information indicated thorny skate abundance had declined significantly from historical levels in certain parts of its range. However, in all regions where abundance trends and/or indicators are

available, declines appear to have been halted, and increases in abundance were apparent in some regions. Further declines are unlikely due to improved management. Abundance estimates from the Northwest Atlantic are currently in the millions of individuals, even where significant declines have occurred. There is no evidence of depensatory processes such as reduced likelihood of finding a mate, and recruitment per spawner has remained stable for thorny skate. The mean score we calculated based on the workshop participants' individual scores corresponds to a *very low to low* ranking rangewide, as this factor is unlikely to contribute significantly to the thorny skate's risk of extinction.

Growth rate/productivity: The workshop participants individually evaluated the available information on thorny skate life history traits as they relate to this factor. As summarized in the Reproduction, Growth, and Demography section, thorny skates have low inherent productivity due to their late age at maturity, low fecundity, slow population growth rates, and long generation times (16 years). This low productivity makes thorny skate populations vulnerable to overexploitation, and slow to recover from depletion. The mean score we calculated based on the workshop participants' scores corresponds to a *low to moderate* ranking rangewide, as this factor is unlikely to contribute significantly to the thorny skate's risk of extinction.

Spatial structure/connectivity: The workshop participants individually evaluated the available information on thorny skate spatial structure (tagging and genetics information) summarized in the Population section. The thorny skate has a very broad range, including across the entire North Atlantic Ocean. The species is mobile, and some connectivity across the range is apparent from both tagging and genetics data. At the southern edges, there is an indication that a contraction or northward shift may be occurring; however, recent surveys show an increase in abundance in the southern range in U.S. waters. The mean score we calculated based on the workshop participants' individual scores corresponds to a *very low to low* ranking rangewide, as this factor is very unlikely to contribute significantly to the thorny skate's risk of extinction.

Diversity: The workshop participants individually evaluated the available information on thorny skate diversity summarized in the Population section. The available genetics studies indicate that thorny skate populations have the highest genetic diversity amongst skate species, and there is reproductive connectivity along a continuum rangewide. Therefore, genetic diversity appears to be sufficiently high and not indicative of isolated or depleted populations. The thorny skate does not appear to be at risk due to substantial changes or loss of variation in life history traits, population demography, morphology, behavior, or genetic characteristics. The mean score we calculated based on the workshop participants' individual scores corresponds to a *very low to low* ranking rangewide, as this factor is very unlikely to contribute significantly to the thorny skate's risk of extinction.

Evaluation of Threats

The workshop participants identified several threats in the low to moderate category for contribution to extinction risk, including: Climate change, manmade non-fishing habitat impacts, commercial discards, commercial landings, global and national climate regulation, and inadequacy of existing NAFO regulations. Both climate change and global or national climate change regulations received the most likelihood points in the moderate contribution to extinction risk category. Only one threat, climate change, received likelihood points in the high contribution category, but the majority of points were in the low to moderate category. We summarize the threats to the thorny skate and provide the workshop participants' expert opinions on their degree of contribution to extinction risk.

Habitat Destruction, Modification, or Curtailment: Workshop participants individually evaluated the available information on habitat use and distributions of the thorny skate summarized in the status review report. Overall, the thorny skate is a habitat generalist in the marine environment, and not substantially dependent on any particular habitat type. It occurs in coastal and offshore waters, and is not dependent during any life stage on more vulnerable estuarine habitats. Thorny skate habitat use is influenced by temperature and prey distributions, but they have broad temperature tolerances and an opportunistic diet, making them less vulnerable to habitat destruction.

Within the Northwest Atlantic, the species' range from Greenland south is a mixing zone for different currents. The Labrador Current flows down the inner shelf, bringing cooler and fresher water from the north, which flows down over the ocean shelves, including the Grand Banks, Scotian Shelf, Georges Bank and into the Gulf of Maine. Meanwhile, the Gulf Stream in deeper offshore waters brings warmer, saltier water up from the south (Saba *et al.,* 2015). The range of the thorny skate covers both of these currents and the mixing zone; thorny skates are able to occur throughout this area due to their tolerance of different temperatures. This mixing zone makes it difficult to predict the impacts of climate change within the area, although recent specific modeling suggests that the Gulf of Maine will warm nearly three times as fast as other areas from a predicted northward shift in the Gulf Stream (Saba *et al.,* 2015). Recently, the Labrador Current has had the opposite effect, decreasing salinity in the shallower parts of the Gulf of Maine and cooling temperatures on the shelves (Townsend *et al.,* 2010). Overall, waters within the range of the thorny skate are expected to get warmer, increase in salinity and decrease in pH (Saba *et al.,* 2015). In marine ecosystems, climate change impacts like these are generally expected to push species distributions northward (Frumhoff *et al.,* 2007), but possible effects on the thorny skate are unclear.

In U.S. waters, the thorny skate has experienced a relatively high amount of range contraction as measured during NEFSC surveys. A small but statistically significant northward shift in range, and increased concentration in deeper waters has been detected (Nye *et al.,* 2009). A possible explanation of the consistent, long-term decline of thorny skates in the NEFSC trawl survey is skates are shifting out of the survey area. The shift in area occupied on the Grand Banks in Canada may also be a response to climate change. In this area, skates have shifted to the warmer edge of the banks, avoiding the cooler temperatures present on the center of the banks (Kulka and Miri 2003) created by the Labrador Current. The lack of skates present in temperatures below 1 or 2° C supports this conclusion.

There is no information regarding the impacts of ocean acidification on the thorny skate. However, a study on the sympatric little skate, *Leucoraja erinacea,* demonstrates that changes in temperature and acidic concentration can result in complex effects on developmental time, body condition and survival in skate hatchlings (Di Santo 2015). There is currently no information available on how hypoxia or changes in nutrient composition might impact the thorny skate. Given its broad range, generalist feeding habits, and ability to move, localized areas of hypoxia or low prey availability are unlikely to have an impact at a species level.

Since climate change impacts are expected to shift species distributions northward and impact species diversity, recent studies have focused on the impacts of climate change to fish community assemblages, particularly on species richness and diversity. Some impacts have been observed for ''coastal'' or shallow water communities (<200 m/656 ft in depth) in the Gulf of St. Lawrence (Tamdrari *et al.,* 2014) and Iceland (Stefansdottir *et al.,* 2010). In both these studies, thorny skates were found to associate more with the deeper water fish assemblages, which had only minor, if any, impacts from climate change.

There is some evidence that suggests the species is shifting to deeper waters. Thorny skates comprised 7.97 percent of fish in the ''coastal'' species assemblage (<200m) in the early 1990s and only 5.58 percent on average from 2004–2010 in the Gulf of St. Lawrence. In the deeper species assemblage (≤200m) they went from 3.71 percent in the early 1990s to 4.52 percent averaged from 2004–2010 (Tamdrari *et al.,* 2014). This is a relatively small change for both depths when compared to change for other species, representing half as much decrease in the coastal assemblage as redfish (*Sebastes spp.*) and an order of magnitude less than the decrease in Atlantic cod (*Gadus morhua*). Additionally, thorny skates were most abundant between 100 and 350 m of depth before climate change became apparent (McEachran and Musick 1975), and this remains the case in modern surveys (Packer *et al.,* 2003; COSEWIC 2012), though depths in the fall range up to 500 m in U.S. waters (Packer *et al.,* 2003).

Recent climate vulnerability analyses have been performed for fish species in the Northeast United States and for fish assemblages on the Scotian Shelf in Canada. Despite having similar methodologies, these studies came to different conclusions regarding the vulnerability of thorny skates to climate change. Stortini *et al.* (2015) rated the vulnerability of the thorny skate on the Scotian shelf as ''low.'' This study scaled the estimated vulnerability relative to thirty-two other species found on the Scotian Shelf; therefore, the ''low'' vulnerability rating is in relation to other species in that location.

Hare *et al.* (2016) rated this species as having a ''high'' biological sensitivity and climate exposure likelihood off the Northeast United States, on a scale of ''low'' to ''very high.'' In this effort, vulnerability was equated to the likelihood of the species experiencing either reduced productivity or shifting its distribution out of the region in response to climate change. This vulnerability analysis concluded that there was also a ''high'' chance of negative impacts and changes in species distribution within its U.S. range. Both assessments used a similar variety of species life history factors to produce a species sensitivity score, but Hare *et al.,* (2016) used a larger variety of climate factors including pH, salinity, precipitation and ocean currents to determine climate exposure, whereas Stortini *et al.* (2015) looked only at mean temperature under different warming scenarios.

While thorny skates in U.S. waters are at high risk for being impacted by climate change (likely to manifest as loss of cold water habitat in U.S. waters), the best available information indicates that throughout most of the range, the generalist habitat requirements of the thorny skate will limit impacts of climate change. This conclusion is supported by studies on species diversity that indicate impacts to species assemblages have not yet occurred on communities including the thorny skate, due to its depth preferences (Stefansdottir *et al.,* 2010, Tamdarai *et al.,* 2015). In addition, modeling predicts a less than 10 percent loss of thermally appropriate habitat before 2030 in U.S. waters, but almost no habitat loss before 2030 in Canadian waters (Shackell *et al.,* 2014). A ten percent loss is expected in Canada and up to 25 percent loss in U.S. waters may occur before 2060 (Shackell *et al.,* 2014). Although the risk may be high that thorny skates will shift their distribution out of Northeast U.S. waters due to warming ocean conditions (Hare *et al.,* 2016), the species would have the ability to persist in adjacent regions with more suitable habitat.

Ocean temperature changes due to climate change may be contributing to a contraction of the thorny skate's range at its southern edges. Thorny skates appear to have comparatively low exposure to potentially harmful pollutants, and there is no information suggesting their individual fitness or populations are threatened by pollution. The mean score we calculated based on the workshop participants' individual scores indicates that climate change and non-fishing related modifications to habitat (*e.g.* drilling, offshore windfarm construction) present a *low to moderate* contribution to extinction risk.

Overutilization: The workshop participants individually evaluated the available information on fishing mortality and abundance trends of thorny skate summarized in the status review report. Overutilization for commercial purposes was once considered one of the primary threats to thorny skate populations. Significant declines have been documented throughout much of the thorny skate's range due to historical fishing pressure. The most recent information suggests that declines in several stocks have halted due to fishing restrictions (COSEWIC 2012; ICES 2015; Sosebee *et al.,* in prep). Populations appear to be stable or slowly increasing, with millions of individuals remaining in the Northwest Atlantic alone. Therefore, there appears to be a low likelihood of further population declines because of stabilization observed after management actions were put into place. The mean score we calculated based on the workshop participants' individual scores corresponds to a *very low* or *low* ranking for all threats in this category, with the commercial landings and commercial discards receiving mean scores of slightly higher than low contributions to overall extinction risk.

Thorny skates were and are taken as bycatch by fisheries throughout their range, including those in the North Sea, Barents Sea, Gulf of St. Lawrence and on the Canadian and U.S. continental shelves. Targeted fisheries, particularly by foreign fleets including those of Spain, Portugal and Russia, developed in the 1990s (COSEWIC 2012; Sosebee *et al.,* in prep). The fishery for thorny skates was largely unregulated in the Northwest Atlantic until the 2000s (COSEWIC 2012). Currently, small fisheries exist in the North Sea (Piet *et al.,* 2009) and on the Grand Banks in Canada (Simpson *et al.,* 2016), which is, as mentioned earlier, the first regulated skate fishery in international waters. Since 2003, U.S. vessels have been prohibited from possessing or landing thorny skates (NEFMC 2009). While directed fisheries on the species are currently limited, thorny skates continue to be taken as bycatch and discarded in commercial fisheries within their range.

U.S. Fisheries Catch and Bycatch

Total landings for all skate species within U.S. waters reached 9,462 mt in 1969 and declined after that, reaching a low of 847 mt in 1981 (Sosebee *et al.,* in prep). Skate landings increased substantially after that time period for lobster bait and export, rising to a high of 20,342 mt in 2007 (Sosebee *et al.,* in prep). Estimated total catch of thorny skates has declined from over 5,000 mt in the late 1960s and early 1970s to about 200–300 mt in recent years (Sosebee *et al.,* in prep). Thorny skates make up a small overall portion of skate catch, particularly in comparison to winter and little skates. Most of the

early catch (1969–1989) was from otter trawl discards, while landings dominated from 1990 to present (Sosebee *et at.,* in prep). Discards from scallop dredges increased in proportion to population estimates during the late 1970s and again during the late 1990s (Sosebee *et al.,* in prep). While landings were generally low, catch of thorny skates likely contributed to the decline of the species over time.

In 2003, the NEFMC implemented a FMP for the seven skates present within the Gulf of Maine. The FMP prohibited landings of thorny skates as the stock status was considered overfished (NEFMC 2009). The limited information regarding species biomass required the NEFSC to develop survey-based overfished and overfishing reference points for the thorny skate: ''Thorny skate is in an overfished condition when the three-year moving average of the autumn survey mean weight-per-tow is less than one half of the 75th percentile of the mean weight-per-tow observed in the autumn trawl survey from the selected reference time series. Overfishing occurs when the three year moving average of the autumn survey mean weight per tow declines 20% or more, or when the autumn survey mean weight per tow declines for three consecutive years. The reference points and selected time series may be re-specified through a peer reviewed process and/or as updated stock assessments are completed'' (NEFMC 2009). The target biomass for thorny skates is currently set at 4.13 kg/tow and the minimum biomass threshold at 2.06 kg/tow. The most recent 3-year average remains below these figures at 0.17 kg/tow; however, this figure has remained steady since 2011.

The MSA states: ''A stock or stock complex is considered ''overfished'' when its biomass has declined below a level that jeopardizes the capacity of the stock or stock complex to produce Maximum Sustainable Yield (MSY) on a continuing basis. MSY is defined as the largest long-term average catch or yield that can be taken from a stock or stock complex.'' The overfished/overfishing status of a stock is determined relative to its ability to produce continued yield from a fishery. The overfished status of thorny skates within the United States means that fishing mortality rates (including past landings and discards) have been too high, and caused the population to decline below acceptable levels. The stock must be rebuilt to biomass levels that can produce MSY for a fishery to be sustainable. The prohibition on harvest in U.S. waters is expected to help the stock rebuild. This means any thorny skates caught within U.S. waters must be discarded at sea.

Estimated thorny skate discards are low relative to other skates (Sosebee *et al.,* in prep). Landings and dead discards have decreased in recent years (2007–2014) and total discards have stabilized or increased.

Canadian Fisheries and Bycatch

Thorny skates comprise the majority of skates caught in commercial fisheries in Canada. The majority of thorny skate catch comes from the coast of Labrador and Newfoundland, including the Grand Banks area. This has ranged from a high of approximately 24,000 mt in the early 1990s to current levels around 6,000 mt. Relative fishing mortality has remained stable (1985- 2009) in this area at approximately ten percent (COSEWIC 2012).

Within the southern Gulf of St. Lawrence, estimated landings of thorny skates peaked in 1994 at approximately 38 t, and have since decreased to an average 1–2.7 t over the period 2006–2011(Benoit 2013). The thorny skate is the most common discarded skate species. On average, 490 t were discarded in the early 1990s, this dropped to 53.7 t on average over the period 2006 -2011 (Benoit 2013). While the majority of discards in the past came from trawl fisheries, currently half are from trawl and half from the gillnet fishery for Greenland halibut (Benoit 2013). Overall fishing effort in this area has declined or remained stable since the 1990s (COSEWIC 2012).

The only remaining directed fishery for the thorny skate is executed within the Grand Banks Area. This area is managed between two areas, 3Ps directly south of Newfoundland and entirely within the Canadian Exclusive Economic Zone (EEZ), and divisions 3LNO, which comprise the outer banks, some of which lies outside the Canadian EEZ. Quota regulation within the EEZ was enacted in 1995 (Simpson *et al.,* 2014). In 2004, NAFO enacted quota regulation for the entire 3LNO area, making this the first regulated skate fishery in the world in international waters. The regulated areas include areas within and outside the Canadian EEZ; 3Ps remained under Canada's quota system. For most years since the quotas were enacted, catch has remained well below the limits. Relative fishing mortality within the Grand Banks has decreased over time. Within the 3LNO it increased from the late 1980s to a peak of 29 percent in 1997; then stabilized at approximately 17 percent during 1998–2004 (Simpson *et al.,* 2016). In 2005, relative fishing mortality declined to 4 percent and has remained around 5 percent (Simpson *et al.,* 2016). Since 1985, fishing mortality within 3Ps was relatively constant, below 5 percent for most years (Simpson *et al.,* 2016).

Northeast Atlantic Fisheries and Bycatch

There is little directed fishing effort on thorny skates across most of the Northeast Atlantic, with a prohibition against landings currently in place in European Union waters in the Barents Sea and east of the United Kingdom (ICES 2015). There is a small fishery landing thorny skates from Iceland and Greenland. Landings here have increased but still remain below 2,000 mt, or about half that of Canada's yearly landings.

The available information indicates that current thorny skate populations are numerous in many areas and that area occupied is increasing. While the portion of the population within the United States is not currently capable of sustaining a fishery, fisheries for thorny skates are well-controlled throughout the range. Fishing mortality relative to biomass has decreased across the range through time, and is currently rather low in most areas. The mean score we calculated based on the workshop participants' individual scores indicate that commercial landings across the range of the species present a *low* contribution to extinction risk.

We have also considered the best available information on the mortality rates of thorny skates that are discarded (*i.e.,* returned to the water alive after capture in fishing gear). Factors that impact thorny skate discard survival in trawl fisheries include size, depth of capture, difference in temperature between bottom and surface conditions (Benoit *et al.,* 2013), duration of the tow and degree of injury sustained during the capture event (Mandelman *et al.,* 2013). Skates can have an overall high survival rate following discard, with up to 20 percent mortality predicted for trawl fisheries within the Gulf of St. Lawrence (Benoit, 2013). Mandelman *et al.* (2013) studied the post-discard mortality of thorny skates captured in trawl gear in the Gulf of Maine. This study indicates that while 72-hour post-discard mortality of a sample of individuals retained in captivity following cage trials was only 22 percent, the condition of many of the individual thorny skates was poor (52 percent injury rate at time of capture; most with listless appearance and lack of vigor at the end of the 72-hour period) and 7-day mortality was 66 percent. The authors note that the species may be less resilient than

indicated by the 22 percent 72-hour mortality rate and cautions against the use of the 22 percent mortality rate in management. The effects of captivity on these mortality rates are unknown; however, it is reasonable to expect that captivity contributed to slightly higher mortality rates. The available information indicates a low to moderate risk of mortality to a thorny skate once it is captured (Benoit *et al.,* 2013 and Mandelman *et al.,* 2013). The elimination of most directed fisheries and reductions in catches are expected to reduce overall fishing mortality, including discard mortality. It is also important to note that post-discard mortality is considered in developing fishing management policies for the thorny skate in the United States. Current management measures consider the available information on post-discard mortality. While overutilization had been a primary threat to the species, fishing mortality is being managed throughout the species' range. The available information indicates that current thorny skate populations are numerous in many areas and that area occupied is increasing. While the portion of the population within the United States is not currently capable of sustaining a fishery, fisheries for thorny skates are well-controlled throughout the range. Fishing mortality relative to biomass has decreased across the range through time, and is currently low in most areas. The mean score we calculated based on the workshop participants' individual scores indicates that commercial discards across the range of the species represent a *low* contribution to overall extinction risk.

Disease and Predation: Workshop participants individually evaluated the available information on disease and predation of thorny skates summarized in the status review report. Overall, there is minimal information available with which to evaluate these threats. In general, thorny skates may be susceptible to diseases, but there is no evidence that disease has ever caused declines in populations. The mean score we calculated based on the workshop participants' individual scores indicates that disease represents a *very low* contribution to overall extinction risk, as it is very unlikely that this threat contributes or will contribute to the decline of the species.

Regarding predation, there is no indication that this species would be threatened by excessive predation pressure. Egg capsules for the species are reportedly preyed upon by halibut, Greenland shark and goosefish (Collette and Klein-MacPhee 2002). Gastropods may also predate on egg cases, with a predicted predation frequency ranging from 4 to 18 percent (Cox *et al.,* 1999). It is unknown what the effect of this predation may be, but it could contribute to a slower rate of rebuilding.

Skates, including thorny skates, are prey for a number of species: Flounder, other skates, seabirds, marine mammals, sharks, cod and other large demersal fishes, with the last being the most important (Morissette *et al.,* 2006). Overall mortality for small skates has decreased while increasing for larger skates since the 1970s. Currently, recruitment for smaller skates remains high in portions of the Canadian range (Benoit and Swain 2011; Swain *et al.,* 2013). Meanwhile, the numbers of large fishes have decreased. Fishing pressure has also decreased, substantially in some regions, indicating sources of adult skate mortality may be natural. Marine mammal predation, particularly by gray seals, has been suggested as an increasing cause of mortality for some locations (Swain *et al.,* 2013).

Thorny skates are at least a minor source of prey for gray seals, composing up to 6 percent of their diet depending on age and season (Beck *et al.,* 2007). Gray seal energy requirements are high enough that this predator may be responsible for much of the natural mortality of adult thorny skates in some areas, despite the thorny skate being a minor prey source (Swain *et al.,* 2013, Benoit *et al.,* 2011). Energetics modeling has been found to explain a similar pattern of increased adult mortality in other local species (Benoit *et al.,* 2011). Further modeling work found a negative relationship between the gray seal index and thorny skate numbers in the Southern Gulf of St. Lawrence. The harp seal index was more likely to explain population trends in the Northwest portion of the Gulf. Predation by either species was not found to explain trends in thorny skate within the northeast portion of the Gulf (Ouellet *et al.,* 2016).

Predation by gray seals may have increased within the range of the thorny skate. Gray seal populations have recovered during the same time period of decreasing mortality for small thorny skates. Numbering only 15,000 individuals in the 1960s, the gray seal population increased to 350,000 by 2007. In 2014, the population estimate within the Canadian range and Gulf of Maine had increased to 505,000 (Hamill *et al.* 2014). In addition, gray seals have been expanding their range and are now present in small numbers as far south as Southern New England (DiGiovanni Jr. *et al.,* 2016).

Gray seals stay mostly local (within 50 km) to haul-out sites and forage in mostly shallow depths (~100 m) (McConnell *et al.,* 1999, Schreer *et al.,* 2001). The largest numbers of gray seals are found in the Gulf of St. Lawrence and on Sable Island off the coast of Nova Scotia, where they may impact skates on the Scotian Shelf. Smaller populations are found in coastal Nova Scotia, Seal Island, Maine and on Cape Cod, Massachusetts (Hamill *et al.,* 2014). If gray seal predation is contributing to thorny skate mortality, the impact is likely to be concentrated in the shallowest portions of the thorny skate range around major gray seal population areas.

Harp seals migrate to the Gulf of St. Lawrence to whelp before returning to Artic waters on the overlapping range of thorny skate. They migrate along the coast of Labrador and Greenland northward. Small numbers of harp seals may remain year-round in southern waters, with the majority living in the Artic. Currently there is no evidence that thorny skates comprise more than an incidental portion of the harp seal diet. Harp seal reproductive rates decreased in the latest assessment, with 8.3 million individuals estimated in 2008 and 7.7 million estimated in 2012 (DFO 2012). Harp seal predation on thorny skates is likely stable or slightly decreasing and centered around whelping sites.

Modeling indicates marine mammal predation may contribute to high natural mortality of adult thorny skates in some discrete areas, suppressing recovery of their populations (DFO 2012). For now, high levels of recruitment in small skates are still evident despite this pressure. Recent abundance of thorny skates has also been stable in areas where marine mammal populations are centered. The recent population increase of gray seals in U.S. waters and coinciding stabilization of thorny skate abundance indices suggests that seal predation was not likely responsible for thorny skate declines. The mean score we calculated based on the workshop participants' individual scores indicates that predation represents a *very low* contribution to extinction risk, as it is very unlikely that this threat contributes or will contribute to the decline of the species.

Inadequacy of Existing Regulatory Mechanisms: The workshop participants individually evaluated the available information on fisheries management regulations and abundance trends of the thorny skate summarized in the status review report. The inadequacy of regulatory mechanisms to control the harvest of thorny skates was once considered a significant threat to their populations. Legal protections for

thorny skates vary between outright prohibitions on landings in the United States and much of the Northeast Atlantic, with limited fishing permitted in Canada and Iceland.

U.S. Regulations

Within U.S. waters, thorny skates are managed under the MSA. Landings of thorny skates within U.S. waters were unregulated until 2003 when the NEFMC established an FMP for the skate complex. At that time, the stock was deemed ''overfished'' and a landing prohibition was put in place, requiring all catch of thorny skates to be discarded at sea. At that time, the same prohibitions were put into place for the sympatric species, barndoor and smooth skates, to help rebuild these stocks. The skate complex FMP does still allow catch of other skate species, and other fisheries may also catch thorny skates but are likewise required to discard them.

MSA regulations are enforced in U.S. waters by the U.S. Coast Guard, NOAA's Office of Law Enforcement and state partners. Fishermen who do not comply with regulations established under the MSA are subject to fines and criminal penalties, depending on the severity of the offense. Compliance with the prohibition against landing thorny and other skates was examined via port sampling. In 2005, 3.61 percent of skate wing landings were identified as thorny skate. In the years since, this declined rapidly with less than 1 percent of wings identified as thorny skate in 2007, and further declined to 0.01 percent in 2012, indicating that compliance with the discard regulations and misidentifications or mislabeling is not an issue in the United States (Curtis and Sosebee 2015). While the thorny skate is still considered overfished within the United States, overfishing is no longer occurring (NEFMC 2009), indicating that fishery management measures are successfully controlling fishing mortality in those waters.

Canadian Regulations

Under the Fisheries Act, Canadian fisheries may take thorny skates as bycatch in other fisheries, and a small, directed fishery still operates on the Grand Banks. Available information suggests that catch is well below the total allowable catch limits as set by NAFO and Canada, indicating fishing mortality is controlled (Simpson *et al.,* 2016). The Scotian shelf has been closed to directed fishery for skates (thorny and winter) since the early 2000s. In addition to compliance with catch limits, thorny skate abundance has been stable on the Grand Banks and the rest of Canada, yet still below historical levels (COSEWIC 2012). Recruitment in this portion of the species' range remains relatively high. Therefore, existing regulatory measures appear sufficient to control fishing mortality.

Northeast Atlantic Regulations

There is a prohibition against landing thorny skates from European Union waters in the Barents Sea and east of the United Kingdom (ICES 2015). A very small fishery exists in Iceland and off East Greenland, where survey numbers have remained stable since 2000 (ICES 2015). With populations within the Northeast Atlantic currently considered stable (ICES 2015), existing regulatory measures appear sufficient to control fishing mortality within this region. Iceland reported 1625 t of thorny skate landings in 2014. A 2016 EU regulation prohibits thorny skate landings in EU waters of ICES divisions IIa, IIIa and VIId and ICES subarea IV Subareas II and IV and Division IIIa (Norwegian Sea, North Sea, Skagerrak, and Kattegat), based on ICES advice that a precautionary approach dictates no targeted fishing and measures to reduce bycatch. ICES advice for this species west of the UK is currently pending. Thorny skates taken from these EU waters are counted under a regional EU skate quota that lacks a robust scientific basis. EU limits on these species have been generally trending toward more precautionary over the last decade.

Legal protections for thorny skates vary between outright prohibitions on landings in the United States and much of the Northeast Atlantic, with limited fishing permitted in Canada and Iceland. While thorny skates are also a bycatch species within many fisheries, stable population numbers indicate existing protections are sufficient through its range. The mean score we calculated based on workshop participants' individual scores for both global/national climate change regulations and NAFO fishing regulations indicate that inadequacy of these regulations represents a *low to moderate* contribution to extinction risk. However, workshop participants also noted uncertainty related to other global or national environmental regulations in this category because there is more uncertainty in their effectiveness to result in protections for marine ecosystems.

Other Natural or Manmade Factors Affecting the Thorny Skate's Continued Existence

The workshop participants individually evaluated the available information on other potential threats as summarized in the status review report. Natural threats focused on the thorny skate's inherent biological vulnerability, which is also reflected in the demographic factors described above. The species has low productivity because of its life history characteristics and is vulnerable to exploitation and population perturbations. Populations can be quickly depleted and take many years to recover. However, their mobility, high genetic diversity, and generalist habitat and diet strategy contribute to a low risk of extinction. The mean scores we calculated based on workshop participants' individual scores indicate that both manmade catastrophic events and stochastic events represent *very low* contributions to extinction risk because of the wide geographic distribution of the species.

Summary of Demographic Factors and Threats Affecting Thorny Skate

Both demographic factors and threats were qualitatively ranked on a scale from very low to very high by the workshop participants (NMFS 2017). No demographic factors or threats were ranked high or very high. Abundance, diversity and spatial structure/connectivity were ranked very low to low, and growth rate/productivity was ranked low to moderate risk. For the workshop participants' threats assessments, both climate change and global or national climate change regulations received the most likelihood points in the moderate contribution to extinction risk category. Only one threat, climate change, received likelihood points in the high contribution category, though the majority of points were in the moderate contribution category. No threats considered by workshop participants were given an overall average score of medium, high or very high contributions to extinction risk of thorny skate. All workshop participants placed their individual point allocations in the very low contribution to extinction risk category for the following threats: Recreational fishing, recreational discards, educational collection, and stochastic events.

The only demographic factor ranked above low was growth rate/productivity (low to moderate risk). The thorny skate's life history traits make the populations vulnerable to threats and slow to recover from depletion. Once we compiled the individual workshop participant scores and calculated the mean score, only six threats were ranked in the low to moderate category, all others were in the very low to low categories. The threats ranked low to moderate included: Climate change,

manmade non-fishing habitat impacts, commercial discards, commercial landings, global and national climate regulation, and inadequacy of existing NAFO regulations. Fishing for thorny skates is managed throughout the species' range. Efforts to manage the harvest of the species include regulations put forth by the United States, Canada, NAFO, and ICES, though workshop participants expressed uncertainty in the adequacy of NAFO regulation. Due to these recent management efforts, thorny skate abundance has stabilized in the several regions (*e.g.,* United States, South Labrador Shelf, North Gulf of St. Lawrence, Norway) and has increased in some waters (*e.g.* Grand Banks). Given its life history traits, return to historical abundances may take decades, but demographic risks are mostly low and significant threats have been reduced.

Overall Risk Summary

As described previously, the workshop participants used a ''likelihood analysis'' to evaluate the overall risk of extinction. Each workshop participant had 10 likelihood points to distribute among the following overall extinction risk categories: Low risk, moderate risk or high risk.

Overall, the mean scores we calculated based on the workshop participants' individual scores indicate that rangewide, thorny skates have a 93.3 percent likelihood of being at low risk of extinction, 6.6 percent likelihood of moderate risk of extinction, and 0 percent likelihood of high risk of extinction.

The mean scores we calculated based on the workshop participants' individual scores indicate that, overall, the thorny skate is at low risk of extinction. None of the workshop participants indicated that there was any likelihood of the thorny skate having a high risk of extinction. Additionally, there was very little likelihood of a moderate risk of extinction (4 points out of 60 total).

Thorny skates have been subjected to considerable fishing pressure for many decades, but improved fisheries management efforts in recent years have reduced fishing mortality rates on thorny skate stocks, and populations are no longer declining. Return to historical abundance may take decades, but demographic risks are mostly low and significant threats have been reduced. Based upon the available information summarized here, the mean scores we calculated based on the workshop participants' individual scores indicate that the thorny skate has a low risk of extinction, assuming the dominant threats to its populations continue to be managed. We have no reason to believe that these dominant threats will not continue to be managed.

We have independently reviewed the best available scientific and commercial information, including the status review report (NMFS 2017) and other published and unpublished information. We conclude that the thorny skate is not in danger of extinction or likely to become so in the foreseeable future throughout its range. As described earlier, an endangered species is ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species is one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The workshop participants individually ranked the demographic criteria and the five factors identified in the ESA, completed an assessment of overall extinction risk, and each submitted his/her individual expert opinions to us. We reviewed the results of the ERA and concurred with the workshop participant's individual expert opinions regarding extinction risk. We then applied the statutory definitions of ''threatened species'' and ''endangered species'' to the ERA results and other available information to determine if listing the thorny skate was warranted.

The mean scores we calculated based on the ERA workshop participant scores indicate that the level of extinction risk to the thorny skate is low, with 93.3 percent of the workshop participants' likelihood points allocated to the ''low risk'' category. The workshop participants allocated only 6.6 percent of their likelihood points to the ''moderate extinction risk'' category. Given this low level of extinction risk, which is based on an evaluation of the contribution of the thorny skate's demographic parameters and threats to extinction risk, we have determined that the thorny skate does not meet the definition of an endangered or threatened species and, as such, listing under the ESA is not warranted at this time.

Significant Portion of Its Range

Though we find that the thorny skate rangewide is not in danger of extinction now or in the foreseeable future, under the SPR Policy, we must go on to evaluate whether these species are in danger of extinction, or likely to become so in the foreseeable future, in a ''significant portion of its range'' (79 FR 37578; July 1, 2014).

When we conduct an SPR analysis, we first identify any portions of the range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant or in which a species may not be endangered or threatened. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required (79 FR 37578; July 1, 2014). Making this preliminary determination triggers a need for further review, but does not prejudge whether the portion actually meets these standards such that the species should be listed.

If this preliminary determination identifies a particular portion or portions for potential listing, those portions are then fully evaluated under the ''significant portion of its range'' authority as to whether the portion is *both* biologically significant *and* endangered or threatened. In making a determination of significance, we consider the contribution of the individuals in that portion to the viability of the species. That is, we determine whether the portion's contribution to the viability is so important that, without the members in that portion, the species would be in danger of extinction or likely to become so in the foreseeable future.

The SPR policy further explains that, depending on the particular facts of each situation, we may find it is more efficient to address the significance issue first, but in other cases, it will make more sense to examine the status of the species in the potentially significant portions first. Whichever question is asked first, an affirmative answer is required to proceed to the second question. *Id.* ''[I]f we determine that a portion of the range is not 'significant,' we will not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we will not need to determine if that portion is 'significant' '' (79 FR 37587). Thus, if the answer to the first question is negative—whether it addresses the significance question or

the status question—then the analysis concludes, and listing is not warranted.

As described previously, we determined that there are no DPSs of the thorny skate, and rangewide, the thorny skate is at a low risk of extinction. Applying the SPR policy to the thorny skate, we first evaluated whether there is substantial information indicating that any portions of the species' range may be significant. After a review of the best available information and invited experts' opinions, as described below, we find that the data do not indicate any portion of the thorny skate's range as being more significant than another. Thorny skates are distributed across the North Atlantic and have very few restrictions governing their movements. Movements are restricted by depth and temperature; however, there are no known gaps in suitable habitat, thus allowing a continuous range. Because the Northwest Atlantic and the Northeast Atlantic are the two largest portions of the species' range, the workshop participants individually considered the SPR questions related to abundance, productivity, spatial distribution, and diversity outlined in the NMFS listing guidance. As explained below, we determined that neither the Northwest Atlantic nor the Northeast Atlantic were significant portions. Given that neither the Northwest Atlantic nor the Northeast Atlantic represents a significant portion of the range, we do not find that thorny skate in U.S. waters represent a significant portion of the range of the thorny skate. The following questions related to significance of portions were considered:

Abundance

- Without that portion, would the level of abundance of the remainder of the species cause the species to be at moderate or high risk of extinction due to environmental variation or anthropogenic perturbations (of the patterns and magnitudes observed in the past and expected in the future)?
- Without that portion, would the abundance of the remainder of the species be so low, or variability in abundance so high, that it would be at moderate or high risk of extinction due to depensatory processes?
- Without that portion, would abundance of the remainder of the species be so low that its genetic diversity would be at risk due to inbreeding depression, loss of genetic variation, or fixation of deleterious alleles?
- Without that portion, would abundance of the remainder of the species be so low that it would be at moderate or high risk of extinction due to its inability to provide important ecological functions throughout its life-cycle?
- Without that portion, would the abundance of the remainder of the species be so low that it would be at risk due to demographic stochasticity?

Productivity

- Without that portion, would the average population growth rate of the remainder of the species be below replacement such that it would be at moderate or high risk of satisfying the abundance conditions described above?
- Without that portion, would the average population growth rate of the remainder of the species be below replacement such that it is unable to exploit requisite habitats/niches/etc. or at risk due to depensatory processes during any life-history stage?
- Without that portion, would the remainder of the species exhibit trends or shifts in demographic or reproductive traits that portend declines in the per capita growth rate, which pose a risk of satisfying any of the preceding conditions?

Spatial Distribution

- Will the loss of one or more of the portions significantly increase the risk of extinction to the species as a whole by making the species more vulnerable to catastrophic events such as storms, disease or temperature anomalies?
- Will connectivity between portions of the species' range be maintained if a portion is lost (*e.g.,* does the loss of one portion of the range of the species create isolated groups or populations?)?
- Are there particular habitat types that the species occupies that are only found in certain portions of the species' range? If so, would these habitat types be accessible if a portion or portions of the range of the species are lost?
- Are threats to the species concentrated in particular portions of the species' range and if so, do these threats pose an increased risk of extinction to those portions' persistence?

Diversity

- Will unique genetic diversity be lost if a portion of the range of the species is lost?
- Does the loss of this genetic diversity pose an increased risk of extinction to the species?

As described more fully in the status review report and below, the workshop participants individually answered ''no'' to all of the abundance, productivity and diversity questions related to whether the Northwest Atlantic or the Northeast Atlantic portion represent a significant portion of the species' range. One workshop participant answered ''yes'' to two spatial distribution questions.

Given estimates of 1.8 billion animals in Northwest Atlantic waters, which represent 30–40 percent of the overall population, loss of the Northwest Atlantic population would have a large impact on the species rangewide, but would not put the species at a moderate or high risk of extinction because of the remaining large population size and wide geographic distribution. When considering productivity, the group noted that the average growth rate for the species does not depend on the growth rate in the Northwest Atlantic and vice versa for the Northeast Atlantic and that the areas do not exhibit source-sink dynamics. There was no evidence that without either area the average population growth rate of the remainder of the species would drop below replacement, resulting in the population being unable to exploit requisite habitat, nor was there any evidence that the remainder of the species would be at risk due to depensatory processes. Regarding shifts in demographic or reproductive traits, the group could not identify evidence that a decline in the Northwest Atlantic would result in a decline in the Northeast Atlantic. Given the large spatial distribution of the thorny skate and the foreseeable future of 40 years, the group could not identify a stochastic event that could impact the entire Northwest Atlantic or Northeast Atlantic distribution of the thorny skate. There is no information to suggest that loss of any portion would severely fragment and isolate the species to the point where individuals would be precluded from moving to suitable habitats or have an increased vulnerability to threats. The loss of either the Northwest Atlantic population or the Northeast Atlantic population would result in the loss of connectivity rangewide, given that it is a continuous population. However, loss of the Northwest Atlantic population would not affect spatial connectivity of the Northeast Atlantic population and vice versa. Some genetic differentiation is present between the Northwest and Northeast Atlantic, but the central portion of the range appears to bridge diversity between these two areas. This is likely made possible by the continuous distribution and depth range of the species. There is no substantial evidence to indicate that the loss of genetic diversity from one portion of the species' range would result in the remaining populations lacking enough

genetic diversity to allow for adaptations to changing environmental conditions. Based on the best available genetic research, thorny skates have the highest genetic diversity out of 15 studied skate species (Lynghammar *et al.,* 2014), and the highest diversity occurs in waters near Iceland and Greenland. Due to the genetic diversity present in thorny skates across the species' range, loss of either the Northeast Atlantic population or Northwest Atlantic population would not present a significant increase in the extinction risk to the species.

The petitioners identified the U.S. population as a potential DPS. As noted above, this portion does not qualify as a DPS. We considered whether U.S. waters could be a significant portion of the species' range. However, due to the workshop participants individual expert opinions related to abundance, productivity, spatial distribution, and diversity questions for the larger Northwest Atlantic and Northeast Atlantic populations and our findings that neither of these constitute a significant portion of the species' range, and given the United States represents only a small portion of the global range of the thorny skate, there is little evidence for concluding that the U.S. population is significant to the entire species under the SPR policy. Furthermore, there is no indication that loss of the U.S. portion of the species' range would result in a moderate or high extinction risk to the global species. As was mentioned previously, the available population and trend data do not indicate that past declines in the United States have affected global populations of thorny skate. Thus, the United States population would not qualify as ''significant'' under the SPR Policy. Likewise, there is no substantial evidence to indicate that the loss of genetic diversity from one portion of the species' range would result in the remaining populations lacking enough genetic diversity to allow for adaptations to changing environmental conditions. Similarly, there is no information to suggest that loss of any portion would severely fragment and isolate the species to the point where individuals would be precluded from moving to suitable habitats or have an increased vulnerability to threats. In other words, loss of any portion of its range would not likely isolate the species to the point where the remaining populations would be at risk of extinction from demographic processes.

In summary, areas exhibiting source-sink dynamics, which could affect the survival of the species, were not evident in any part of the thorny skate's range. There is also no evidence of a portion that encompasses aspects that are important to specific life history stages, but another portion that does not, where loss of the former portion would severely impact the growth, reproduction, or survival of the entire species. In other words, the viability of the species does not appear to depend on the productivity of the population or the environmental characteristics in any one portion. It is important to note that the overall distribution of the thorny skate is still uncertain. As better data become available, the species' distribution (and potentially significant portions of its range) will become better resolved. However, at this time, there is no evidence to suggest that any specific portion of the species' range has increased importance over another with respect to the species' survival. We reviewed the individual workshop participants' expert opinions and application of the SPR policy. We conclude that under the SPR policy, the preliminary determination that a portion of the species' range may be both significant and endangered or threatened has not been met. Therefore, listing the thorny skate based on it being threatened or endangered in a significant portion of its range is not warranted under the SPR policy.

Final Determination

Section 4(b)(1) of the ESA requires that listing determinations be based solely on the best scientific and commercial data available after conducting a review of the status of the species and taking into account those efforts, if any, being made by any state or foreign nation, or political subdivisions thereof, to protect and conserve the species. We have independently reviewed the best available scientific and commercial information, including the petition, information submitted in response to the 90-day finding (80 FR 65175; October 28, 2015), the status review report (NMFS 2017), and other published and unpublished information cited herein, and we have consulted with species experts and individuals familiar with the thorny skate. We identified no DPSs of the thorny skate and therefore considered the species rangewide. We considered each of the section 4(a)(1) factors to determine whether any one of the factors contributed significantly to the extinction risk of the species. We also considered the combination of those factors to determine whether they collectively contributed significantly to extinction risk. As previously explained, we could not identify any portion of the species' range that met both criteria of the SPR policy. Therefore, our determination set forth below is based on a synthesis and integration of the foregoing information, factors and considerations, and their effects on the status of the species throughout its range.

We conclude that the thorny skate is not in danger of extinction, nor is it likely to become so in the foreseeable future throughout all or a significant portion of its range. We summarize the factors supporting this conclusion as follows: (1) The species is broadly distributed over a large geographic range within the North Atlantic Ocean, with no barrier to dispersal; (2) genetic data indicate that populations are not isolated and that the species has high genetic diversity, (3) while the species possesses life history characteristics that increase its vulnerability to overutilization, overfishing is not currently occurring within the range; (4) the best available information indicates that abundance and biomass has stabilized rangewide and on the edge of the range in U.S. waters; (5) current thorny skate populations are numerous in many areas and the area occupied is increasing; (6) while the current population size has declined from historical numbers, the population size is sufficient to maintain population viability into the foreseeable future and consists of at least millions of individuals; (7) a main threat to the species is fishery-related mortality from incidental catch (bycatch); however, there are strict management measures in place to minimize this threat throughout the species' range, and these measures appear to be effective in addressing this threat as evidenced by stabilizing numbers of thorny skates; (8) there is no evidence that disease or predation is contributing to increasing the risk of extinction; and (9) there is no evidence that the species is currently suffering from depensatory processes (such as reduced likelihood of finding a mate or mate choice or diminished fertilization and recruitment success) or is at risk of extinction due to environmental variation or anthropogenic perturbations.

Since the thorny skate is not in danger of extinction throughout all or a significant portion of its range or likely to become so within the foreseeable future, it does not meet the definition of a threatened species or an endangered species. Therefore, the thorny skate does not warrant listing as threatened or endangered at this time.

Thorny skates in the Atlantic Ocean from West Greenland to New York were

identified as a NMFS ''species of concern'' in 2006. A species of concern is one for which we have concerns regarding status and threats but for which insufficient information is available to indicate a need to list the species under the ESA. In identifying species of concern, we consider demographic and genetic diversity concerns; abundance and productivity; distribution; life history characteristics and threats to the species. Given the information presented in the status review report and the findings of this listing determination, we are removing the thorny skate from the ''species of concern'' list.

References

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 21, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–03644 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF242

New England Fishery Management Council (NEFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its NEFMC External Peer Review Management Strategy Evaluation of Atlantic Herring Acceptable Biological Catch Control Rules from to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, March 13, 2017 through Wednesday, March 15 starting at 9 a.m. all three days.

ADDRESSES: The meeting will be held at the Embassy Suites, Boston Logan Airport, 207 Porter Street, Boston, MA 02128: (617) 657–5000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The New England Fishery Management Council (Council) is conducting a peer review of the Management Strategy Evaluation (MSE) of Atlantic Herring Acceptable Biological Catch (ABC) Control Rules. Atlantic herring, predators, and economic models were developed to evaluate control rules and performance metrics. Experts have been invited by the Council to evaluate the MSE methods, data, and results. The panel will evaluate whether the MSE is sufficient for the Council to use when identifying and analyzing a range of ABC control rule alternatives in Amendment 8 to the Atlantic Herring Fishery Management Plan. This public meeting will have designated times on the agenda when public comment is welcome.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: February 21, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–03642 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF240

Mid-Atlantic Fishery Management Council (MAFMC); Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.

DATES: The meeting will be held on Wednesday and Thursday, March 15–16, 2017, beginning at 1 p.m. on March 15 and conclude by 1 p.m. on March 16. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will at the Royal Sonesta Harbor Court, 550 Light Street, Baltimore, MD 21202; telephone: (410) 234–0550.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to make multi-year ABC recommendations for golden and blueline tilefish based on updated stock assessment information recently complied for both species. In addition, topics to be discussed include the NEFSC Ecosystem Status Report, SSC OFL CV Progress Report, MRIP Evaluation Report and establishing status determination criteria for chub mackerel.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 21, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–03658 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; 3D Nation Requirements and Benefits Elevation Data Study Questionnaire

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

ACTION: Notice.

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

DATES: Written comments must be submitted on or before April 25, 2017.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Ashley Chappell, NOAA Integrated Ocean and Coastal Mapping Coordinator, 1315 East West Hwy SSMC3 Rm 6813, Silver Spring, MD 20910, 240–429–0293, or *ashley.chappell@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey and the U.S. Geological Survey (USGS) National Geospatial Program plan to conduct a follow-on study to the National Enhanced Elevation Assessment (NEEA) white paper finalized in 2012 (NEEA overview can be found at *https://pubs.usgs.gov/fs/2012/3088/*). This NEEA follow-on study will incorporate coastal and ocean requirements for elevation data along with a revisit of the terrestrial elevation data needs assessed via a similar survey in 2010 (OMB Control No. 1028–0099). The primary tool to gather information will be a questionnaire covering a wide range of business uses that depend on 3D data to inform policy, regulation, scientific research, and management decisions. For purposes of this questionnaire, 3D data refers to topographic data (precise three-dimensional measurements of the terrestrial terrain) and bathymetric data (three-dimensional surface of the underwater terrain). Questions will be asked about how 3D data relate to other data types such as the shoreline; characteristics of tides, currents, and waves; and the physical and chemical properties of the water itself. A series of questions will be asked as they relate to specific Mission Critical Activities. These will include questions about the area (geographic extent), 3D data accuracy requirements, linkages to other data to support a wide range of analysis, and benefits of having the required data.

NOAA, USGS and partner mapping agencies are working to improve the technology systems, data, and services that provide information about 3D data and related applications within the United States. By learning more about business uses and associated benefits that would be realized from improved 3D data, the agencies will be able to prioritize and direct investments that will best serve user needs. This questionnaire is part of an effort to develop and refine future program alternatives that would provide enhanced 3D data to meet many Federal, State, and other national business needs.

Because 3D data are collected and used to meet a wide range of mission critical needs, we are seeking input from managers and data users from a variety of government entities (*e.g.,* Federal, State, local, Tribal) as well as not for profit, academic, and private/commercial entities. The findings are expected to establish a baseline of national business needs and associated benefits for 3D data and associated technologies. This baseline will enhance the responsiveness of NOAA, USGS, and partner agency programs to stakeholder needs, and inform the design of directed future programs that balance requirements, benefits, and costs at a national scale. Collected responses will be aggregated at the agency and national levels. Responses associated with individuals will not be distributed. The information collection process will be guided by an interagency management team led by NOAA and USGS with support from a professional services contractor. The information collection will be conducted using a standardized template. Responses are one-time and voluntary. In-person interviews to clarify questionnaire results may also be arranged. The draft questionnaire will be posted for the duration of this public comment period at the NOAA Integrated Ocean and Coastal Mapping site (*https://iocm.noaa.gov/*).

II. Method of Collection

Emails will be sent to a comprehensive list of stakeholders, with requests to forward to any other interested participants. The emails will include a link to the online survey, which can also be provided upon request by paper or other means. In-person interviews may follow to resolve questions, clarify answers and add more detail to responses.

III. Data

OMB Control Number: 0648–xxxx.
Form Number(s): None.
Type of Review: Regular (request for a new information collection).
Affected Public: Federal government, State, local or tribal governments; not-for-profit institutions, academia, business or other for-profit organizations.
Estimated Number of Respondents: 600.
Estimated Time per Response: 2 hours.
Estimated Total Annual Burden Hours: 1,200.
Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting activities.

IV. Request for Comments

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

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

Dated: February 16, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–03594 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF237

Fishing Capacity Reduction Program for the Pacific Coast Groundfish Fishery

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

ACTION: Notice of sub-loan repayment.

SUMMARY: NMFS issues this notice to inform interested parties that the

Washington coastal Dungeness crab sub-loan in the Pacific Coast Groundfish Capacity Reduction (Buyback) Program has been repaid. Therefore, Buyback fee collections on Washington coastal Dungeness crab sub-loan will cease for all landings after January 31, 2017.

DATES: Comments must be submitted on or before 5 p.m. EST March 13, 2017.

ADDRESSES: Send comments about this notice to Paul Marx, Chief, Financial Services Division, NMFS, Attn: Washington coastal Dungeness crab Buyback, 1315 East-West Highway, Silver Spring, MD 20910 (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Michael A. Sturtevant at (301) 427–8782 or *Michael.A.Sturtevant@noaa.gov.*

SUPPLEMENTARY INFORMATION: On November 16, 2004, NMFS published a proposed rule in the **Federal Register** (69 FR 67100) proposing to implement an industry fee system for repaying the Washington coastal Dungeness crab Buyback sub-loan. The final rule was published July 13, 2005 (70 FR 40225) and fee collection began on September 8, 2005. Interested persons should review these for further program details.

The Washington coastal Dungeness crab Buyback sub-loan in the amount of $369,425.93 will be repaid in full upon receipt of buyback fees on landings through January 31, 2017. NMFS has received $620,742.30 to repay the principal and interest on this sub-loan since fee collection began September 8, 2005. Based on Buyback fees received to date, landings after January 31, 2017, will not be subject to the Buyback fee. Therefore, Buyback fees will no longer be collected in the Washington coastal Dungeness crab fishery on future landings.

Buyback fees not yet forwarded to NMFS for Washington coastal Dungeness crab landings through January 31, 2017, should be forwarded to NMFS immediately. Any overpayment of Buyback fees submitted to NMFS will be refunded on a pro-rata basis to the fish buyers based upon best available fish ticket landings data. The fish buyers should return excess Buyback fees collected to the harvesters, including Buyback fees collected but not yet remitted to NMFS for landings after January 31, 2017. Any discrepancies in fees owed and fees paid must be resolved immediately. After the sub-loan is closed, no further adjustments to fees paid and fees received can be made.

Dated: February 17, 2017.

Brian T. Pawlak,

CFO/Director, Office of Management and Budget, National Marine Fisheries Service.

[FR Doc. 2017–03597 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF241

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public workshop of its Habitat Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, March 13, 2017, Tuesday, March 14, 2017 and Wednesday, March 15, 2017 at 9:30 a.m. each day.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740 on Monday, March 13 and Tuesday, March 14, 2017 and at the Sheraton Harborside, 250 Market Street, Portsmouth, NH 03801 on Wednesday, March 15, 2017.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Council is developing management areas to protect deep-sea or cold water corals found offshore New England from impacts due to fishing gear interactions. Concentrations of corals occur in the canyons, continental slope, and seamounts south of Georges Bank, and also in deep waters of the Gulf of Maine, including some inshore sites (Mt. Desert Rock and Outer Schoodic Ridge) as well as in Jordan and Georges Basins offshore. Some coral habitats appear to be actively fished, while others appear to be beyond the current footprint of bottom-tending gear operations.

In developing these coral management areas, the Council is seeking to minimize their impacts on existing fisheries. Designing these areas to accommodate fishing activity requires a detailed understanding of where different gears are used in relation to the potential coral management areas. Therefore, the Council is seeking guidance from active fishermen who use bottom-tending gears (trawls, traps, and other gear types) offshore in the Gulf of Maine and in the slope and canyon region south of Georges Bank. Other stakeholders interested in coral management are also welcome to attend the workshops and provide their input. Specifically, the Council is seeking: (1) Industry information on fishing activities within proposed coral protection zones; and (2) suggestions about how to refine management area boundaries to limit impacts to fishing operations while still providing protection for corals.

Three days of discussion in two locations are scheduled:

- In New Bedford (March 13 and 14) the workshop will focus on fishing activity in and around the draft deep-sea coral zones south of Georges Bank (canyons and continental slope). These zones are generally deeper than 150 fathoms. Note that large pelagic fishermen who work in the canyon/slope region are *not* proposed to be impacted by the Coral Amendment. The discussion is intended to carry over between the two days, so participants are encouraged to attend on both Monday and Tuesday if possible.
- In Portsmouth (March 15) the workshop will focus on fishing activity in Jordan Basin and the Lindenkohl Knoll area of Georges Basin. Proposals for the inshore areas around Outer Schoodic Ridge and Mount Desert Rock are *not* the intended focus of this Portsmouth gathering.

The purpose of these workshops is to refine the boundaries of the Council's existing proposals. Public hearings will be conducted later this spring to solicit comments, including general support of or opposition to, all areas proposed in the amendment.

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 these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has

been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: February 21, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–03641 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 17010523–7023–01]

RIN 0660–XC033

The Benefits, Challenges, and Potential Roles for the Government in Fostering the Advancement of the Internet of Things

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice; Extension of Comment Period.

SUMMARY: In response to requests for additional time, the Department of Commerce is extending the closing deadline for submitting comments to a request for public comments entitled ''The Benefits, Challenges, and Potential Roles for the Government in Fostering the Advancement of the Internet of Things.'' 82 FR 4313 (Jan. 13, 2017). In the request for comment, the Department is seeking broad input from all interested stakeholders—including the private industry, researchers, academia, and civil society—on the issues and proposed approach, current initiatives, and next steps laid out in the green paper ''Fostering the Advancement of the Internet of Things.'' Through this notice, the Department extends the comment period to March 13, 2017.

DATES: Comments are due on March 13, 2017, at 5:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: Written comments may be submitted by email to *iotrfc2017@ntia.doc.gov.* Comments submitted by email should be machine-searchable and should not be copy-protected. Written comments also may be submitted by mail to the National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Attn: IoT RFC 2016, Washington, DC 20230. Responders should include the name of the person or organization filing the comment, as well as a page number, on each page of their submissions. All comments received are a part of the public record and will generally be posted to *http://www.ntia.doc.gov/category/internet-policy-task-force* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NTIA will also accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Travis Hall, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; Telephone: (202) 482–3522; Email: *thall@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs: (202) 482–7002.

SUPPLEMENTARY INFORMATION: Recognizing the vital importance of the Internet to U.S. innovation, prosperity, education, and civic and cultural life, the Department of Commerce (Department) has made it a top priority to encourage growth of the digital economy and ensure that the Internet remains an open platform for innovation. Thus, as part of the Department's Digital Economy Agenda, the National Telecommunications and Information Administration (NTIA) issued a green paper ''Fostering the Advancement of the Internet of Things'' that lays out an approach and areas of engagement for the Department's possible future work on the Internet of Things (IoT). Through the request for comments, NTIA seeks broad input from all interested stakeholders—including the private industry, researchers, academia, and civil society—on the issues and proposed approach, current initiatives, and next steps laid out in this paper. These comments will help inform Department leadership on possible future Department action regarding IoT. Instructions for commenters, including specific questions for discussion, are available in the original notice. 82 FR 4313 (Jan. 13, 2017), available at *https://www.ntia.doc.gov/files/ntia/publications/fr_iot_notice_rfc_01132017.pdf.*

The original deadline for submission of comments was February 27, 2017. With this notice, NTIA announces that the closing deadline for submission of comments has been extended until March 13, 2017, at 5:00 p.m. EDT.

Dated: February 21, 2017.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2017–03682 Filed 2–23–17; 8:45 am]

BILLING CODE 3510–60–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be provided by nonprofit agency employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 3/26/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 5/27/2016 (81 FR 33665- 33666), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the service to the Government.

2. The action will result in authorizing small entities to provide the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type: Mailroom and Courier Service.
Mandatory for: Office of Personnel Management, 1137 Branchton Road, Boyers, PA.
Mandatory Source(s) of Supply: Keystone Vocational Services, Inc., Hermitage, PA.
Contracting Activity: Office of Personnel Management, OPM Boyers Region (FISD) Contracting, Boyers, PA.

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–03670 Filed 2–23–17; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the procurement list.

SUMMARY: The Committee is proposing to delete products from the Procurement List that was previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments Must Be Received on or Before:* 3/26/2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN(s)—Product Name(s):

7510–01–545–3762—DAYMAX System, 2016, Calendar Pad, Type I

7510–01–545–3787—DAYMAX System, 2016, Calendar Pad, Type II

Mandatory Source(s) of Supply: Anthony Wayne Rehabilitation Center for Handicapped and Blind, Inc., Fort Wayne, IN

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):

PSIN 01249A-Replaced—Tray Marker
PSIN 01249B-Replaced—Tray Marker
PSIN 01249C-Replaced—Tray Marker
PSIN 01249D-Replaced—Tray Marker
PSIN 01249E-Replaced—Tray Marker
PSIN 01249F-Replaced—Tray Marker
PSIN 01250A-Replaced—Tray Marker
PSIN 01250B-Replaced—Tray Marker
PSIN 01250C-Replaced—Tray Marker
PSIN 01250D-Replaced—Tray Marker
PSIN 01250E-Replaced—Tray Marker
PSIN 01250F-Replaced—Tray Marker
PSIN 1251A-Replaced—Tray Marker
PSIN 1251B-Replaced—Tray Marker
PSIN 1251C-Replaced—Tray Marker
PSIN 1251D-Replaced—Tray Marker
PSIN 1251E-Replaced—Tray Marker
PSIN 1251F-Replaced—Tray Marker
PSIN 1251G-Replaced—Tray Marker

Mandatory Source(s) of Supply: Brooke Industries, Inc., Fond du Lac, WI

Contracting Activity: USPS Vehicles & Delivery and Industrial Equipment CMC

NSN(s)—Product Name(s):

8465–00–521–3057F—Case, Belt Weather Kit

8465–00–521–3057—Case, Belt Weather Kit

Mandatory Source(s) of Supply: Habilitation Center for the Handicapped, Inc., Boca Raton, FL

Contracting Activities: General Services Administration, Fort Worth, TX

Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2017–03643 Filed 2–23–17; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (Judicial Proceedings Panel); Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (''the Judicial Proceedings Panel'' or ''the Panel''). The meeting is open to the public.

DATES: A meeting of the Judicial Proceedings Panel will be held on Friday, March 10, 2017. The public session will begin at 9:00 a.m. and end at 4:30 p.m.

ADDRESSES: One Liberty Center, Executive Conference Center, 14th Floor, 875 N. Randolph Street, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Carson, Judicial Proceedings Panel, One Liberty Center, Suite 150, 875 N. Randolph Street, Arlington, Virginia 22203. Email: *whs.pentagon.em.mbx.judicial-panel@mail.mil.* Phone: (703) 693–3849. Web site: *http://jpp.whs.mil.*

SUPPLEMENTARY INFORMATION: This public meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: In section 576(a)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), as amended, Congress tasked the Judicial Proceedings Panel to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses since the amendments made to the UCMJ by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81; 125 Stat. 1404), for the purpose of developing recommendations for improvements to such proceedings. At this meeting, the Panel will receive a presentation from the JPP Subcommittee on the Subcommittee's site visit observations regarding the Department of Defense withholding policy for initial disposition of certain sexual assault

offenses, military attorney training, and Military Rules of Evidence (M.R.E.) 412 and 513 relating to a victim's prior sexual history and the psychotherapist-patient privilege. The Panel will then conduct final deliberations on its draft Military Defense Counsel Resources and Experience in Sexual Assault Cases Report and Victims' Appellate Rights Report. For the last session, the Panel will deliberate on the M.R.E. 412 and 513 issues identified during the January 6, 2017, public meeting.

Agenda

8:30 a.m.–9:00 a.m. Administrative Work (41 CFR 102–3.160, not subject to notice & open meeting requirements)
9:00 a.m.–9:15 a.m. Welcome and Introduction
9:15 a.m.–10:45 a.m. Subcommittee Presentation on Site Visit Observations Regarding the Department of Defense Withholding Policy, Attorney Training, and M.R.E. 412 and 513
—Brigadier General James Schwenk, U.S. Marine Corps (Retired), JPP Subcommittee member
10:45 a.m.–12:15 p.m. Final Deliberations on Draft JPP Military Defense Counsel Resources and Experience in Sexual Assault Cases Report
12:15 p.m.–12:45 p.m. Lunch
12:45 p.m.–2:15 p.m. Final Deliberations on Draft JPP Victims' Appellate Rights Report
2:15 p.m.–4:15 p.m. Panel Deliberations on M.R.E. 412 and 513
4:15 p.m.–4:30 p.m. Public Comment
4:30 p.m. Meeting Adjourned

Availability of Materials for the Meeting: A copy of the March 10, 2017, public meeting agenda and any updates or changes to the agenda, including the location and individual speakers not identified at the time of this notice, as well as other materials provided to Panel members for use at the public meeting, may be obtained at the meeting or from the Panel's Web site at *http://jpp.whs.mil.*

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. Visitors are required to sign in at the One Liberty Center security desk and must leave government-issued photo identification on file while in the building. Department of Defense Common Access Card (CAC) holders who do not have authorized access to One Liberty Center must provide an alternate form of government-issued photo identification to leave on file with security while in the building. All visitors must pass through a metal detection security screening. In the event the Office of Personnel Management closes the government due to inclement weather or for any other reason, please consult the Web site for any changes to the public meeting date or time.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the Judicial Proceedings Panel at *whs.pentagon.em.mbx.judicial-panel@mail.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Procedures for Providing Public Comments: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Panel about its mission and topics pertaining to this public session. Written comments must be received by the JPP at least five (5) business days prior to the meeting date so that they may be made available to the Judicial Proceedings Panel for their consideration prior to the meeting. Written comments should be submitted via email to the Judicial Proceedings Panel at *whs.pentagon.em.mbx.judicial-panel@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the Judicial Proceedings Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement pertaining to the agenda for the public meeting, a written statement must be submitted as above along with a request to provide an oral statement. After reviewing the written comments and the oral statement, the Chair and the Designated Federal Official will determine who will be permitted to make an oral presentation of their issue during the public comment portion of this meeting. This determination is at the sole discretion of the Chair and Designated Federal Official, will depend on the time available and relevance to the Panel's activities for that meeting, and will be on a first-come basis. When approved in advance, oral presentations by members of the public will be permitted from 4:15 p.m. to 4:30 p.m. on March 10, 2017, in front of the Panel members.

Committee's Designated Federal Official: The Panel's Designated Federal Official is Ms. Maria Fried, Department of Defense, Office of the General Counsel, 1600 Defense Pentagon, Room 3B747, Washington, DC 20301–1600.

Dated: February 21, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–03683 Filed 2–23–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Ocean Research Advisory Panel

AGENCY: Department of the Navy, DOD.

ACTION: Notice of open meeting.

SUMMARY: The Ocean Research Advisory Panel (ORAP) will hold a regularly scheduled meeting. The meeting will be open to the public.

DATES: The meeting will be held on Tuesday, March 7, 2017 from 1:00 p.m. to 3:00 p.m., Eastern Time. Members of the public should submit their comments in advance of the meeting to the meeting Point of Contact.

ADDRESSES: This will be a teleconference. For access, connect to: *https://global.gotomeeting.com/join/822051381.* The call-in number will be: 312–757–3121, with access code: 822–051–381.

FOR FURTHER INFORMATION CONTACT: CDR Joel W. Feldmeier, Office of Naval Research, 875 North Randolph Street, Suite 1425, Arlington, VA 22203–1995, telephone 703–696–5121.

SUPPLEMENTARY INFORMATION: This notice of open meeting is provided in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). The meeting will include discussions on ocean research, resource management, and other current issues in the ocean science and management communities.

Dated: February 13, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–03263 Filed 2–23–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Records of Decision for the Supplemental Environmental Impact Statement for Land Acquisition and Airspace Establishment To Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at Marine Corps Air Ground Combat Center, Twentynine Palms, California

AGENCY: Department of the Navy, Department of Defense; Bureau of Land Management, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The Department of the Navy (DoN) announces the availability of the Records of Decision (RODs) by the DoN and the Bureau of Land Management (BLM) for the Supplemental Environmental Impact Statement for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at Marine Corps Air Ground Combat Center, Twentynine Palms, California. The Principal Deputy Assistant Secretary of the Navy (Energy, Installations and Environment) signed the DoN ROD on February 10, 2017. The BLM California Desert District Manager signed the BLM ROD on February 9, 2017.

ADDRESSES: Copies of the DoN ROD and the BLM ROD, along with the Final SEIS and other supporting documents, are available for public viewing on the DoN's project Web site: *www.SEISforLAA.com* and on the Combat Center's Web site: *www.29palms.marines.mil/Staff/G5-Government-and-External-Affairs/SEISforLAA.* The BLM ROD is also available on the agency's ePlanning Web site at: *https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=108440.* Copies of both RODs are also available at the following public libraries: Newton T. Bass Apple Valley Branch Library, Apple Valley, CA; Barstow Branch Library, Barstow, CA; Palm Springs Public Library, Palm Springs, CA; Stanley Mosk Library and Courts Building, Sacramento, CA; San Bernardino County Library Administrative Offices, San Bernardino, CA; Twentynine Palms Branch Library, Twentynine Palms, CA; Victorville City Library, Victorville, CA; Yucca Valley Branch Library, Yucca Valley, CA; Joshua Tree Branch Library, Joshua Tree, CA; Lucerne Valley Janice Horst Branch Library, Lucerne Valley, CA; Needles Branch Library, Needles, CA; and Ovitt Family Community Library, Ontario, CA.

FOR FURTHER INFORMATION CONTACT: DoN: Mr. Jesse Martinez, Project Manager, SEIS for 29Palms Land Acquisition/Airspace Establishment Project, Naval Facilities Engineering Command Southwest, 1220 Pacific Highway, San Diego, California 92132–5190. Telephone: 619–532–3844. BLM: Ms. Katrina Symons, Field Manager, BLM Barstow Field Office, 2601 Barstow Road, Barstow, CA 92311. Telephone: 760–252–6004.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 United States Code 4321–4370h, as implemented by the Council on Environmental Quality regulations, 40 Code of Federal Regulations (CFR) parts 1500–1508, the DoN NEPA regulations (32 CFR part 775), and Marine Corps Order P5090.2A (with Changes 1–3) Marine Corps Environmental Compliance and Protection Manual, Chapter 12, the DoN, after carefully considering the operational and environmental consequences of the proposed action and alternatives analyzed in a Supplemental Environmental Impact Statement (SEIS), announces the availability of its ROD to translocate a population of the federal-listed threatened Agassiz's desert tortoise (Gopherus agassizii, hereinafter ''desert tortoise'') from high- and moderate-impact training areas at the Marine Corps Air Ground Combat Center at Twentynine Palms, California (hereinafter, ''the Combat Center''). In its ROD, the DoN has selected the preferred alternative (Alternative 2) from the Final SEIS, which provides for the implementation of a June 2016 Desert Tortoise Translocation Plan. The Plan will guide translocation of desert tortoises in accordance with requirements of a January 2017 United States Fish and Wildlife Service (USFWS) Biological Opinion (hereinafter the ''2017 BO,'' which superseded a previous 2012 BO), and a 2013 DoN ROD associated with the 2012 Final EIS for Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at the Combat Center (hereinafter the ''2012 Final EIS'').

The DoN ROD documents why the DoN has chosen to implement the preferred alternative as described in the 2017 Final SEIS. This decision adopts all of the special conservation measures that were identified in the Final SEIS to avoid or minimize adverse environmental impacts from the preferred alternative. The ROD also includes descriptions and discussions of the anticipated environmental impacts of the proposed action, and responds to substantive comments received since the Final SEIS was released.

The BLM, which served as a Cooperating Agency during preparation of the SEIS, adopted the SEIS and prepared a separate ROD regarding the SEIS actions proposed on BLM-managed lands. The BLM's involvement as a cooperating agency in the development of the SEIS was triggered by its current jurisdiction by law and special expertise over a portion of lands considered for translocation of desert tortoises. The BLM has unique knowledge of the public lands under its management and has the expertise essential to help evaluate appropriate parcels of land to meet translocation requirements. The BLM conducted frequent coordination with DON throughout the SEIS process. The BLM ROD explains the rationale for its independent selection of Alternative 2 (Preferred Alternative) of the SEIS. The BLM decision is subject to a 30-day appeal period commencing with the publication of this Notice. A party that is adversely affected by the BLM's decision may file an appeal in accordance with the procedures in 43 CFR part 4.

Dated: February 21, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–03694 Filed 2–23–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2016–ICCD–0136]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; William D. Ford Federal Direct Loan Program—150% Limitation

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 27, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0136. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: William D. Ford Federal Direct Loan Program—150% Limitation.

OMB Control Number: 1845–0116.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Individuals or Households; Private Sector.

Total Estimated Number of Annual Responses: 7,770,494.

Total Estimated Number of Annual Burden Hours: 282,713.

Abstract: These data will allow the Department to calculate the borrowers maximum eligibility period, subsidized usage period, and remaining eligibility period as described in 685.200(f)(1)(ii)–(f)(1)(iv), determine whether the borrower is eligible to receive an additional Direct Subsidized Loan, and ensure that borrowers do not receive Direct Subsidized Loans if they are no longer eligible to receive a Direct Subsidized Loan under 685.200(f)(2). The Department will determine whether the borrower is responsible for accruing interest on their previously received Direct Subsidized Loans. To ensure that the Department has the information to necessary to make that determination, institutions will be required to report additional information to NSLDS. For example, institutions will be required to report: The CIP code and the credential level for the program in which a borrower is enrolled; the length of the program in academic years, weeks, or months (consistent with current institutional reporting in the COD System); and a more detailed enrollment status of the borrower (*e.g.,* full-time, three-quarter-time, half-time, or less-than-half-time). These data will allow the Department to determine whether a borrower who is not eligible for additional Direct Subsidized Loans is responsible for accruing interest on his or her previously received Direct Subsidized Loans. The regulations implement a new statutory requirement that significantly limits a borrowers eligibility for Direct Subsidized Loans and potentially results in the borrower becoming responsible for accruing interest on existing Direct Subsidized Loans. Under section 485(l) of the HEA, which requires that borrowers be provided with entrance and exit counseling on the provisions governing federal student aid, institutions will be required to revise the entrance and exit counseling provided to borrowers. For entrance counseling, the added counseling requirements under 685.304 will require institutions to explain the new provisions to borrowers.

Dated: February 21, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–03599 Filed 2–23–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–80–000.
Applicants: Ebensburg Power Company, Babcock & Wilcox Ebensburg Power, LLC, Ebensburg Investors Limited Partnership.
Description: Application for Authorization of Disposition of Jurisdictional Facilities under Section 203 of the Federal Power Act of Ebensburg Power Company, et. al.
Filed Date: 2/16/17.
Accession Number: 20170216–5211.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: EC17–81–000.
Applicants: Pocahontas Prairie Wind, LLC.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action of Pocahontas Prairie Wind, LLC.
Filed Date: 2/17/17.
Accession Number: 20170217–5041.
Comments Due: 5 p.m. ET 3/10/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–64–000.
Applicants: Chambersburg Energy, LLC.
Description: Chambersburg Energy, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/17/17.
Accession Number: 20170217–5092.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: EG17–65–000.
Applicants: Gans Energy, LLC.
Description: Gans Energy, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/17/17.
Accession Number: 20170217–5093.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: EG17–66–000.
Applicants: Hunlock Energy, LLC.
Description: Hunlock Energy, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/17/17.
Accession Number: 20170217–5095.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: EG17–67–000.
Applicants: Springdale Energy, LLC.
Description: Springdale Energy, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/17/17.
Accession Number: 20170217–5097.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: EG17–68–000.
Applicants: Bath County Energy, LLC.
Description: Bath County Energy, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/17/17.
Accession Number: 20170217–5098.
Comments Due: 5 p.m. ET 3/10/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4369–001; ER16–2218–001.
Applicants: North American Power and Gas, LLC, North American Power Business, LLC.
Description: Notification of Change in Status of the North American MBR Sellers.
Filed Date: 2/16/17.
Accession Number: 20170216–5200.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–358–002.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing: Compliance Filing—Enhanced Combined Cycle Tariff Revisions to be effective 3/1/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5030.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–983–000.
Applicants: North American Power and Gas, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/17/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5180.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–984–000.
Applicants: North American Power Business, LLC.
Description: § 205(d) Rate Filing: Market-Based Rate Tariff Revisions to be effective 2/17/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5181.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–985–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–02–16_SA 2907 RockGen-ATC GIA (J382/J384) to be effective 2/2/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5182.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–986–000.
Applicants: West Penn Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: West Penn Power Company Filing of Revised Attachment H–11A to PJM OATT to be effective 4/18/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5009.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–987–000.
Applicants: Iron Horse Battery Storage, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 3/17/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5049.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–989–000.
Applicants: Chambersburg Energy, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 2/18/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5076.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–990–000.
Applicants: Gans Energy, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 2/18/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5080.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–991–000.
Applicants: Hunlock Energy, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 2/18/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5084.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–992–000.
Applicants: Springdale Energy, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 2/18/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5086.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–993–000.
Applicants: Bath County Energy, LLC.
Description: Baseline eTariff Filing: Application for Market-Based Rate Authorization and Request for Waivers to be effective 2/18/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5089.
Comments Due: 5 p.m. ET 3/10/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03587 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–82–000.
Applicants: Cimarron Bend Assets, LLC, Cimarron Bend Wind Project II, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act, Request for Expedited Consideration and Confidential Treatment of Cimarron Bend Assets, LLC, et. al.
Filed Date: 2/17/17.
Accession Number: 20170217–5168.
Comments Due: 5 p.m. ET 3/10/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–994–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Notice of Cancellation of Service Agreement Nos. 1873 and 1874 under ER08–858 to be effective N/A.
Filed Date: 2/17/17.
Accession Number: 20170217–5106.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–995–000.
Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: PRECorp Transmission IC Agreement to be effective 4/19/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5142.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–996–000.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance re: Exempt new SCRs from BSM rules to be effective 2/3/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5155.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–997–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Albany Green LGIA Amendment Filing to be effective 2/9/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5171.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–998–000.
Applicants: DATC Path 15, LLC.
Description: § 205(d) Rate Filing: Second Revised Appendix I 2017 to be effective 4/20/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5186.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–999–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–02–17_SA 3002 Hawks Nest Lake TIA to be effective 2/3/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5202.
Comments Due: 5 p.m. ET 3/10/17.

Docket Numbers: ER17–1000–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–02–17_SA 3000 Exelon-MISO ENRIS (J374) to be effective 2/6/2017.
Filed Date: 2/17/17.
Accession Number: 20170217–5204.
Comments Due: 5 p.m. ET 3/10/17.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES17–14–000.
Applicants: Northern Maine Independent System Administrator, Inc.
Description: Application of the Northern Maine Independent System Administrator, Inc. for Authorization to Issue Securities Pursuant to Section 204 of the Federal Power Act.
Filed Date: 2/17/17.
Accession Number: 20170217–5175.
Comments Due: 5 p.m. ET 3/10/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03588 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–46–000]

Southern Natural Gas Company, LLC; Notice of Application

Take notice that on February 3, 2017, Southern Natural Gas Company, L.L.C. (SNG), filed in Docket No. CP17–46–000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) requesting authorization to construct and operate its Fairburn Expansion Project to add 343,164 dekatherms per day of firm transportation service to its existing pipeline system. Specifically, SNG proposes to: (i) Construct a new 4.9-mile, 30-inch-diameter pipeline that will interconnect with the existing Transcontinental Gas Pipe Line Company pipeline in Fayette County, Georgia; (ii) construct a 1.6–mile, 30-inch-diameter extension of the South Main Line System in Monroe County, Georgia; (iii) acquire an existing 19.7-mile, 30-inch-diameter pipeline lateral in Cobb and Fulton Counties, Georgia; (iv) install 18,000 horsepower of compression at a new compressor station in Fulton County, Georgia; (v) construct three new meter stations in Fayette, Fulton, and Cobb Counties, Georgia; and (vi) modify two existing meter stations in Fulton and Clayton Counties, Georgia. SNG estimates the cost of the project to be approximately $240 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

All questions should be directed to Brooks Henderson, Director, Rates & Regulatory Affairs, Southern Natural Gas Company, L.L.C., 569 Brookwood Village, Suite 749, Birmingham, Alabama 35209, by phone (205) 325–3843 or by email *brooks_henderson@kindermorgan.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the

proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: March 10, 2017.

Dated: February 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03591 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP16–498–000; PF16–4–000]

Columbia Gas Transmission, LLC; Notice of Revised Schedule for Environmental Review of the B-System Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for Columbia Gas Transmission, LLC's (Columbia) B-System Project. The original notice of schedule, issued on December 20, 2016, identified March 13, 2017 as the EA issuance date. Due to updated B-System Project information filed by Columbia on February 7, 2017, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of EA—April 28, 2017

90-day Federal Authorization Decision Deadline—July 27, 2017

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription (*http://www.ferc.gov/docs-filing/esubscription.asp*). Additional information about the project may be obtained by contacting the Environmental Project Manager, Kenneth Warn, by telephone at 202–502–6859 or by electronic mail at *kenneth.warn@ferc.gov.*

Dated: February 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03565 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7656–013]

John A. Dodson; Village of Highland Falls High-Point Utility, LDC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On August 11, 2016, and supplemented on November 28, 2016 and January 24, 2017, Mr. John A. Dodson (transferor) and the Village of Highland Falls High-Point Utility, LDC (transferee) filed an application to transfer the license for the Buttermilk Falls Hydroelectric Project No. 7656. The project is located on Buttermilk Falls Brook in Orange County, New York.

The above parties seek Commission approval to transfer the license for the project from the transferor to the transferee.

Applicants' Contact: For Transferor: Mr. John A. Dodson, 27 Webb Lane, Highland Falls, NY 10928, Phone: (914) 446–7704, Email: *thayerenergy@gmail.com.* For Transferee: Mr. William J. Florence, Jr., Village of Highland Falls High-Point Utility, LDC, 303 Main Street, Highland Falls, NY 10928, Phone: (914) 737–7001, Email: *williamflorence@mac.com.*

FERC Contact: Ashish Desai, (202) 502–8370, *Ashish.Desai@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–7656–013.

Dated: February 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03567 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–976–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Attachment AQ Revisions Addressing Non-Material Delivery Point Changes to be effective 4/17/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5074.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–977–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA & DSA Oak Creek I Project SA Nos. 948–949 to be effective 2/1/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5078.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–978–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA & DSA Oak Creek II Project SA Nos. 946–947 to be effective 2/1/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5079.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–979–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA SA No. 4618, Queue Position AB1–150 to be effective 1/17/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5118.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–980–000.
Applicants: Alliant Energy Corporate Services, Inc.
Description: § 205(d) Rate Filing: AECS Updated Rate Schedule 2 to be effective 4/17/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5126.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–981–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: WAPA NITSA Rev 5 to be effective 2/1/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5145.
Comments Due: 5 p.m. ET 3/9/17.

Docket Numbers: ER17–982–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement Nos. 3086 and 4118, Queue No. M24 to Sch. B, C, F to be effective 2/14/2017.
Filed Date: 2/16/17.
Accession Number: 20170216–5160.
Comments Due: 5 p.m. ET 3/9/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03564 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14824–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Girard Estate Pumped Storage Hydro Project to be located near Zerbe Township in Northumberland County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 90 acres and a storage capacity of 1,350 acre-feet at a surface elevation of approximately 1,400 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-filled dam; (2) a new lower reservoir, including an existing abandoned mine pit, with a surface area of 25 acres and a storage capacity of 1,620 acre-feet at a surface elevation of 1,000 feet msl; (3) a new 2,242-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide, 25-foot-high powerhouse containing two turbine-generator units with a total rated capacity of 44 megawatts; (5) a new 10,000-foot-long transmission line connecting the powerhouse to the Sunbury-Eldred-Frackville 230-kilovolt circuit owned by PPL Corporation; and (6) appurtenant facilities. The proposed project would have an annual generation of 161,587 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: 267–254–6107.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14824–000.

More information about this project, including a copy of the application, can

be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14824) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03592 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–48–000]

Consumers Energy Company; Notice of Petition for Declaratory Order

Take notice that on February 16, 2017, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), Consumers Energy Company (Consumers Energy) filed a petition seeking to terminate a long-standing controversy, and to remove uncertainty, between Consumers Energy and Michigan Electric Transmission Company regarding the ownership of Consumer Energy current transmission assets, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on March 20, 2017.

Dated: February 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03589 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–2–000]

Commission Information Collection Activities (FERC–549D & FERC–733); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collection [FERC–549D (Quarterly Transportation and Storage Report for Interstate Gas and Hinshaw Pipelines) and FERC–733 (Demand Response/Time-Based Rate Programs and Advanced Metering)] to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (81 FR 91160, 12/16/2016) requesting public comments. The Commission received no comments on neither the FERC–549D nor the FERC–733 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by March 27, 2017.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0253 (FERC–549D) and 1902–0271 (FERC–733) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Commission, in Docket No. IC17–2–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections

of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–549D, [Quarterly Transportation and Storage Report for Interstate Gas and Hinshaw Pipelines]

OMB Control No.: 1902–0253.

Abstract: The reporting requirements under FERC–549D are required to carry out the Commission's policies in accordance with the general authority in Sections 1(c) of the Natural Gas Act (NGA) [1] and Sections 311 of the Natural Gas Policy Act of 1978 (NGPA).[2] This collection promotes transparency by collecting and making available intrastate and Hinshaw pipeline transactional information. The Commission collects the data upon a standardized form with all requirements outlined in 18 CFR 284.126.

The FERC Form 549D collects the following information:

- Full legal name and identification number of the shipper receiving service;
- Type of service performed for each transaction;
- The rate charged under each transaction;
- The primary receipt and delivery points for the transaction, specifying the rate schedule/name of service and docket were approved;
- The quantity of natural gas the shipper is entitled to transport, store, and deliver for each transaction;
- The term of the transaction, specifying the beginning and ending month and year of current agreement;
- Total volumes transported, stored, injected or withdrawn for the shipper; and
- Annual revenues received for each shipper, excluding revenues from storage services.

Filers submit the Form–549D on a quarterly basis.

Access to the FERC–549D Information Collection Materials: A copy of the current form and related materials can be found at *http://www.ferc.gov/docs-filing/forms.asp#549d,* but will not be included in the **Federal Register**. The Commission will not publish these materials in the **Federal Register**.

Type of Respondent: Intrastate natural gas and Hinshaw pipelines.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–549D

[Quarterly Transportation and Storage Report for Interstate Natural Gas and Hinshaw Pipelines]

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response [3] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
PDF filings	76	4	304	12.5 $1,048	3,800 $318,516	$4,191 .....
XML filings	33	4	132	10 $832	1,320 $110,642	$3,352
Total	.....	436	.....	5,120 $429,158	.....	

FERC–733, [Demand Response/Time-Based Rate Programs and Advanced Metering]

Note: The Commission previously issued a 60-day Notice in the **Federal Register** (81 FR 91160, 12/16/2016) requesting public comments. In that 60-day notice, the burden estimate for FERC–733 information collection was incorrect. The burden estimate below provides the corrected numbers. Footnotes 6, 7, 8, 9, and 10 illustrate the previous figures (presented in the 60-day notice) and the corrected figures. FERC did not receive any comments on this or any other issue concerning the FERC–733 information collection.

OMB Control No.: 1902–0271.

Abstract: Section 1252(e)(3) of the Energy Policy Act of 2005,[4] requires the Federal Energy Regulatory Commission (FERC or Commission) to prepare and publish an annual report, by appropriate region, that assesses demand response resources, including those available from all consumer classes. Specifically, EPAct 2005 Section 1252(e)(3) requires that the Commission identify and review:

(A) saturation and penetration rate of advanced meters and communications technologies, devices and systems;

(B) existing demand response programs and time-based rate programs;

(C) the annual resource contribution of demand resources;

(D) the potential for demand response as a quantifiable, reliable resource for regional planning purposes;

(E) steps taken to ensure that, in regional transmission planning and operations, demand resources are provided equitable treatment as a quantifiable, reliable resource relative to the resource obligations of any load-serving entity, transmission provider, or transmitting party; and

(F) regulatory barriers to improved customer participation in demand response, peak reduction and critical period pricing programs.

Type of Respondent: Persons interested in the above topics.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

[1] 15 U.S.C. 717–817–w.

[2] 15 U.S.C. 3301–3432.

[3] The hourly wage figure is $83.82/hour. This cost represents the average cost of four career fields: Legal ($129.12/hour), Accountants ($53.86/hour), Management Analyst ($60.53/hour), and Computer and Information ($91.76/hour); this cost also includes benefit costs within the hourly estimates. These figures were compiled using Bureau of Labor Statistics data that were specific to each occupational category: *http://bls.gov/oes/current/naics2_22.htm.*

[4] Public Law 109–58, 1252(e)(3), 119 Stat. 594, 966 (2005) (EPAct 2005).

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden hours & cost per response [5] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
3,400	1	3,400	[6] 3.5 [7] $260.75	[8] 11,900 [9] $886,550	[10] $260.75

Dated: February 17, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03590 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–56–000 and CP17–57–000]

Texas Eastern Transmission, LP; Brazoria Interconnector Gas Pipeline LLC; Notice of Application

Take notice that on February 3, 2017, Texas Eastern Transmission, LP (Texas Eastern) in Docket No. CP17–56–000 and Brazoria Interconnector Gas Pipeline LLC (Brazoria Pipeline) in Docket No. CP17–57–000, 5400 Westheimer Court, Houston, Texas 77056, jointly filed an application pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations for the proposed Stratton Ridge Expansion Project (Project) located in Brazoria County, Texas. The Project will create 322,000 Dth/d of firm transportation capacity to deliver natural gas from multiple receipt points on Texas Eastern's interstate pipeline system to a delivery point on Brazoria Pipeline's intrastate pipeline system at Stratton Ridge in Brazoria County, Texas.

Specifically, the applicants request: (i) A certificate of public convenience and necessity for Texas Eastern to construct, install, own, operate and maintain the Project facilities, as proposed in the application, and acquire, by lease, capacity on the Brazoria Pipeline's non-jurisdictional facilities; (ii) authorization for Texas Eastern to charge the initial incremental recourse rates, an incremental fuel percentage and incremental electric power costs for firm service on the Project; (iii) authorization for Texas Eastern to establish separate initial incremental recourse rates and an applicable fuel percentage for service under Rate Schedules FT–1 and IT–1 applicable to shippers desiring access to the capacity leased on Brazoria Pipeline's facilities; and (iv) a limited jurisdiction certificate of public convenience and necessity authorizing Brazoria Pipeline to lease 322,000 Dth/d of pipeline capacity on its non-jurisdictional facilities to Texas Eastern. The Project is part of Texas Eastern's plan to develop firm bi-directional transportation service to connect diverse supply basins with emerging Gulf Coast markets, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Berk Donaldson, General Manager, Rates and Certificates, Texas Eastern Transmission, LP and Brazoria Interconnector Gas Pipeline LLC, P.O. Box 1642, Houston, Texas 77251, or phone by: (713) 627–4488, or fax: (713) 627–5947 or by email: *bdonaldson@spectraenergy.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's

[5] The estimates for cost per response are derived using the 2016 FERC average salary plus benefits of $154,647/year (or $74.50/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

[6] This figure was incorrectly presented as 260.75 hours in the 60-day notice pertaining to the FERC–733 renewal. It is corrected to 3.5 hours in this notice.

[7] This figure was incorrectly presented as $19,426 in the 60-day notice pertaining to the FERC–733 renewal. It is corrected to $260.75 in this notice.

[8] This figure was incorrectly presented as 886,550 hours in the 60-day notice pertaining to the FERC–733 renewal. It is corrected to 11,900 hours in this notice.

[9] This figure was incorrectly presented as $66,047,975 in the 60-day notice pertaining to the FERC–733 renewal. It is corrected to $886,550 in this notice.

[10] This figure was incorrectly presented as $19,436 in the 60-day notice pertaining to the FERC–733 renewal. It is corrected to $260.75 in this notice.

rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 9, 2017.

Dated: February 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03566 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC17–47–000]

4C Acquisition, LLC; Notice of Request for Waiver

Take notice that on February 10, 2017, pursuant to 18 CFR parts 41, 101 and 141 (2016) of the Federal Energy Regulatory Commission (Commission) Regulations, 4C Acquisition, LLC filed a request for waiver of accounting and financial reporting requirements for the Fourth Quarter of 2016.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on March 3, 2017.

Dated: February 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03562 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1910–014; ER10–1911–014.

Applicants: Duquesne Light Company, Duquesne Power, LLC.

Description: Updated Market Power Analyses for Northeast Region of the Duquesne Sellers.

Filed Date: 2/15/17.

Accession Number: 20170215–5157.

Comments Due: 5 p.m. ET 4/17/17.

Docket Numbers: ER17–969–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 3165 Otter Tail Power Company NITSA and NOA Notice of Cancellation to be effective 1/1/2017.

Filed Date: 2/15/17.

Accession Number: 20170215–5110.

Comments Due: 5 p.m. ET 3/8/17.

Docket Numbers: ER17–974–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: WAPA Work Performance Agreement for Cottonwood-Olinda Line 1 and 2 (RS 228) to be effective 2/16/2017.

Filed Date: 2/15/17.

Accession Number: 20170215–5124.

Comments Due: 5 p.m. ET 3/8/17.

Docket Numbers: ER17–975–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: SPS–GSEC–RBEC–IA McDowell–688–0.0.0 to be effective 2/17/2017.

Filed Date: 2/16/17.

Accession Number: 20170216–5067.

Comments Due: 5 p.m. ET 3/9/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–03563 Filed 2–23–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9031–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements

Filed 02/13/2017 through 02/17/2017

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170025, Draft, HUD, NJ, Rebuild by Design Hudson River: Resist, Delay, Store, Discharge Project, Comment Period Ends: 04/10/2017, Contact: Dennis Reinknecht 609–984–7855. The New Jersey Department's of Environmental Protection and Community Affairs is Co-Lead Agency for this project.

EIS No. 20170026, Final, USFS, WY, Teton to Snake Fuels Management, Review Period Ends: 03/27/2017, Contact: Steve Markason 307–739–5431.

EIS No. 20170027, Final, NMFS, Other, Final Amendment 5b to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan, Review Period Ends: 03/27/2017, Contact: Margo Schulze-Haugen 301–427–8503.

Amended Notices

EIS No. 20160312, Draft, USFWS, CA, City of San Diego Vernal Pool HCP EIS, Comment Period Ends: 02/21/2017, Contact: Dan Cox 916–414–6539. Revision to FR Notice Published 12/30/2016; Correcting Comment Period to end 02/21/2017 not 03/06/2017.

EIS No. 20170000, Draft, NOAA, CA, Calam Monterey Peninsula Water Supply Project, Comment Period Ends: 03/29/2017, Contact: Karen Grimmer 831–647–4253. Revision to the FR Notice Published 01/13/2017; Extending Comment Period from 02/27/2017 to 03/29/2017.

Dated: February 21, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–03689 Filed 2–23–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, February 7, 2017 At 10:00 a.m. and its continuation on February 9, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting was closed to the public.

Federal Register Notice of Previous Announcement—82 FR 10771

CHANGE IN THE MEETING: This meeting was continued on February 22, 2017.

* * * * *

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. 2017–03801 Filed 2–22–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: *Thursday, February 23, 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 11221.

CHANGE IN THE MEETING: The February 23, 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. 2017–03782 Filed 2–22–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation—Cap Adjustment

AGENCY: Federal Maritime Commission.

ACTION: Notice.

DATES: The Adjusted Cap amount will be effective April 25, 2017.

FOR FURTHER INFORMATION CONTACT: Sandra L. Kusumoto, Director, Bureau of Certification and Licensing, 202–523–5787, *skusumoto@fmc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Final Rule published in the **Federal Register** (FR) of February 27, 2013 (78 FR 13268), the Director, Bureau of Certification and Licensing is required to calculate the Adjusted Cap amount for Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation and transmit that information to the Commission's Office of the Secretary for publication on the Commission's Web site and in the **Federal Register**. The cap will automatically adjust every two years after the cap on required financial responsibility reaches $30 million, which it did on April 2, 2015, and will be rounded to the nearest $1 million based on changes in the U.S. Bureau of Labor Statistics's (BLS) Consumer Price Index for all Urban Consumers (CPI–U).

The formula used to determine the percent change is as follows:

$$\text{Percent Change in the Annual CPI-U} = \frac{(\text{Annual CPI - U for 2016 - Annual CPI - U for 2015})}{\text{Annual CPI - U for 2015}} \times 100$$

Based on the percent change calculated, the Escalation Formula for the cap adjustment is calculated. The formula uses a Base Cap of $30 million set from April 2, 2015, as the cap upon which all subsequent cap adjustment calculations will be determined. The calculation for the Adjusted Cap is then rounded to the nearest $1 million. The following is the Escalation Formula used to determine the Adjusted Cap:

$$\text{Adjusted Cap} = \frac{(\text{Base Cap} \times \text{Change in the Annual CPI - U})}{100} + \text{Base Cap}$$

The index percent change for use in 2017 was calculated to be 1.26 and the Adjusted Cap was calculated to be $30.4 million. The Adjusted Cap rounded to the nearest $1 million is $30 million. For 2017 and 2018, the cap for Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation shall remain at $30 million. The next adjustment will be conducted in 2019 and will continue to use $30 million as the Base Cap for adjustment.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–03650 Filed 2–23–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 8, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Nancy Eiseman Blackburn, Austin, Texas;* individually, to retain voting shares of Republic Trinidad Corporation, Houston, Texas, and thereby retain shares of The First National Bank of Trinidad, Trinidad, Colorado. Notificant will retain shares individually and part of the Eiseman Family Group, which controls Republic Trinidad Corporation.

Board of Governors of the Federal Reserve System, February 21, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–03672 Filed 2–23–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 17, 2017.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Glacier Bancorp, Inc., Kalispell, Montana;* to merge with TFB Bancorp, Inc., Yuma, Arizona, and thereby acquire The Foothills Bank, Yuma, Arizona.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Vista Bancshares, Inc., Ralls, Texas and BankCap Equity Fund LLC, BankCap Partners GP, L.P., and BankCap Partners Fund I, L.P., all of Dallas Texas;* each a bank holding company, through BankCap Partners Opportunity Fund, L.P., Dallas Texas; to acquire the voting shares of The Hamlin Financial Corporation, and thereby, acquire Hamlin National Bank, both of Hamlin, Texas.

Board of Governors of the Federal Reserve System, February 21, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–03671 Filed 2–23–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding OpportunityAnnouncements (FOAs) IP17–002, Improving HPV Vaccination Coverage among Adolescent Patients: A Randomized Controlled Trial of AFIX and Remote Physician-to-Physician Engagement Strategies and IP17–003, Rapid-Cycle Survey Collaborative for Provider Input on Immunization Issues.

TIME AND DATE: 10:00 a.m.–5:00 p.m., EDT, March 15, 2017 (Closed)

PLACE: Teleconference

STATUS: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

MATTERS FOR DISCUSSION: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Improving HPV Vaccination Coverage Among Adolescent Patients: A Randomized Controlled Trial of AFIX and Remote Physician-to-Physician

Engagement Strategies'', IP17–002 and ''Rapid-Cycle Survey Collaborative for Provider Input on Immunization Issues'', IP17–003.

CONTACT PERSON FOR MORE INFORMATION: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop E60, Atlanta, Georgia 30333, 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. 2017–03628 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—State, Tribal, Local and Territorial (STLT) Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

TIME AND DATE: 10:00 a.m.–11:30 a.m., EDT, March 21, 2017.

PLACE: This meeting will be held by teleconference.

STATUS: This meeting is open to the public, limited only by the availability of telephone ports. The public is welcome to participate during the public comment, which is tentatively scheduled from 11:15 a.m.–11:20 a.m. EDT. To participate on the teleconference, please dial (855) 644–0229 and enter code 1482483.

PURPOSE: The Subcommittee will provide advice to the CDC Director through the ACD on strategies, future needs, and challenges faced by State, Tribal, Local and Territorial health agencies, and will provide guidance on opportunities for CDC.

MATTERS FOR DISCUSSION: The STLT Subcommittee members will discuss progress on implementation of ACD-adopted recommendations related to the health department of the future, other emerging challenges and how CDC can best support STLT health departments in the transforming health system.

The agenda is subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Jose Montero, MD, MPH, Designated Federal Officer, STLT Subcommittee, ACD, CDC, 4770 Buford Highway, MS E70, Atlanta, Georgia 30341, Telephone (404) 498–0300, Email: *OSTLTSDirector@cdc.gov.* Please submit comments to *OSTLTSDirector@cdc.gov* no later than March 17, 2017.

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. 2017–03626 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–0733]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Early Hearing Detection and Intervention (EHDI) Follow-up Survey (OMB Control No. 0920–0733, Expiration Date: 8/31/2016)—Reinstatement with Change—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCBDDD promotes the health of babies, children, and adults, with a focus on preventing birth defects and developmental disabilities and optimizing the health outcomes of those with disabilities. As part of these efforts NCBDDD is actively involved in addressing the early identification of hearing loss among newborns and infants. Congenital hearing loss is a common birth defect that affects 1 to 3 per 1,000 live births, or approximately 12,000 children across the United States annually. Studies have shown that children with a delayed diagnosis of hearing loss can experience preventable delays in speech, language, and cognitive development. To ensure children with hearing loss are identified as soon as possible, many states and United States (U.S.) territories have implemented Early Hearing Detection and Intervention (EHDI) programs and enacted laws related to infant hearing screening. The majority of these EHDI programs have adopted the ''1–3–6'' plan, which consists of three core goals: (1) Screening all infants for hearing loss before 1 month of age, (2) ensuring diagnostic audiologic evaluation before 3 months of age for those who do not pass the screening, and (3) enrollment

in early intervention services before six months of age for those identified with hearing loss.

Federal support for identifying children with hearing loss began with the Children's Health Act of 2000, which authorized federal programs to support EHDI activities at the state level. Since then, funds have been distributed to states via cooperative agreements from the CDC and grants from the Health Resources and Services Administration (HRSA). States are using these federal monies to enhance EHDI programs and develop corresponding tracking and surveillance systems. These systems are intended to help EHDI programs ensure infants and children are receiving recommended hearing screening, follow-up, and intervention services.

The mission of the CDC EHDI team is for every state and U.S. territory to have a complete EHDI tracking and surveillance system that will help ensure infants and children with hearing loss achieve communication and social skills commensurate with their cognitive abilities. As part of this mission the CDC EHDI team, in collaboration with representatives of state and U.S. territorial EHDI programs, developed seven National EHDI Goals that reflect the ''1–3–6 plan'' and address integration with the medical home (coordinated care by a medical provider) and development of tracking and surveillance systems to minimize loss to follow-up and loss to documentation. Many of the defined performance indicators for these goals involve obtaining data related to the number of children screened for hearing loss, referred for and receiving follow-up testing (*e.g.,* diagnostic audiologic evaluation) and enrolled in early intervention services.

The purpose of the revised survey is to obtain annual state data on the performance indicators in a consistent manner, which is needed to assess progress towards meeting the National EHDI goals. In addition, the availability of these data will better enable the CDC EHDI team to provide technical assistance to states and respond to questions by the general public, policy makers, and Healthy People 2020 officials.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
EHDI Program State Program Coordinators Contacted	Survey Directions	59	1	10/60
EHDI Program State Program Coordinators who return the survey.	Survey	57	1	240/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–03593 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcements (FOAs): CK17–001, ''Creation of a Healthcare-Associated Infectious Disease Modeling Network to Improve Prevention Research and Healthcare Delivery''; CK17–002, ''Evaluation of Clinical Interventions, Surveillance, and Ecological Factors that Influence the Burden of Human Monkeypox in the Democratic Republic of the Congo (DRC)''; and CK17–004, ''Determining and Monitoring Health Conditions Identified in the Medical Assessment of US-Bound Refugees.''

Time and Date:

10:00 a.m.–5:00 p.m., EDT, March 28–29, 2017 (Closed)

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Creation of a Healthcare-Associated Infectious Disease Modeling Network to Improve Prevention Research and Healthcare Delivery'', CK17–001; ''Evaluation of Clinical Interventions, Surveillance, and Ecological Factors that Influence the Burden of Human Monkeypox in the Democratic Republic of the Congo (DRC)'', CK17–002; and ''Determining and Monitoring Health Conditions Identified in the Medical Assessment of US-Bound Refugees'', CK17–004.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, 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. 2017–03647 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

ICD–10 Coordination and Maintenance (C&M) Committee Meeting National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, Announces the Following Meeting

NAME: ICD–10 Coordination and Maintenance (C&M) Committee meeting.

TIME AND DATE: 9:00 a.m.–5:00 p.m., EST, March 7–8, 2017

PLACE: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244

STATUS: Open to the public, limited only by the space available. The meeting room accommodates approximately 240 people. We will be broadcasting the meeting live via Webcast at *http://www.cms.gov/live/.*

SECURITY CONSIDERATIONS: Due to increased security requirements CMS has instituted stringent procedures for entrance into the building by non-government employees. Attendees will need to present valid government-issued picture identification, and sign-in at the security desk upon entering the building.

Attendees who wish to attend the March 7–8, 2017 ICD–10–CM C&M meeting must submit their name and organization by February 24, 2016 for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by the guards to admit visitors to the meeting.

Participants who attended previous Coordination and Maintenance meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you wish attend.

Please register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/*. Please contact Mady Hue (410–786–4510 or *Marilu.hue@cms.hhs.gov*), for questions about the registration process.

PURPOSE: The ICD–10 Coordination and Maintenance (C&M) Committee is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Tenth Revision, Clinical Modification and ICD–10 Procedure Coding System.

MATTERS FOR DISCUSSION: Agenda items include:

March 7–8, 2017

ICD–10–PCS Topics:

- Cerebral Embolic Protection During Transcatheter Aortic Valve Replacement
- Renal Replacement Therapy
- Magnetically Controlled Growth Rods
- Oxidized Zirconium Polyethylene Implant for Hip and Knee Replacement
- Endovascular Intracranial Thrombectomy
- Procedures/Techniques
- Radiotherapeutic Brain Implant
- Combined Thoracic Arch Replacement and Thoracic Aorta Restriction
- Occlusion of Left Atrial Appendage
- Spinal Fusion with Radiolucent Interbody Fusion Device
- Administration of ZINPLAVA (Bezlotoxumab)
- Administration of VYXEOS
- Administration of KTE–C19 (axicabtageneciloleucel) Congenital Anomaly Procedures
- Resection of the Left Ventricular Outflow Tract Obstruction and/or Subaortic Membrane(Stenosis)
- Fontan Completion Procedure, Stage II
- Alfieri Stitch
- Valvuloplasty
- Ligation of Pulmonary Trunk
- Fluoroscopy of Pulmonary Trunk
- Modified Blalock-Taussig Shunt
- Release of Myocardial Bridge
- Addenda and Key Updates

ICD–10–CM Diagnosis Topics:

- Acute Appendicitis
- Antenatal Screening
- Asthma
- Atrial Fibrillation (AF)
- Cyclic Vomiting
- Diverticular Disease of Intestine
- Encounter for examination of eyes and vision with abnormal findings
- Fetal Inflammatory Response Syndrome
- Hepatic Encephalopathy (re-presentation)
- Lacunar Infarction
- Meibomian Gland Dysfunction
- Neonatal Encephalopathy
- Glasgow Coma Scale, Pediatric
- Personal History of Mesothelioma and Secondary Mesothelioma
- Post Endometrial Ablation Syndrome
- Sickle Cell w/o Acute Chest Syndrome or Splenic Sequestration
- Surgical Site Infection
- Types of Myocardial Infarctions (MI)
- ICD–10–CM Addendum

Agenda items are subject to change as priorities dictate.

Note: CMS and NCHS no longer provide paper copies of handouts for the meeting. Electronic copies of all meeting materials will be posted on the CMS and NCHS Web sites prior to the meeting at *http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes/03_meetings.asp#TopOfPage* and *http://www.cdc.gov/nchs/icd/icd9cm_maintenance.htm.*

CONTACT PERSONS FOR ADDITIONAL INFORMATION: Donna Pickett, Medical Systems Administrator, Classifications and Public Health Data Standards Staff, NCHS, 3311 Toledo Road Hyattsville, Maryland 20782, email *dfp4@cdc.gov,* telephone 301–458–4434 (diagnosis); Mady Hue, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Boulevard, Baltimore, Maryland, 21244, email *marilu.hue@cms.hhs.gov,* telephone 410–786–4510 (procedures).

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. 2017–03627 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of application in response to Funding Opportunity Announcement (FOA) PAR 15–361, NIOSH Centers of Excellence for Total Worker Health (TWH).

Time and Date: 1:00 p.m.–6:00 p.m., EDT, March 21, 2017 (Closed).

Place: Via Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''NIOSH Centers of Excellence for Total Worker Health (TWH)'', PAR 15–361.

Contact Person for More Information: Marilyn Ridenour, B.S.N., M.B.A., M.P.H., Scientific Review Officer, CDC, 1095 Willowdale Road, Mailstop 1811, Morgantown, WV Telephone: (304) 285–5879, *DVN7@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. 2017–03629 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3338–PN]

Medicare and Medicaid Programs: Application From the Center for Improvement in Healthcare Quality for Continued Approval of Its Hospital Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of an application from the Center for Improvement in Healthcare Quality (CIHQ) for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 27, 2017.

ADDRESSES: In commenting, please refer to file code CMS–3338–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways:

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov* . Follow the ''submit a comment'' instructions.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3338–PN, P.O. Box 8016, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3338–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments to the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Lillian Williams, (410) 786–8636, Patricia Chmielewski, (410) 786–6899, or Monda Shaver, (410) 786–3410.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov* . Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a hospital, provided that certain requirements are met. Section 1861(e) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as a hospital. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 482 specify the minimum conditions that a hospital must meet to participate in the Medicare program.

Generally, to enter into an agreement, a hospital must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 482 of our regulations. Thereafter, the hospital is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we may deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide the Centers for Medicare & Medicaid Services (CMS) with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5. The regulations at § 488.5(e)(2)(i) require accrediting organizations to reapply for continued approval of its accreditation program every 6 years or sooner as determined by CMS.

The Center for Improvement in Healthcare Quality (CIHQ's) current term of approval for their hospital accreditation program expires July 26, 2017.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of CIHQ's request for continued approval of its hospital accreditation program. This notice also solicits public comment on whether CIHQ's requirements meet or exceed the Medicare Conditions of Participation (CoPs) for hospitals.

III. Evaluation of Deeming Authority Request

CIHQ submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its hospital accreditation program. This application was determined to be complete on December 28, 2016. Under section 1865(a)(2) of the Act and our regulations at § 488.5 (Application and re-application procedures for national accrediting organizations), our review and evaluation of CIHQ's will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of CIHQ's standards for hospitals as compared with CMS' hospital CoPs.
- CIHQ's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of CIHQ's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ CIHQ's processes and procedures for monitoring a hospital found out of compliance with the CIHQ's program requirements. These monitoring procedures are used only when the CIHQ identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state survey agency monitors corrections as specified at § 488.9(c).

++ CIHQ's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ CIHQ's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of CIHQ's staff and other resources, and its financial viability.

++ CIHQ's capacity to adequately fund required surveys.

++ CIHQ's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ CIHQ's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the ''DATES'' section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

Dated: *February 16, 2017.*

Patrick H. Conway,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–03556 Filed 2–23–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1663–N]

Medicare Program; Public Meetings in Calendar Year 2017 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the dates, time, and location of the Healthcare Common Procedure Coding System (HCPCS) public meetings to be held in calendar year 2017 to discuss our preliminary coding and payment determinations for all new public requests for revisions to the HCPCS. These meetings provide a forum for interested parties to make oral presentations or to submit written comments in response to preliminary coding and payment determinations. The discussion will be focused on responses to our specific preliminary recommendations and will include all items on the public meeting agenda. As indicated in this notice, we are reorganizing public meeting content under two main headings: Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents, and Durable Medical Equipment (DME) and Accessories; Orthotics and Prosthetics (O & P); Supplies and ''Other''.

DATES: *Meeting Dates:* The following are the 2017 HCPCS public meeting dates:

1. Tuesday, May 16, 2017, 9:00 a.m. to 5:00 p.m. eastern daylight time (e.d.t.) Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
2. Wednesday, May 17, 2017, 9:00 a.m. to 5:00 p.m. e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
3. Thursday, May 18, 2017, 9:00 a.m. to 5:00 p.m. e.d.t.

(Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).

4. Wednesday, June 7, 2017, 9:00 a.m. to 5:00 p.m. e.d.t.

(Durable Medical Equipment (DME) and Accessories; Orthotics and Prosthetics (O & P); Supplies and ''Other'').

5. Thursday, June 8, 2017, 9:00 a.m. to 5:00 p.m. e.d.t.

(Durable Medical Equipment and Accessories; Orthotics and Prosthetics (O & P); Supplies and ''Other'').

Deadlines for Primary Speaker Registration and Presentation Materials: The deadline for registering to be a primary speaker and submitting materials and writings that will be used in support of an oral presentation are as follows:

- May 2, 2017 for the May 16, 2017, May 17, 2017 and May 18, 2017 public meetings.
- May 24, 2017 for the June 7, 2017 and June 8, 2017 public meetings.

Registration Deadline for Attendees that are Foreign Nationals: Attendees that are foreign nationals (as described in section IV. of this notice) are required to identify themselves as such, and provide the necessary information for security clearance (as described in section IV. of this notice) to the public meeting coordinator in advance of the date of the public meeting the individual plans to attend. Registration deadlines for attendees that are foreign nationals are as follows:

- April 21, 2017 for the May 16, 2017, May 17, 2017 and May 18, 2017 public meetings.
- May 10, 2017 for the June 7, 2017 and June 8, 2017 public meetings.

Registration Deadlines for all Other Attendees: All individuals who are not foreign nationals who plan to enter the building to attend the public meeting must register for each date that they plan on attending. The registration deadlines are different for each meeting. Registration deadlines are as follows:

- May 05, 2017 for the May 16, 2017, May 17, 2017 and May 18, 2017 public meetings.
- May 26, 2017 for the June 7, 2017 and June 8, 2017 public meeting dates.

Deadlines for Requesting Special Accommodations: Individuals who plan to attend the public meetings and require sign-language interpretation or other special assistance must request these services in advance of the meeting date, by the following deadlines:

- May 2, 2017 for the May 16, 2017, May 17, 2017 and May 18, 2017 public meetings.
- May 24, 2017 for the June 7, 2017 and June 8, 2017 public meetings.

Requests for Special Accommodation may be made within the on-line registration located at *www.cms.hhs.gov/medhcpcsgeninfo* or by contacting Judi Wallace at (410)786–3197 or *Judi.Wallace@cms.hhs.gov* or Nathan Helman at (410) 786–4602 or *Nathan.Helman@cms.hhs.gov.*When a request for Special Accommodations is made separate from the on-line registration, it is also necessary to complete the online registration to gain access to the facility.

Deadline for Submission of Written Comments: Written comments and other documentation in response to a preliminary coding or payment determination that are received by no later than the date of the public meeting at which the code request is scheduled for discussion, will be considered in formulating a final coding decision.

ADDRESSES:

Meeting Location: The public meetings will be held in the main auditorium of the central building of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Submission of Written Comments: Written comments may be sent via regular mail to Judi Wallace, HCPCS Public Meeting Coordinator, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop C5–09–14, Baltimore, MD 21244–1850; or electronically to *Judi.Wallace@cms.hhs.gov.*

FOR FURTHER INFORMATION CONTACT:

Judi Wallace at (410) 786–3197 or *Judi.Wallace@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 21, 2000, the Congress passed the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Section 531(b) of BIPA mandated that we establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). In the November 23, 2001 **Federal Register** (66 FR 58743), we published a notice providing information regarding the establishment of the public meeting process for DME. The procedures and public meetings announced in this notice for new DME are in response to the mandate of section 531(b) of BIPA. As part of HCPCS reform, we expanded the public meeting forum to include all public requests as of the 2005–2006 coding cycle.

It is our intent to distribute any materials submitted to us to the Healthcare Common Procedure Coding System (HCPCS) workgroup members for their consideration. CMS and the HCPCS workgroup members require sufficient preparation time to review all relevant materials. Therefore, we implemented a 10-page submission limit and firm deadlines for receipt of any presentation materials a meeting speaker wishes us to consider. For this reason, our HCPCS Public Meeting Coordinators will only accept and review presentation materials received by the deadline for each public meeting, as specified in the **DATES** section of this notice.

II. Meeting Registration

A. Required Information for Registration

The following information must be provided when registering:

- Name.
- Company name and address.
- Direct-dial telephone and fax numbers.
- Email address.
- Special needs information.

A CMS staff member will confirm your registration by email.

B. Registration Process

1. Primary Speakers

Individuals must also indicate whether they are the ''primary speaker'' for an agenda item. Primary speakers must be designated by the entity that submitted the HCPCS coding request. When registering, primary speakers must provide a brief written statement regarding the nature of the information they intend to provide, and advise one of the HCPCS Public Meeting Coordinators regarding needs for audio/visual support. To avoid disruption of the meeting and ensure compatibility with our systems, tapes and disk files are tested and arranged in speaker sequence well in advance of the meeting. We will accept tapes and disk files that are received by the deadline for submissions for each public meeting as specified in the **DATES** section of this notice. Late submissions and updates of electronic materials after our deadline cannot be accommodated.

Please note CMS' page limit for primary speaker presentation materials. The sum of all presentation materials and additional supporting documentation may not exceed 10 pages (each side of a page counts as 1 page). An exception will be made to the 10-page limit *only for relevant studies newly published between the application deadline and the public meeting date,* in which case, we would

like a copy of the complete publication as soon as possible. This exception applies only to the page limit and not the submission deadline.

The materials may be emailed or delivered by regular mail to the HCPCS Public Meeting Coordinator as specified in the **ADDRESSES** section of this notice. The materials must be emailed or postmarked no later than the deadline specified in the **DATES** section of this notice. Individuals will need to provide 35 copies if materials are delivered by mail.

2. ''5-Minute Speakers''

To afford the same opportunity to all attendees, 5-minute speakers are not required to register as primary speakers. However, 5-minute speakers must still register as attendees by the deadline set forth under ''Registration Deadlines for all Other Attendees'' in the **DATES** section of this notice. Attendees can sign up only on the day of the meeting to do a presentation of up to 5 minutes. Individuals must provide their name, company name and address, contact information as specified on the sign-up sheet, and identify the specific agenda item that they will address.

C. Additional Meeting/Registration Information

Please note that all of the CMS' 2017 HCPCS public meetings will begin at 9:00 a.m. each day as noted in the **DATES** section of this notice.

The product category reported in the HCPCS code application by the applicant may not be the same as that assigned by us. Prior to registering to attend a public meeting, all participants are advised to review the public meeting agendas at *www.cms.hhs.gov/medhcpcsgeninfo* which identify our category determinations, and the dates each item will be discussed. Draft public meeting agendas, including a summary of each request and our preliminary decision, will be posted on our HCPCS Web site at *www.cms.hhs.gov/medhcpcsgeninfo* at least 4 weeks before each meeting.

Additional details regarding the public meeting process for all new public requests for revisions to the HCPCS, along with information on how to register and guidelines for an effective presentation, will be posted at least 4 weeks before the first meeting date on the official HCPCS Web site at *www.cms.hhs.gov/medhcpcsgeninfo.* The document titled ''Guidelines for Participation in Public Meetings for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS)'' will be made available on the HCPCS Web site at least 4 weeks before the first public meeting in 2017 for all new public requests for revisions to the HCPCS. Individuals who intend to provide a presentation at a public meeting need to familiarize themselves with the HCPCS Web site and the valuable information it provides to prospective registrants. The HCPCS Web site also contains a document titled ''Healthcare Common Procedure Coding System (HCPCS) Level II Coding Procedures,'' which is a description of the HCPCS coding process, including a detailed explanation of the procedures used to make coding determinations for all the products, supplies, and services that are coded in the HCPCS.

The HCPCS Web site also contains a document titled ''HCPCS Decision Tree & Definitions'' which illustrates, in flow diagram format, HCPCS coding standards as described in our Coding Procedures document.

A summary of each public meeting will be posted on the HCPCS Web site by the end of August 2017.

III. Presentations and Comment Format

We can only estimate the amount of meeting time that will be needed since it is difficult to anticipate the total number of speakers that will register for each meeting. Meeting participants should arrive early to allow time to clear security and sign-in. Each meeting is expected to begin promptly as scheduled. Meetings may end earlier than the stated ending time.

A. Oral Presentation Procedures

All primary speakers must register as provided under the section titled ''Meeting Registration.'' Materials and writings that will be used in support of an oral presentation should be submitted to the CMS' HCPCS Public Meeting Coordinator.

The materials may be emailed or delivered by regular mail to the HCPCS Public Meeting Coordinator as specified in the **ADDRESSES** section of this notice. The materials must be emailed or postmarked no later than the deadline specified in the **DATES** section of this notice. Individuals will need to include 35 copies if materials are delivered by mail.

B. Primary Speaker Presentations

The individual or entity requesting revisions to the HCPCS coding system for a particular agenda item may designate one ''primary speaker'' to make a presentation for a maximum of 15 minutes. Fifteen minutes is the total time interval for the presentation, and the presentation must incorporate any demonstration, set-up, and distribution of material. In establishing the public meeting agenda, we may group multiple, related requests under the same agenda item. In that case, we will decide whether additional time will be allotted, and may opt to increase the amount of time allotted to the speaker by increments of less than 15 minutes.

Individuals designated to be the primary speaker must register to attend the meeting using the registration procedures described under the ''Meeting Registration'' section of this notice and contact one of the HCPCS Public Meeting Coordinators, specified in the **ADDRESSES** section. Primary speakers must also separately register as primary speakers by the date specified in the **DATES** section of this notice.

C. ''5-Minute'' Speaker Presentations

Meeting attendees can sign up in-person only on the date of the meeting, on a first-come, first-served basis, to make presentations for up to 5 minutes on individual agenda items. Based on the number of items on the agenda and the progress of the meeting, a determination will be made at the meeting by the meeting coordinator and the meeting moderator regarding how many ''5-minute speakers'' can be accommodated and whether the 5-minute time allocation would be reduced, to accommodate the number of speakers.

D. Speaker Declaration

On the day of the assigned public meeting, and no later than the end of the meeting, all primary speakers and 5-minute speakers must provide a brief written summary of their comments and conclusions to the HCPCS Public Meeting Coordinator.

Every primary speaker and 5-minute speaker must declare at the beginning of their presentation at the meeting, as well as in their written summary, whether they have any financial involvement with the manufacturers or competitors of any items being discussed; this includes any payment, salary, remuneration, or benefit provided to that speaker by the manufacturer or the manufacturer's representatives.

E. Written Comments From Meeting Attendees

Written comments will be accepted from the general public and meeting registrants anytime up to the date of the public meeting at which a request is discussed. Comments must be sent to the address listed in the **ADDRESSES** section of this notice.

Meeting attendees may also submit their written comments at the meeting. Due to the close timing of the public

meetings, subsequent workgroup reconsiderations, and final decisions, we are able to consider only those comments received in writing by the close of the public meeting at which the request is discussed.

IV. Security, Building, and Parking Guidelines

The meetings are held within the CMS Complex which is not open to the general public. Visitors to the complex are required to show a valid Government issued photo identification at the time of entry. As of October, 10, 2015, visitors seeking access to federal agency facilities using their state-issued driver's license or identification cards must present proper identification issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13, 119 Statute 302, enacted on May 11, 2005) or a state that has received an extension. What constitutes proper identification and whether a driver's license is acceptable identification for accessing a federal facility may vary, based on which state issued the driver's license. For detailed information, please refer to the Department of Homeland Security (DHS) Web site at: *http://www.dhs.gov.* When planning to visit a federal facility, visitors who have further questions about acceptable forms of identification are encouraged to contact the facility to determine acceptable identification.

Visitors will also be subject to a vehicle security inspection before access to the complex is granted. Participants not in possession of a valid identification or who are in possession of prohibited items will be denied access to the complex. Prohibited items on federal property include but are not limited to, alcoholic beverages, illegal narcotics, explosives, firearms or other dangerous weapons (including pocket knives), dogs or other animals except service animals. Once cleared for entry to the complex participants will be directed to visitor parking by a security officer.

To ensure expedited entry into the building it is recommended that participants have their government ID and a copy of their written meeting registration confirmation readily available and that they do not bring large/bulky items into the building. Participants are reminded that photography on the CMS complex is prohibited. We have also been declared a tobacco free campus and violators are subject to legal action. In planning arrival time, we recommend allowing additional time to clear security. Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The invited guests may not enter the building earlier than 45 minutes before the convening of the meeting each day.

Guest access to the complex is limited to the meeting area, the main entrance lobby, and the cafeteria. If a visitor is found outside of those areas without proper escort they may be escorted off of the premises. Also, be mindful that there will be an opportunity for everyone to speak and we request that everyone waits for the appropriate time to present their product and opinions. Disruptive behavior will not be tolerated and may result in removal from the meetings and escort from the complex. No visitor is allowed to attach USB cables, thumb drives or any other equipment to any CMS information technology (IT) system or hardware for any purpose at any time. Additionally, our staff is prohibited from taking such actions on behalf of a visitor or utilizing any removable media provided by a visitor.

We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a presentation. Special arrangements and approvals are required at least 2 weeks prior to each public meeting to bring pieces of equipment or medical devices. These arrangements need to be made directly with the CMS' Public Meeting Coordinator. It is possible that certain requests made in advance of the public meeting could be denied because of unique safety, security or handling issues related to the equipment. A minimum of 2 weeks is required for approvals and security procedures. Any request not submitted at least 2 weeks in advance of the public meeting will be denied.

Foreign National Visitors are defined as Non-US Citizens, and non-lawful permanent residents, non-resident aliens or non-green-card holders.

Attendees that are foreign nationals must identify themselves as such, and provide the following information for security clearance to the public meeting coordinator by the date specified in the **DATES** section of this notice:

- Building to Visit/Destination.
- Visit start date, start time, end date, end time.
- Visitor full name.
- Gender.
- Visitor Title.
- Visitor Organization/Employer.
- Citizenship.
- Birth Place (City, Country).
- Date of Birth.
- ID Type (Passport or State Department ID).
- Passport issued by Country.
- ID (passport) Number.
- ID (passport) issue date.
- ID (passport) expiration date.
- Visa Type.
- Visa Number.
- Purpose of Visit.

Dated: February 16, 2017.

Patrick Conway,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–03557 Filed 2–23–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7044–N]

Health Insurance Marketplace℠, Medicare, Medicaid, and Children's Health Insurance Programs; Meeting of the Advisory Panel on Outreach and Education (APOE), March 22, 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the next meeting of the Advisory Panel on Outreach and Education (APOE) (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace℠,[1] Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES: *Meeting Date:* Wednesday, March 22, 2017 8:30 a.m. to 4:00 p.m. eastern daylight time (e.d.t).

Deadline for Meeting Registration, Presentations, Special Accommodations and Comments: Wednesday, March 8, 2017, 5:00 p.m., (e.d.t.).

ADDRESSES: *Meeting Location:* U.S. Department of Health & Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Room 505A, Conference Room, Washington, DC 20201.

Presentations and Written Comments: Presentations and written comments

[1] Health Insurance Marketplace℠ and Marketplace℠ are service marks of the U.S. Department of Health & Human Services.

should be submitted to: Thomas Dudley, Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mailstop S1–05–06, Baltimore, MD 21244–1850 or via email at *Thomas.Dudley@cms.hhs.gov.*

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the Web site *https://www.regonline.com/apoemar2017meeting* or by contacting the DFO as listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Thomas Dudley, Designated Federal Official, Office of Communications, CMS, 7500 Security Boulevard, Mail Stop S1–05–06, Baltimore, MD 21244–1850, 410–786–1442, email *Thomas.Dudley@cms.hhs.gov.* Additional information about the APOE is available on the Internet at: *http://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.html.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a) and sec. 10(a) of Public Law 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory Panel on Medicare Education [2] (the predecessor to the APOE) on January 21, 1999 (64 FR 7899, February 17, 1999) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. We have had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Affordable Care Act (Patient Protection and Affordable Care Act, Pub. L. 111–148, and Health Care and Education Reconciliation Act of 2010, Pub. L. 111–152) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and the Children's Health Insurance Program (CHIP). Qualified individuals and qualified employers are now able to purchase private health insurance coverage through a competitive marketplace, called an Affordable Insurance Exchange (also called Health Insurance Marketplace℠ or Marketplace℠). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace℠. The Panel allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 21, 2017, and will terminate on January 21, 2019 unless renewed by appropriate action.

Under the current charter, the APOE will advise the Secretary and the Administrator on optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), or coverage available through the Health Insurance Marketplace℠.
- Enhancing the federal government's effectiveness in informing Health Insurance Marketplace℠, Medicare, Medicaid, and CHIP consumers, issuers, providers, and stakeholders, through education and outreach programs, on issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Health Insurance Marketplace℠, Medicare, Medicaid, and CHIP education programs.
- Assembling and sharing an information base of ''best practices'' for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

[2] We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

The current members of the Panel are: Kellan Baker, Associate Director, Center for American Progress; Robert Blancato, President, Matz, Blancato & Associates; Dale Blasier, Professor of Orthopaedic Surgery, Department of Orthopaedics, Arkansas Children's Hospital; Deborah Britt, Executive Director of Community & Public Relations, Piedmont Fayette Hospital; Deena Chisolm, Associate Professor of Pediatrics & Public Health, The Ohio State University, Nationwide Children's Hospital; Josephine DeLeon, Director, Anti-Poverty Initiatives, Catholic Charities of California; Robert Espinoza, Vice President of Policy, Paraprofessional Healthcare Institute; Louise Scherer Knight, Director, The Sidney Kimmel Comprehensive Cancer Center at Johns Hopkins; Roanne Osborne-Gaskin, M.D., Senior Medical Director, MDWise, Inc.; Cathy Phan, Outreach and Education Coordinator, Asian American Health Coalition DBA HOPE Clinic; Kamilah Pickett, Litigation Support, Independent Contractor; Brendan Riley, Outreach and Enrollment Coordinator, NC Community Health Center Association; Alvia Siddiqi, Medicaid Managed Care Community Network (MCCN) Medical Director, Advocate Physician Partners, Carla Smith, Executive Vice President, Healthcare Information and Management Systems Society (HIMSS); Tobin Van Ostern, Vice President and Co-Founder, Young Invincibles Advisors; and Paula Villescaz, Senior Consultant, Assembly Health Committee, California State Legislature.

II. Provisions of This Notice

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the March 22, 2017 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (September 21, 2016) meeting
- Affordable Care Act initiatives
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Security, Building, and Parking Guidelines

This meeting will be held in a federal government building; therefore, federal security measures are applicable. The Real ID Act, enacted in 2005, establishes minimum standards for the issuance of state-issued driver's licenses and identification (ID) cards. It prohibits federal agencies from accepting an official driver's license or ID card from a state unless the Department of Homeland Security determines that the state meets these standards. Beginning October 2015, photo IDs (such as a valid driver's license) issued by a state or territory not in compliance with the Real ID Act will not be accepted as identification to enter federal buildings. Visitors from these states/territories will need to provide alternative proof of identification (such as a valid passport) to gain entrance into CMS buildings. The current list of states from which a federal agency may accept driver's licenses for an official purpose is found at *http://www.dhs.gov/real-id-enforcement-brief.* We recommend that confirmed registrants arrive reasonably early, but no earlier than 45 minutes prior to the start of the meeting, to allow additional time to clear security. Security measures include the following:

- Presentation of government issued photographic identification to the Federal Protective Service or Guard Service personnel.
- Inspection of vehicle's interior and exterior (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.
- Inspection, via metal detector or other applicable means, of all persons entering the building. We note that all items brought into CMS, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The public may not enter the building earlier than 45 minutes prior to the convening of the meeting.

All visitors must be escorted in areas other than the lower and first floor levels in the Central Building.

Authority: Sec. 1114(f) of the Social Security Act (42 U.S.C. 1314(f)), sec. 222 of the Public Health Service Act (42 U.S.C. 217a), and sec. 10(a) of Pub. L. 92–463 (5 U.S.C. App. 2, sec. 10(a) and 41 CFR 102–3).

Dated: February 16, 2017.

Patrick Conway,

Acting Administrator Centers for Medicare & Medicaid Services.

[FR Doc. 2017–03598 Filed 2–23–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Pantex Plant in Amarillo, Texas, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On January 4, 2017, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Pantex Plant in Amarillo, Texas, during the period from January 1, 1951, through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on February 3, 2017. Therefore, beginning

on February 3, 2017, members of this class of employees, defined as reported in this notice, became members of the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2017–03676 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision To Evaluate a Petition To Designate a Class of Employees From Santa Susana Field Laboratory in Eastern Ventura County, California, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice of a decision to evaluate a petition to designate a class of employees from Area IV of the Santa Susana Field Laboratory in eastern Ventura County, California, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 CFR 83.9–83.12.

Pursuant to 42 CFR 83.12, the initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Area IV of the Santa Susana Field Laboratory.

Location: Eastern Ventura County, California.

Job Titles and/or Job Duties: All employees of North American Aviation, including corporate successors and subcontractors, who worked at site Area IV of the Santa Susana Field Laboratory (SSFL).

Period of Employment: August 1, 1991 through June 30, 1993.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2017–03674 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from Area IV of the Santa Susana Field Laboratory in Ventura County, California, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On January 6, 2017, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at Area IV of the Santa Susana Field Laboratory in Ventura County, California, from January 1, 1965, through December 31, 1988, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation became effective on February 5, 2017. Therefore, beginning on February 5, 2017, members of this class of employees, defined as reported in this notice, became members of the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2017–03675 Filed 2–23–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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: Microbiology, Infectious Diseases and AIDS Initial Review Group; Acquired Immunodeficiency Syndrome Research Review Committee.

Date: March 22–23, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View Hotel, Studio F, 2800 S. Potomac Avenue, Arlington, VA 22202.

Contact Person: Peter R. Jackson, Ph.D., Chief, AIDS Research Review Branch, Scientific Review Program, Division of Extramural Activities, Room #3G20, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5049, *pjackson@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03692 Filed 2–23–17; 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: Center for Scientific Review Special Emphasis Panel; PAR–16–262: Sustained Release of Antivirals for HIV Treatment or Prevention.
Date: March 14, 2017.
Time: 1:00 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: 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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal Rehabilitation Sciences.
Date: March 23, 2017.
Time: 10:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435–1222, *nurminskayam@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Diabetes and Obesity.
Date: March 23, 2017.
Time: 12:30 p.m. to 2:30 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: Michael Knecht, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046, *knechtm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–GM–17–004: Maximizing Investigators' Research Award for Early Stage Investigators (R35).
Date: March 27–28, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Elena Smirnova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5187, MSC 7840, Bethesda, MD 20892, 301–435–1236, *smirnove@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Aging, Neuropsychiatric and Neurologic Disorders.
Date: March 27–28, 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: Yuan Luo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–915–6303, *luoy2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; OBT–AREA Review.
Date: March 27, 2017.
Time: 12:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6204, MSC 7804, Bethesda, MD 20892, 301–435–1718, *sizemoren@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 21, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–03693 Filed 2–23–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 12, 2016.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on April 12, 2016. The next triennial inspection date will be scheduled for April 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 1881 W. State Rd. 84, Bay 105, Ft. Lauderdale, FL 33315, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: February 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–03646 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Intertek USA, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Intertek USA, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and petroleum products for customs purposes for the next three years as of August 20, 2015.

DATES: *Effective Dates:* The approval of Intertek USA, Inc., as commercial gauger became effective on August 20, 2015. The next triennial inspection date will be scheduled for August 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Intertek USA, Inc., 4951A East Adamo Drive, Suite 130, Tampa, FL 33605, has been approved to gauge petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API Chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Maritime Measurements.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–03660 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 21, 2016.

DATES: *Effective Dates:* The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on September 21, 2016. The next triennial inspection date will be scheduled for September 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 201 Texas Ave., La Marque, TX 77568, has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.

API chapters	Title
11	Physical Properties Data.
12	Calculations.
17	Maritime Measurements.

Camin Cargo Control, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–07	D4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–57	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for the current CBP Approved Gaugers and Accredited Laboratories List. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: February 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–03661 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Chem Coast, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Chem Coast, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Chem Coast, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of June 8, 2016.

DATES: *Effective Dates:* The accreditation and approval of Chem Coast, Inc., as commercial gauger and laboratory became effective on June 8, 2016. The next triennial inspection date will be scheduled for June 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Chem Coast, Inc., 11820 North H Street, LaPorte, TX 77571, has approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Chem Coast, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

Chapters	Title
3	Tank Gauging
5	Metering
7	Temperature Determination
8	Sampling
12	Calculations of Petroleum Quantities
17	Marine Measurements

Chem Coast, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–08	ASTM D–86	Standard test method for distillation of petroleum products at atmospheric pressure.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.

CBPL No.	ASTM	Title
27–50	ASTM D–93	Standard test method for flash point by Penske-Martens Closed Cup Tester.
N/A	ASTM D–1364	Standard Test Method for Water in Volatile Solvents (Karl Fischer Reagent Titration Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.*

Dated: February 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2017–03662 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Amspec Services, LLC, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 24, 2016.

DATES: *Effective Dates:* The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on May 24, 2016. The next triennial inspection date will be scheduled for May 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 30 Commercial Dr., Everett, MA 02149, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–14	D2622	Standard Test Method for Sulfur in Petroleum Products.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–53	D2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.
Pending	D3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.
Pending	D5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
Pending	D5769	Determination of Benzene, Toluene, and Total Aromatics in Finished Gasolines by Gas Chromatography/Mass Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border

Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 15, 2017.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2017–03645 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4302–DR; Docket ID FEMA–2017–0001]

Hoopa Valley Tribe; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Hoopa Valley Tribe (FEMA–4302–DR), dated February 14, 2017, and related determinations.

DATES: Effective February 14, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 14, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Hoopa Valley Tribe resulting from a severe winter storm during the period of January 3–5, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Hoopa Valley Tribe and associated lands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Hoopa Valley Tribe and associated lands. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to Section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy J. Scranton, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas have been designated as adversely affected by this major disaster:

The Hoopa Valley Indian Reservation for Public Assistance.

The Hoopa Valley Tribe is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03687 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: *Effective Date:* February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 26, 2017.

Appling, Brantley, Bulloch, Echols, Lowndes, Randolph, Tattnall, Upson, and Ware Counties for Public Assistance.

Berrien County for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03685 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4297–DR; Docket ID FEMA–2017–0001]

Georgia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4297–DR), dated January 26, 2017, and related determinations.

DATES: *Effective Date:* February 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 26, 2017.

Baker, Brooks, Calhoun, Clay, and Crisp Counties for Public Assistance.

Cook, Dougherty, Thomas, Turner, Wilcox, and Worth Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03681 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4301–DR; Docket ID FEMA–2017–0001]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–4301–DR), dated February 14, 2017, and related determinations.

EFFECTIVE DATE: February 14, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 14, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of California resulting from severe winter storms, flooding, and mudslides during the period of January 3–12, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy J. Scranton, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of California have been designated as adversely affected by this major disaster:

Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Humboldt, Inyo, Lake, Lassen, Marin, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Trinity, Tuolumne, Yolo, and Yuba Counties for Public Assistance.

All areas within the State of California are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03679 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4293–DR; Docket ID FEMA–2017–0001]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4293–DR), dated December 15, 2016, and related determinations.

DATES: Effective February 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lai Sun Yee, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of W. Michael Moore as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03686 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3381–EM; Docket ID FEMA–2017–0001]

California; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of California (FEMA–3381–EM), dated February 14, 2017, and related determinations.

DATES: Effective date: February 14, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 14, 2017, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of California resulting from the potential failure of the emergency spillway at Lake Oroville Dam beginning on February 7, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of California.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Timothy J. Scranton, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of California have been designated as adversely affected by this declared emergency:

Butte, Sutter, and Yuba Counties for emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03680 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4300–DR; Docket ID FEMA–2017–0001]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4300–DR), dated February 11, 2017, and related determinations.

DATES: *Effective Date:* February 11, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 11, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms, tornadoes, and straight-line winds on February 7, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford

Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs).

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, William J. Doran III, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Louisiana have been designated as adversely affected by this major disaster:

Livingston and Orleans Parishes for Individual Assistance.

All areas within the State of Louisiana are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert. J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03690 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4299–DR; Docket ID FEMA–2017–0001]

Oklahoma; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4299–DR), dated February 10, 2017, and related determinations.

DATES: Effective February 10, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 10, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from a severe winter storm during the period of January 13–16, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John Long, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oklahoma have been designated as adversely affected by this major disaster:

Beaver, Beckham, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Woods, and Woodward Counties for Public Assistance.

All areas within the State of Oklahoma are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03688 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4298–DR; Docket ID FEMA–2017–0001]

South Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of South Dakota (FEMA–4298–DR), dated February 1, 2017, and related determinations.

DATES: *Effective Date:* February 1, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 1, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of South Dakota resulting from a severe winter storm during the period of December 24–26, 2016, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of South Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Nancy M. Casper, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of South Dakota have been designated as adversely affected by this major disaster:

Butte, Clark, Codington, Day, Deuel, Dewey, Edmunds, Fall River, Faulk, Grant, Haakon, Hamlin, Harding, Jackson, Jones, Marshall, McPherson, Meade, Pennington, Perkins, Roberts, Stanley, Sully, and Ziebach Counties. The Cheyenne River Sioux Tribe within Dewey and Ziebach Counties and the Oglala Sioux Tribe within Jackson County for Public Assistance.

All areas within the State of South Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–03691 Filed 2–23–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–06]

60-Day Notice of Proposed Information Collection: Multifamily Project Monthly Accounting Reports

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* April 25, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Harry Messner, Office of Asset Management and Portfolio Oversight, Policy Administration Office, Department of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Harry Messner at *Harry.Messner@hud.gov* or telephone 202–402–2626. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Colette Pollard at *colette.pollard@hud.gov.*

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Multifamily Project Monthly Accounting Reports

OMB Approval Number: 2502–0108.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–93479, HUD–93480, and HUD–93481.

Description of the need for the information and proposed use: This information is necessary for HUD to monitor compliance with contractual agreements and to analyze cash flow trends as well as occupancy and rent collection levels.

Respondents: Business and Other for profit and non-profit entities.

Estimated Number of Respondents: 13,646.

Estimated Number of Responses: 491,256.

Frequency of Response: Monthly.

Average Hours per Response: 3.5 hours.

Total Estimated Burdens: 573,132.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of

information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 10, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–03522 Filed 2–23–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2017–N022; FXIA16710900000–167–FF09A30000]

Proposed Information Collection; Federal Fish and Wildlife Permit Applications and Reports—Management Authority

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on May 31, 2017. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 25, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: BPHC, Falls Church, VA 22041–3803 (mail); or *madonna_baucum@fws.gov* (email). Please include ''1018–0093'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna Baucum, at *madonna_baucum@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection covers permit applications and reports that our Division of Management Authority uses to determine the eligibility of applicants for permits requested in accordance with the criteria in various Federal wildlife conservation laws and international treaties. Service regulations implementing these statutes and treaties are in chapter I, subchapter B of title 50, Code of Federal Regulations (CFR). These regulations stipulate general and specific requirements that, when met, allow us to issue permits to authorize activities that are otherwise prohibited.

Information collection requirements associated with the Federal fish and wildlife permit applications and reports are currently approved under three different OMB control numbers: 1018–0093, ''Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23''; 1018–0150, ''Renewal of CITES Registration of Commercial Breeding Operations for Appendix I Wildlife and Other CITES Requirements, 50 CFR 17 and 23''; and 1018–0164, ''Import of Sport-Hunted African Elephant Trophies, 50 CFR 17.'' In this revision of 1018–0093, we will include all of the information collection requirements associated with all three OMB Control Numbers. If OMB approves this revision, we will discontinue OMB Control Numbers 1018–0150 and 1018–0164.

II. Data

OMB Control Number: 1018–0093.

Title: Federal Fish and Wildlife Permit Applications and Reports—Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23.

Form Numbers: FWS Forms 3–200–19 through 3–200–37, 3–200–39 through 3–200–44, 3–200–46 through 3–200–53, 3–200–58, 3–200–61, 3–200–64 through 3–200–66, 3–200–69 to 3–200–70, 3–200–73 through 3–200–76, 3–200–80, and 3–200–85 through 3–200–88.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals; biomedical companies; circuses; zoological parks; botanical gardens; nurseries; museums; universities; antique dealers; exotic pet industry; hunters; taxidermists; commercial importers/exporters of wildlife and plants; freight forwarders/brokers; and State, tribal, local, and Federal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Regulation/activity	Annual respondents	Annual responses	Completion time per response (hours)	Annual burden hours *
ICs from 1018–0093, ''Federal Fish and Wildlife Permit Applications and Reports—Management Authority, 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23''				
Import of Sport-Hunted Trophies—Application (Form 3–200–20)	66	69	1	69
Import of Sport-Hunted Trophies of Argali—Application (Form 3–200–21)	118	149	0.75	112
Import of Sport-Hunted Bontebok Trophies from South Africa—Application (Form 3–200–22)	76	77	0.33333	26
Export of Pre-Convention, Pre-Act, or Antique Specimens (CITES, MMPA, and/or ESA)—Application (Form 3–200–23)	113	181	0.75	136
Commercial Export of Live Captive-Born Animals (CITES)—Application (Form 3–200–24)	109	326	0.75	245
Export of Raptors (MBTA and/or CITES)—Application (Form 3–200–25)	34	115	1	115
Export of Skins of 7 Native Species: Bobcat, lynx, river otter, Alaskan brown bear, Alaskan black bear, Alaskan gray wolf, and American alligator (CITES) (Form 3–200–26)	45	206	0.33333	69
Export of Wildlife Removed from the Wild (Live/Samples/Parts/Products (CITES))—Application (Form 3–200–27)	52	91	0.75	68
Export of Trophies by Hunters or Taxidermists (CITES)—Application (Form 3–200–28)	123	222	0.5	111

Regulation/activity	Annual respondents	Annual responses	Completion time per response (hours)	Annual burden hours *
Export/Re-export of Wildlife Samples and/or Biomedical Samples (CITES)—Application (Form 3–200–29)	114	387	2.5	968
Export/Re-export/Re-import of Circuses and Traveling Animal Exhibitions (and Reissuance) (CITES/ESA)—Application (Form 3–200–30)	24	36	1	36
Annual Report for Exhibition Permittees (Form 3–200–30A)	36	36	0.5	18
Introduction from the Sea (CITES) (Form 3–200–31)	3	3	2	6
Export/Re-export of Plants (CITES)—Application (Form 3–200–32)	92	156	1	156
Export of Artificially Propagated Plants—Application (Form 3–200–33)	26	38	2	76
Export of American Ginseng—Application (Form 3–200–34)	49	81	0.33333	27
Import of Wild Collected Appendix 1 Plants (CITES)—Application (Form 3–200–35)	1	1	1	1
Export/Import/Interstate and Foreign Commerce of Plants (CITES and/or ESA)—Application (Form 3–200–36)	3	3	1	3
Export/Import/Interstate and Foreign Commerce/Take of Animals (Live/Samples/Parts/Products (CITES and/or ESA)—Application (Form 3–200–37)	146	191	2	382
Certificate of Scientific Exchange/COSE (CITES)—Application (Form 3–200–39)	28	28	1	28
Certificate of Scientific Exchange (COSE) Special Reporting Conditions—Report (Form 3–200–39A)	43	43	0.5	22
Export and Re-export of Museum Specimens—Application (Form 3–200–40)	5	5	1	5
ESA Museum Permit Report (Form 3–200–40A)	31	31	0.5	16
Captive-Bred Wildlife Registration/CBW—Application (Form 3–200–41)	61	62	2	124
Captive-Bred Wildlife Registration Annual Report (Form 3–200–41A)	541	541	0.5	221
Import/Acquisition/Transport of Injurious Wildlife—Application (Form 3–200–42)	61	78	1	78
Take/Import/Transport/Export of Marine Mammals or Renewal/Amendment of Existing Permit Application (Form 3–200–43)	14	16	2.33	37
Registration of an Agency/Tannery (MMPA)—Application (Form 3–200–44)	4	4	0.33333	1
Registered Agent/Tannery Inventory Report (Form 3–200–44A)	9	9	1	9
Import/Export/Re-export of Personal Pets (CITES or Wild Bird Conservation Act)—Application (Form 3–200–46)	248	259	0.5	130
Import of Birds for Scientific Research or Zoological Breeding and Display (WBCA)—Application (Form 3–200–47)	12	14	2	28
Import of Birds Under an Approved Cooperative Breeding Program (WBCA)—Application (Form 3–200–48)	5	9	1	9
Approval, Amendment or Renewal of a Cooperative Breeding Program (WBCA) (Form 3–200–49)	5	6	3	18
Approval of Sustainable Use Management Plan (WBCA)—Application (Form 3–200–50)	<1	<1	10	<10
Approval of a Foreign Breeding Facility under the WBCA—Application (Form 3–200–51)	<1	<1	8	<8
Reissuance, Renewal, or Amendment of a Permit—Application (Form 3–200–52)	326	423	0.25	106
Export/Re-export of Live Captive—Held Marine Mammals (CITES) Application (Form 3–200–53)	1	2	2	4
Supplemental Application for a Retrospectively Issued Document (CITES)—Application (Form 3–200–58)	42	42	1	42
American Ginseng Export Program—Report (Form 3–200–61)	19	24	43.5	1,044
Certificate of Ownership for Personally Owned Wildlife ''Pet Passport'' (CITES)—Application (Form 3–200–64)	26	92	0.5	46
Registration of Appendix I Commercial Breeding Operations (CITES) Application (Form 3–200–65)	1	1	40	40
Replacement Document (CITES,MMPA, WBCA/Lacey Act)—Application (Form 3–200–66)	50	50	0.25	13
Export/Import/Transport of Bald and Golden Eagle for Scientific or Exhibition Purposes (CITES) (Form 3–200–69)	2	2	0.5	1
Export/Re-import/Transport of Bald and Golden Eagle for Indian Religious Purposes (CITES) (Form 3–200–70)	7	7	0.5	4
Re-export of Wildlife (CITES) (Form 3–200–73)	240	1,762	0.5	881
Single Use Export Permits Under a Master File or an Annual Program File (Form 3–200–74)	197	600	0.1	60
Registration of a Production Facility for Export of Certain Native Species Application (Form 3–200–75)	20	25	0.5	13
Export of Caviar or Meat of Paddlefish or Sturgeon Removed from the Wild (CITES) (Form 3–200–76)	13	24	3	72
Export of Fertilized Live Eggs, Caviar, or Meat from Aquacultured Paddlefish or Sturgeon (CITES) (Form 3–200–80)	3	3	3	9
Application to Establish a Master File for the Export of Live Captive-Bred Animals (CITES) (Form 3–200–85)	20	38	1	20
Photography of Marine Mammals Application (Form 3–200–86)	4	5	1.5	8

Regulation/activity	Annual respondents	Annual responses	Completion time per response (hours)	Annual burden hours *
Transfer/Transport of Live Captive-Held Marine Mammals (Form 3–200–87)	25	25	1	25
Musical Instrument Application (Form 3–200–88)	13	15	0.5	8
Request for Approval of a CITES Export Program (American Ginseng, CITES furbearers, American Alligator)	2	2	12	24
Report for Furbearer CITES Export Programs	52	52	1	52
Report for American Alligator CITES Export Program	10	10	1	10
Participation in the Plant Rescue Center Program—Application	3	3	1	3
Plant Rescue Program—Report on Receipt and Condition of Specimens	195	250	0.5	125
ICs from 1018–0150, "Renewal of CITES Registration of Commercial Breeding Operations for Appendix I Wildlife, 50 CFR 23"				
Report Take—Grizzly Bears	25	25	0.25	6
Report Take—Mountain Lions	15	15	0.25	4
Marking/Labeling of Vicuna Products, Beluga Sturgeon Caviar, and African Elephant Sport-Hunted Trophies	471	601	0.5	300
Beluga Sturgeon Exemption	1	1	16	16
Wildlife Hybrid Exemption	75	150	0.5	75
Exception to Use of CITES Specimens after Import	250	250	0.5	125
ICs from 1018–0164, "Import of Sport-Hunted African Elephant Trophies, 50 CFR 17"				
Import of Sport-hunted Trophies of Southern African Leopard, African Elephant, and Namibian Southern White Rhinoceros—Application (Form 3–200–19)	513	548	0.33	182
Total:	4,920	8,522	.....	6,686

* Rounded.

Estimated Annual Nonhour Burden Cost: $840,600.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 17, 2017.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2017–03586 Filed 2–23–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–MM–2017–N010; FF07CAMM00.FX.ES111607MRG00]

Proposed Information Collection; Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on June 30, 2017. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 25, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *madonna_baucum@fws.gov* (email). Please include "1018–0066" in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Madonna Baucum at *madonna_baucum@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

Under section 101(b) of the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361–1407), Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans may harvest polar bears, northern sea otters, and Pacific walruses for subsistence or handicraft purposes. Section 109(i) of the MMPA authorizes the Secretary of the Interior to prescribe marking, tagging, and reporting regulations

applicable to the Alaska Native subsistence and handicraft take.

On behalf of the Secretary, we implemented regulations at 50 CFR 18.23(f) for Alaska Natives harvesting polar bears, northern sea otters, and Pacific walruses. These regulations enable us to gather data on the Alaska Native subsistence and handicraft harvest and on the biology of polar bears, northern sea otters, and Pacific walruses in Alaska to determine what effect such take may be having on these populations. The regulations also provide us with a means of monitoring the disposition of the harvest to ensure that any commercial use of products created from these species meets the criteria set forth in section 101(b) of the MMPA. We use three forms to collect the information: FWS Form 3–2414 (Polar Bear Tagging Certificates), FWS Form 3–2415 (Walrus Tagging Certificates), and FWS Form 3–2416 (Sea Otter Tagging Certificates). The information we collect includes, but is not limited to:

- Date of kill.
- Sex of the animal.
- Kill location.
- Age of the animal (*i.e.,* adult, subadult, cub, or pup).
- Form of transportation used to make the kill of polar bears.
- Amount of time (*i.e.,* hours/days hunted) spent hunting polar bears.
- Type of take (live–killed or beach–found) for walrus.
- Number of otters present in and number of otters harvested from pod.
- Condition of the polar bear and whether or not bear cubs were present.
- Name of the hunter or possessor of the specified parts at the time of marking, tagging, and reporting.

We are proposing to use FWS Form 3–2406 (Registration of Certain Dead Marine Mammal Hard Parts) to record the collection of bones, teeth, or ivory of dead marine mammals by non-Native and Natives not eligible to harvest marine mammals under the MMPA. It is legal to collect such parts from a beach or from land within a quarter of a mile of the ocean (50 CFR 18.26). The information we collect will include, but is not limited to:

- Date and location found.
- Age, sex, and size of the animal.
- Tag numbers.
- Name, address, phone number, and birthdate of the collector.

II. Data

OMB Control Number: 1018–0066.

Title: Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts, 50 CFR 18.23(f) and 50 CFR 18.26.

Service Form Number(s): 3–2406, 3–2414, 3–2415, and 3–2416.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals and households.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of respondents	Number of responses	Completion time per response (minutes)	Total annual burden hours
3–2414 (Polar Bear)	25	60	15	15
3–2415 (Walrus)	100	500	15	125
3–2416 (Sea Otter)	75	1,280	15	320
3–2406 (Beach Found)	300	300	15	75
Totals	500	2,140	.....	535

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 17, 2017.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2017–03583 Filed 2–23–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2017–N016; FF09M21200–167–FXMB1231099BPP0]

Proposed Information Collection; Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds and Eagles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on May 31, 2017. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 25, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *madonna_baucum@fws.gov* (email). Please include ''1018–

0022'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna Baucum, at *madonna_baucum@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract:

Our Regional Migratory Bird Permit Offices use information that we collect on permit applications to determine the eligibility of applicants for permits requested in accordance with the criteria in various Federal wildlife conservation laws and international treaties, including:

(1) Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*).

(2) Lacey Act (16 U.S.C. 3371 *et seq.*).

(3) Bald and Golden Eagle Protection Act (16 U.S.C. 668).

Service regulations implementing these statutes and treaties are in chapter I, subchapter B of title 50 of the Code of Federal Regulations (CFR). These regulations stipulate general and specific requirements that, when met, allow us to issue permits to authorize activities that are otherwise prohibited.

All Service permit applications are in the 3–200 series of forms, each tailored to a specific activity based on the requirements for specific types of permits. We collect standard identifier information for all permits. The information that we collect on applications and reports is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity.

Information collection requirements associated with the Federal fish and wildlife permit applications and reports for migratory birds and eagles are currently approved under two different OMB control numbers: 1018–0022, ''Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds and Eagles; 50 CFR 10, 13, 21, 22,'' and 1018–0167, ''Eagle Take Permits and Fees, 50 CFR 22.'' In this revision of 1018–0022, we are including all of the information collection requirements associated with both OMB Control Numbers. If OMB approves this revision, we will discontinue OMB Control Number 1018–0167.

II. Data:

OMB Control Number: 1018–0022.

Title: Federal Fish and Wildlife Permit Applications and Reports—Migratory Birds and Eagles; 50 CFR 10, 13, 21, 22.

Service Form Number(s): FWS Forms 3–200–6 through 3–200–9, 3–200–10a through 3–200–10f, 3–200–12 through 3–200–16, 3–200–18, 3–200–67, 3–200–68, 3–200–71, 3–200–72, 3–200–77, 3–200–78, 3–200–79, 3–200–81, 3–200–82, 3–202–1 through 3–202–17, 3–186, and 3–186a.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals; zoological parks; museums; universities; scientists; taxidermists; businesses; utilities, and Federal, State, tribal, and local governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually or on occasion for reports.

Activity	Number of respondents	Number of responses	Completion time per response (hours)	Total annual burden hours [2]
APPLICATIONS				
3–200–6, Import/Export	76	76	1	76
3–200–7, Scientific Collecting	210	210	5	1,050
3–200–8, Taxidermy	690	690	2	1,380
3–200–9, Waterfowl Sale and Disposal	370	370	1.5	555
3–200–10a, Special Purpose Salvage	300	300	1.5	450
3–200–10b, Rehabilitation	175	175	12	2,100
3–200–10c, Education—Live	250	250	4.5	1,125
3–200–10d, Education—Dead	65	65	2.5	163
3–200–10e, Game Bird Propagation	15	15	1.5	23
3–200–10f, Miscellaneous	50	50	2.5	125
3–200–12, Raptor Propagation	55	55	4	220
3–200–13, Depredation	2,700	2,700	[1] 3.6	7,963
3–200–14, Eagle Exhibition	120	120	5.5	660
3–200–15a, Eagle Indian Religious and First Order	2,000	2,000	1	2,000
3–200–15b, Eagle Indian Religious Reorder	2,700	2,700	.5	1,350
3–200–16, Take of Depredating Eagles	6	6	3.5	22
3–200–18, Take of Golden Eagle Nests	4	4	6.5	26
3–200–67, Special State Canada Goose	1	1	7	7
3–200–68, Renewal of Permit	5,050	5,050	1.5	7,575
3–200–71, Eagle Take (Disturb)	150	150	16	2,400
3–200–72, Eagle Nest Take	50	50	16	800
3–200–71 and 3–200–72, Eagle/Nest Take Amendment	40	40	6	240
3–200–71 and 3–200–72, Eagle Take Programmatic	20	20	452	9,040
3–200–71 and 3–200–72, Eagle Take Programmatic Amendment	3	3	70	210
3–200–77, Native American Eagle Take	10	10	2.25	23
3–200–78, Native American Eagle Aviary	5	5	5	25
3–200–79, Special Purpose Abatement	25	25	2.5	63
3–200–81, Special Purpose Utility	30	30	15	450
3–200–82, Eagle Transport	10	10	1	10
Eagle Take Programmatic Transfer	3	3	40	120
3–200–72, Application—Eagle Nest Take Programmatic	10	10	40	400
3–200–72, Application—Eagle Nest Take Programmatic Amendment	2	2	20	40
REPORTS				
3–202–1, Scientific Collecting	580	580	1	580

Activity	Number of respondents	Number of responses	Completion time per response (hours)	Total annual burden hours [2]
3–202–2, Waterfowl Sale and Disposal	1,000	1,000	.5	500
3–202–3, Special Purpose Salvage	1,850	1,850	1	1,850
3–202–4, Rehabilitation	1,650	1,650	3	4,950
3–202–5, Possession for Education	1,160	1,160	1.5	1,740
3–202–6, Special Purpose Game Bird	95	95	.5	48
3–202–7, Special Purpose Miscellaneous	125	125	.5	63
3–202–8, Raptor Propagation	425	425	1	425
3–202–9, Depredation	3,000	3,000	1	3,000
3–202–10, Special State Canada Goose	18	18	1	18
3–202–11, Eagle Depredation	125	125	1	125
3–202–12, Acquisition and Transfer Request	2,600	2,600	1.5	3,900
3–202–13, Eagle Exhibition	700	700	1	700
3–202–14, Native American Eagle Aviary	10	10	.5	5
3–202–15, Eagle Take Monitoring & Reporting	990	990	30	29,700
3–202–15, Eagle Take Monitoring, Reporting, and Recordkeeping Programmatic	20	20	342	6,840
3–202–16, Eagle Nest Take & Monitoring	40	40	16	640
3–202–17, Avian Injury/Mortality Report	500	500	6	3,000
3–186, Notice of Transfer & Sale of Migratory Waterfowl	12,900	12,900	.25	3,225
3–186a, Migratory Bird Acquisition & Disposition	18,640	18,640	.25	4,660
Total	61,623	61,623		106,656

[1] Completion time varies from 1.75 hours for individuals to 3.5 hours for businesses and governments.
[2] Rounded.

Estimated Annual Non-hour Burden Cost: $1,520,525 for permit application fees.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 17, 2017.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2017–03585 Filed 2–23–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–RF–2017–N011; FXRS12630900000–167–FF09R81000]

Proposed Information Collection; National Wildlife Refuge Special Use Permit Applications and Reports

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on June 30, 2017. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 25, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *madonna_baucum@fws.gov* (email). Please include ''1018–0102'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna Baucum, at *madonna_baucum@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, consolidated all refuge units into a single National Wildlife Refuge System (System). It also authorized us to offer visitor and public programs, including those facilitated by commercial visitor and management support services, on lands of the System when we find that the activities are appropriate and compatible with the purpose for which the refuge was established and the System's mission. The Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) allows the use of refuges for public recreation when it is not inconsistent or

does not interfere with the primary purpose(s) of the refuge. The Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 *et seq.*) (ANILCA) provides specific authorization and guidance for the administration and management of national wildlife refuges within the State of Alaska. Its provisions provide for the issuance of permits under certain circumstances.

We issue special use permits for a specific period as determined by the type and location of the management activity or visitor service provided. These permits authorize activities such as:

- Agricultural activities (haying and grazing, 50 CFR 29.1 and 29.2).
- Beneficial management tools that we use to provide the best habitat possible on some refuges (50 CFR 30.11, 31.14, 31.16, and 36.41).
- Special events, group visits and other one-time events (50 CFR 25.41, 25.61, 26.36, and 36.41).
- Recreational visitor service operations (50 CFR 25.41, 25.61, and 36.41).
- Guiding for fishing, hunting, wildlife education, and interpretation (50 CFR 25.41 and 36.41).
- Commercial filming (43 CFR 5, 50 CFR 27.71) and other commercial activities (50 CFR 29.1 and 36.41).
- Building and using cabins to support subsistence or commercial activities (in Alaska) (50 CFR 26.35 and 36.41).
- Research, inventory and monitoring, and other noncommercial activities (50 CFR 26.36 and 36.41).

We use three forms to collect applicant information:

- FWS Form 3–1383–G (General Activities Special Use Application).
- FWS Form 3–1383–C (Commercial Activities Special Use Application).
- FWS Form 3–1383–R (Research and Monitoring Special Use Application).

The information we collect helps ensure that: (1) Applicants are aware of the types of information that may be needed for permit issuance; (2) requested activities are appropriate and compatible with the purpose(s) for which the refuge was established and the System's mission; and (3) the applicant is eligible or is the most qualified applicant to receive the special use permit.

We may collect the necessary information in a nonform format (through discussions in person or over the phone, over the Internet, by email, or by letter). In some instances, respondents will be able to provide information verbally. Often, a simple email or letter describing the activity will suffice. For activities (*e.g.,* commercial visitor services, research, etc.) that might have a large impact on refuge resources, we may require applicants to provide more detail on operations, techniques, and locations. Because of the span of activities covered by special use permits and the different management needs and resources at each refuge, respondents may not be required to answer all questions. Depending on the requested activity, refuge managers have the discretion to ask for less information than appears on the forms. However, refuge managers cannot ask for more or different information.

We issue permits for a specific period as determined by the type and location of the use or service provided. We use these permits to ensure that the applicant is aware of the requirements of the permit and his/her legal rights. Refuge-specific special conditions may be required for the permit. We identify conditions as an addendum to the permit. Most of the special conditions pertain to how a permitted activity may be conducted and do not require the collection of information. However, some special conditions, such as activity reports, before and after site photographs, or data sharing, would qualify as an information collection, and we have included the associated burden in the table below.

II. Data

OMB Control Number: 1018–0102.

Title: National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, and 36.

Type of Request: Extension of a previously approved collection.

Service Form Number(s): FWS Forms 3–1383–G, 3–1383–C, and 3–1383–R.

Description of Respondents: Individuals and households; businesses and other for–profit organizations; nonprofit organizations; farms; and State, local, or tribal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of respondents	Number of responses	Completion time per response (hours)	Total annual burden hours
Form 3–1383–G	1,846	1,846	.5	923
Form 3–1383–C	1,351	1,351	4	5,404
Form 1383–R	770	770	5	3,850
Totals:	3,967	3,967		10,177

Estimated Annual Nonhour Burden Cost: $135,100 for fees associated with applications for commercial use activities ($100.00 × an estimated 1,351 applications).

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 17, 2017.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2017–03584 Filed 2–23–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2017–N009; FXMB12310900WHO–178–FF09M26000]

Proposed Information Collection; Migratory Bird Surveys

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on June 30, 2017. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 25, 2017.

ADDRESSES: Send your comments on the IC to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *madonna_baucum@fws.gov* (email). Please include ''1018–0023'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna Baucum, at *madonna_baucum@fws.gov* (email) or (703) 358–2503 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Migratory Bird Treaty Act (16 U.S.C. 703–711) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742d) designate the Department of the Interior as the key agency responsible for (1) the wise management of migratory bird populations frequenting the United States, and (2) setting hunting regulations that allow appropriate harvests that are within the guidelines that will allow for those populations' well-being. These responsibilities dictate that we gather accurate data on various characteristics of migratory bird harvest. Based on information from harvest surveys, we can adjust hunting regulations as needed to optimize harvests at levels that provide a maximum of hunting recreation while keeping populations at desired levels.

Under 50 CFR 20.20, migratory bird hunters must register for the Migratory Bird Harvest Information Program (HIP) in each State in which they hunt each year. State natural resource agencies must send names and addresses of all migratory bird hunters to Branch of Harvest Surveys, U.S. Fish and Wildlife Service Division of Migratory Bird Management, on an annual basis.

The Migratory Bird Hunter Survey is based on the Migratory Bird Harvest Information Program. We randomly select migratory bird hunters and ask them to report their harvest. The resulting estimates of harvest per hunter are combined with the complete list of migratory bird hunters to provide estimates of the total harvest for the species surveyed.

The Parts Collection Survey estimates the species, sex, and age composition of the harvest, and the geographic and temporal distribution of the harvest. Randomly selected successful hunters who responded to the Migratory Bird Hunter Survey the previous year are asked to complete and return a postcard if they are willing to participate in the Parts Collection Survey. We provide postage-paid envelopes to respondents before the hunting season and ask them to send in a wing or the tail feathers from each duck or goose that they harvest, or a wing from each mourning dove, woodcock, band-tailed pigeon, snipe, rail, or gallinule that they harvest. We use the wings and tail feathers to identify the species, sex, and age of the harvested sample. We also ask respondents to report on the envelope the date and location of harvest for each bird. We combine the results of this survey with the harvest estimates obtained from the Migratory Bird Hunter Survey to provide species-specific national harvest estimates.

The combined results of these surveys enable us to evaluate the effects of season length, season dates, and bag limits on the harvest of each species, and thus help us determine appropriate hunting regulations.

The Sandhill Crane Harvest Survey is an annual questionnaire survey of people who obtained a sandhill crane hunting permit. At the end of the hunting season, we randomly select a sample of permit holders and ask them to report the date, location, and number of birds harvested for each of their sandhill crane hunts. Their responses provide estimates of the temporal and geographic distribution of the harvest as well as the average harvest per hunter, which, combined with the total number of permits issued, enables us to estimate the total harvest of sandhill cranes. Based on information from this survey, we adjust hunting regulations as needed.

II. Data

OMB Control Number: 1018–0023.

Title: Migratory Bird Surveys, 50 CFR 20.20.

Service Form Number(s): 3–165, 3–165A through E, 3–2056J through N.

Type of Request: Revision to a currently approved collection.

Description of Respondents: States and migratory game bird hunters.

Respondent's Obligation: Mandatory for HIP registration information; voluntary for participation in the surveys.

Frequency of Collection: Annually or on occasion.

Activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours
Migratory Bird Harvest Information Program				
	49	806	185 hours	149,110
Migratory Bird Hunter Survey				
Form 3–2056J	37,046	37,046	5 minutes	3,087
Form 3–2056K	22,585	22,585	4 minutes	1,506
Form 3–2056L	8,910	8,910	4 minutes	594

Activity	Number of respondents	Number of responses	Completion time per response	Total annual burden hours
Form 3–2056M	11,698	11,698	3 minutes	858
Parts Collection Survey				
Form 3–165	4,155	93,563	5 minutes	7,797
Form 3–165A	3,590	3,590	1 minute	60
Form 3–165B	1,008	5,545	5 minutes	462
Form 3–165C	445	445	1 minute	7
Form 3–165D	1,050	1,050	1 minute	18
Form 3–165E	880	1,425	5 minutes	119
Sandhill Crane Harvest Survey				
Form 3–2056N	4,008	4,008	3.5 minutes	234
Totals	95,424	190,671		163,852

Estimated Annual Non-Hour Burden Cost: None.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 17, 2017.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2017–03582 Filed 2–23–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[16X.LLWO350000.L14400000.PN0000]

Renewal of Approved Information Collection; OMB Control No. 1004–0009

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information to request approval from individuals, private entities, and State or local governments seeking leases, permits, and easements for the use, occupancy, or development of public lands administered by the BLM. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0009.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before March 27, 2017.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0009), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: Jean Sonneman at 202–245–0050.

Electronic mail: jesonnem@blm.gov.

Please indicate ''Attn: 1004–0009'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Jeffrey Cartwright, at 208–373–3885. Persons who use a telecommunication device for the deaf may call the Federal Relay Service at 1–800–877–8339, to leave a message for Mr. Cartwright. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on September 22, 2016 (81 FR 65391), and the comment period ended November 21, 2016. The BLM received no comments.

The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the

information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0009 in your correspondence. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information pertains to this request:

Title: Land Use Application and Permit (43 CFR part 2920).

OMB Control Number: 1004–0009.

Abstract: Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1732) and regulations at 43 CFR part 2920 authorize the issuance of leases, permits, and easements for the use, occupancy, or development of public lands administered by the BLM. Respondents include individuals, private entities, and State or local governments. A variety of land uses may be authorized under FLPMA Section 302 and 43 CFR part 2920: Commercial filming; advertising displays; commercial or noncommercial croplands; apiaries; livestock holding or feeding areas not related to grazing permits and leases; harvesting of native or introduced species; temporary or permanent facilities for commercial purposes (other than mining claims); ski resorts; construction equipment storage sites; assembly yards; oil rig stacking sites; mining claim occupancy if certain structures are not incidental to the mining operation; and water pipelines and well pumps related to irrigation and non-irrigation facilities. The complexity of the applications can vary widely. Therefore, the burdens to respondents also can vary widely.

Frequency of Collection: On occasion.

Forms: Form 2920–1, Land Use Application and Permit.

Description of Respondents: Individuals, private entities, and State or local governments seeking leases, permits, and easements for the use, occupancy, or development of public lands.

Estimated Annual Responses Annually: 407.

Estimated Reporting and Recordkeeping and Hour Burden Annually: 1,597.

Estimated Reporting and Recordkeeping and Non-Hour Cost Burden Annually: $131,760.

The estimated burdens are itemized in the following table:

Type of response and CFR citation A	Number of responses B	Hours per response C	Total hours (column B × column C) D
Land Use Application and Permit, Individuals, 43 CFR part 2920, Form 2920–1	66	1	66
Land Use Application and Permit, State and Local Governments, 43 CFR part 2920, Form 2920–1	45	1	45
Land Use Application and Permit, Private Sector/Typical, 43 CFR part 2920, Form 2920–1	286	1	286
Land Use Application and Permit, Private Sector/Complex, 43 CFR part 2920, Form 2920–1	10	120	1,200
Totals	407		1,597

Chandra Little,

Acting, Information Collection Clearance Officer, Bureau of Land Management.

[FR Doc. 2017–03603 Filed 2–23–17; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22603; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: State Historical Society of North Dakota, Bismarck, ND

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Historical Society of North Dakota, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an unassociated funerary object. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the State Historical Society of North Dakota. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the State Historical Society of North Dakota at the address in this notice by March 27, 2017.

ADDRESSES: Wendi Field Murray, State Historical Society of North Dakota, 612 East Boulevard Avenue, Bismarck, ND 58505, telephone (701) 328–3506, *wmurray@nd.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the State Historical Society of North Dakota, Bismarck, ND, that meets the definition of an unassociated funerary object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National

Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

Sometime between 1850 and 1931, one cultural item was removed from a gravesite in Lincoln County, GA. Dr. James Grassick, a University of North Dakota physician, collected a stone pipe fragment from a ''grave in Lincoln, Georgia'' (according to records). Dr. Grassick donated more than 400 Native American items to the State Historical Society on October 26, 1931, from various states, including Georgia. The one unassociated funerary object is a pipe bowl fragment made of steatite. The pipe is likely of the handle or elbow type. Records do not provide any additional information regarding the object's archeological context or provenance.

In consultation with Native American tribes, State Historical Society officials determined that the museum records actually refer to Lincoln County, GA, which is located on the state's eastern border. The pipe bowl was recovered from what were the traditional lands of the Cherokee Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma. The determination of cultural affiliation of the unassociated funerary object is based on geographical, archeological, anthropological, and historical evidence, as well as other expert opinions. The unassociated funerary object is consistent with cultural items typically found in the burial contexts among these three groups. Lincoln County, GA, falls within Creek and Cherokee aboriginal lands ceded in the Treaty of Augusta (1773). Archeological evidence indicates the presence of stone pipes in burials at Middle Mississippi site (Dallas phase), believed to be ancestral to contemporary Creek and Cherokee tribes. They are also found archeologically, associated with adult burials among the Creek and Cherokee. The manufacture of steatite was also known among the Cherokee, and is a practice that continues to the present day. The extant evidence narrows the possibilities for cultural affiliation to modern-day Creek and Cherokee groups, but the lack of information regarding the object's date or provenience does not allow for a more specific determination. The Cherokee Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma have filed a joint claim for the object.

Determinations Made by the State Historical Society of North Dakota

Officials of the State Historical Society of North Dakota have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 1 cultural item described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Cherokee Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Wendi Field Murray, State Historical Society of North Dakota, 612 East Boulevard Avenue, Bismarck, ND 58505, telephone (701) 328–3506, *wmurray@nd.gov* by March 27, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to the Cherokee Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The State Historical Society of North Dakota is responsible for notifying the Absentee-Shawnee Tribe of Indians of Oklahoma, Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas), Alabama-Quassarte Tribal Town, Cherokee Nation, Coushatta Tribe of Louisiana, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Jena Band of Choctaw Indians, Kialegee Tribal Town, Miccosukee Tribe of Indians, Mississippi Band of Choctaw Indians, Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), Shawnee Tribe, The Chickasaw Nation, The Muscogee (Creek) Nation, The Seminole Nation of Oklahoma, Thlopthlocco Tribal Town, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: December 19, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03624 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22774; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas State Highway and Transportation Department, Little Rock, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State Highway and Transportation Department has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas State Highway and Transportation Department. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas State Highway and Transportation Department at the address in this notice by March 27, 2017.

ADDRESSES: Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and

Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas State Highway and Transportation Department. The human remains and associated funerary objects were removed from multiple counties in the state of Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arkansas State Highway and Transportation Department professional staff in consultation with representatives of The Quapaw Tribe of Indians.

History and Description of the Remains

In 2004, human remains representing, at minimum, one individual were recovered from the Gilmore South site (3CT340) in Crittenden County, AR, during Phase III mitigation for the improvements to Highway 63. The Arkansas State Highway and Transportation Department contracted the excavations out to SPEARS, Inc., in West Fork, AR. The human remains were transferred to the Arkansas Archeological Survey (AAS) for curation in 2009. The human remains were identified as one adult (18–20 years) and female. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT340 indicate these human remains were probably buried during the Transitional Late Woodland/Early Mississippian period (A.D. 700–1200).

In 2004, human remains representing, at minimum, two individuals were recovered from the Gilmore North site (3CT341) in Crittenden County, AR, during Phase III mitigation for the improvements to Highway 63. The Arkansas State Highway and Transportation Department contracted the excavations out to SPEARS, Inc., in West Fork, AR. The human remains were transferred to the AAS for curation in 2009. The human remains were identified as two youths of unknown sex. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CT341 indicate these human remains were probably buried during the Transitional Late Woodland/Early Mississippian period (A.D. 700–1200).

In 1968, 1969, and 1974, human remains representing, at minimum, 62 individuals were recovered from the Hazel site (3PO6), Poinsett County, AR. The Arkansas State Highway and Transportation Department planned to reroute State Highway 308 which went directly through the Hazel site. The excavations were undertaken by the AAS, and the human remains and associated funerary objects have remained at the AAS's collections since the time of their removal. The human remains were identified as eight infants (less than two years old), 12 children (2 to 12 years), one youth (13 to 18 years), 34 adults (19 to 35 years), two old adults (over 35 years), and five undetermined. The human remains were further identified as eight female, 24 males, and 30 undetermined. No known individuals were identified. The 251 associated funerary objects are 59 whole or partial ceramic vessels, 2 ceramic discs, 1 large body sherd, 16 bone beads, 1 bone gorget, 3 bone awls, 1 deer humerus scraper, 1 antler dagger, 1 raccoon jaw, 1 beaver tooth, 14 conch shell beads, 89 disc-shaped shell beads, 40 pearl-slug shell beads, 7 barrel-shaped shell beads, 2 disc-shaped shell ear ornaments, 2 shell fragments, 1 shell mask gorget, 1 shell spoon, 1 conch shell pendant, 1 willow-leaf knife, 1 biface, 1 ball of red ocher, 1 disc-shaped stone, 1 piece of coarse sandstone, 1 triangular piece of sandstone, 1 cymbal-shaped copper disc, and 1 piece of unidentified chalky material. Diagnostic artifacts found at the Hazel site (3PO6) indicate that the human remains were probably buried during the Parkin Phase (A.D. 1300–1600).

In 1984, human remains representing, at minimum, three individuals (84–712, 84–712–1, Burials 1 and 2) were recovered from the Ink Bayou site (3PU252) in Pulaski County, AR. The Ink Bayou site was excavated to mitigate the impacts of construction of a bridge over Ink Bayou. The Arkansas State Highway and Transportation Department contracted the excavations out to the AAS, and the human remains have remained at the AAS's collections since the time of their removal. The human remains consisted of three adults of unknown age, one male and two undetermined. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Ink Bayou site (3PU252) indicate that these human remains were probably buried during the Plum Bayou Phase (A.D. 750–950).

For the human remains listed in this notice, geographic affiliation is consistent with the historically documented territory of The Quapaw Tribe of Indians. Archeological evidence is consistent with the documented use of the area by The Quapaw Tribe of Indians.

Determinations Made by the Arkansas State Highway and Transportation Department

Officials of the Arkansas State Highway and Transportation Department have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 68 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 251 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Quapaw Tribe of Indians may proceed.

The Arkansas State Highway and Transportation Department is responsible for notifying The Quapaw Tribe of Indians that this notice has been published.

Dated: January 24, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03634 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22814; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas Archeological Survey, Fayetteville, AR. The human remains and associated funerary objects were removed from multiple counties in the state of Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d) (3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arkansas Archeological Survey professional staff in consultation with representatives of the Caddo Nation of Oklahoma, The Osage Nation (previously listed as the Osage Tribe), and The Quapaw Tribe of Indians. These human remains were inventoried and documented by physical anthropologists at the University of Arkansas.

History and Description of the Remains

In 1992, human remains representing, at minimum, one individual were recovered from the Massey Place site (3AR1) in Arkansas County, AR. No known individual was identified. The two associated funerary objects include two shell tempered bowls (catalog #2014–350–1, 2). Diagnostic artifacts found at the Massey Place site (3AR1) indicate that these human remains were probably buried during the Mississippi Period (A.D. 900–1500).

In 1980, human remains representing, at minimum, one individual were recovered from the Menard Hodges site (3AR4) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Menard Hodges site (3AR4) indicate that these human remains were probably buried during the Menard Complex (A.D. 1500–1700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Menard Hodges site (3AR4) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Menard Hodges site (3AR4) indicate that these human remains were probably buried during the Menard Complex (A.D. 1500–1700).

In 1974, human remains representing, at minimum, one individual were recovered from the Moore Place site (3AR12) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Moore Place site (3AR12) indicate that these human remains were probably buried during the Kent Phase (A.D. 1350–1600).

In 1971, human remains representing, at minimum, one individual were recovered from the Old River Landing site (3AR14) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Old River Landing site (3AR14) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1996, human remains representing, at minimum, one individual were recovered from the Wallace site (3AR25) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Wallace site (3AR25) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Roland Mound site (3AR30) in Arkansas County, AR. These human remains were donated to the Arkansas Archeological Survey in 1977. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Roland Mound site (3AR30) indicate that the human remains were probably buried during either the Baytown Period (A.D. 400–700) or Coles Creek Period (A.D. 700–1000).

In 1968, human remains representing, at minimum, one individual were recovered from the Baker Brothers site (3AR45) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Baker Brothers site (3AR45) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Gibbens site (3AR48) in Arkansas County, AR. These human remains were donated to the Arkansas Archeological Survey in 1975. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Gibbens site (3AR48) indicate that these human remains were probably buried during the late Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, six individuals were recovered from the Gibbens site (3AR48) in Arkansas County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Gibbens site (3AR48) indicate that the human remains were probably buried during the late Woodland Period (650 B.C.–A.D. 950).

In 1978, human remains representing, at minimum, one individual were recovered from the Reback site (3AR66) in Arkansas County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Reback site (3AR66) indicate that the human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1979, human remains representing, at minimum, two individuals were recovered from the Rounsaville site (3AR73) in Arkansas County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Rounsaville site (3AR73) indicate that the human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered at the Starr site (3CY449) in Clay County, AR. These human remains were donated to the Arkansas Archeological Survey in 1996. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Starr site (3CY449) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 900) or Mississippi Period (A.D. 950–1541).

In 2008, human remains representing, at minimum, one individual were recovered from the Point Remove site (3CN4) in Conway County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Point Remove Mound site (3CN4) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1974, human remains representing, at minimum, one individual were recovered from the Betty Roach site (3CG4) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Betty Roach site (3CG4) indicate that these human remains were probably buried during the Late Archaic Period (3000–650 B.C.).

In 1976, human remains representing, at minimum, one individual were recovered from the McDuffee site (3CG21) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the McDuffee site (3CG21) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1968, human remains representing, at minimum, one individual were recovered from the Weist site (3CG37) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Weist site (3CG37) indicate that these human remains were probably buried during the Late Archaic Period (3000–650 B.C.).

In 1969, human remains representing, at minimum, one individual were recovered from the Old Town Ridge site (3CG41) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Old Town Ridge site (3CG41) indicate that these human remains were probably buried during the Mississippi Period (A.D. 900–1541).

In 1979, human remains representing, at minimum, one individual were recovered from the Frierson #4 site (3CG56) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Frierson #4 site (3CG56) indicate that these human remains were probably buried during the Woodland Period (650 B.C–A.D. 950).

In 1968, human remains representing, at minimum, one individual were recovered from the Dunkerson site (3CG67) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Dunkerson site (3CG67) indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950) or Early Mississippi Period (A.D. 700–1000).

In 1970, human remains representing, at minimum, one individual were recovered from the Pierre Cache site (3CG78) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Pierre Cache site (3CG78) indicate that these human remains were probably buried during the Archaic Period (9500–650 B.C.).

In 1979, human remains representing, at minimum, one individual were recovered from the Burns site (3CG79) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Burns site (3CG79) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Mississippi Period (A.D. 950–541).

In 1978, human remains representing, at minimum, one individual were recovered from the Burris #2 site (3CG218) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Burris #2 site (3CG218) indicate that these human remains were probably buried during the middle Mississippi Period (A.D. 1000–1350).

In 1971, human remains representing, at minimum, 12 individuals were recovered from site 3CG347 in Craighead County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CG347 indicate that these human remains were probably buried during the Late Archaic Period (3000–650 B.C.).

In 1974, human remains representing, at minimum, one individual were recovered from the Krebs Place site (3CG453) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Krebs Place site (3CG453) indicate that these human remains were probably buried during the middle Mississippi Period (A.D. 1000–1350).

In 1978, human remains representing, at minimum, one individual were recovered from site 3CG688 in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CG688 indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950) or Early Mississippi Period (A.D. 700–1000).

In 1982, human remains representing, at minimum, one individual were recovered from site 3CG739 in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CG739 indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950) or Early Mississippi Period (A.D. 700–1000).

In 1984, human remains representing, at minimum, one individual were recovered from the Milner site (3CG902) in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Milner site (3CG902) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3CG937 in Craighead County, AR. These

human remains were donated to the Arkansas Archeological Survey in 1985. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CG937 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C–A.D. 1541).

In 1990, human remains representing, at minimum, one individual were recovered from site 3CG990 in Craighead County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CG990 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Arnold site (3CW77) in Crawford County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Arnold site (3CW77) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1968 and 1973, human remains representing, at minimum, one individual were recovered from the Bradley Place site (3CT7) in Crittenden County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bradley Place site (3CT7) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1992, human remains representing, at minimum, one individual were recovered from the Richard's Bridge site (3CT11/22) in Crittenden County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Richard's Bridge site (3CT11/22) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2015, human remains representing, at minimum, five individuals were recovered from the Richard's Bridge site (3CT11/22) in Crittenden County, AR. No known individuals were identified. The 47 associated funerary objects include 2 ceramic sherds, 10 shell fragments, 2 shell ear plugs, 3 ceramic vessels, and 30 burned corn kernels (catalog # 2015–347). Diagnostic artifacts found at the Richard's Bridge site (3CT11/22) indicate that these human remains were probably buried during the 'Mississippi Period (A.D. 950–1541).

In 1973, human remains representing, at minimum, one individual were recovered from the Barton Ranch site (3CT18) in Crittenden County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Barton Ranch site (3CT18) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Ross site (3CT50) in Crittenden County, AR. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Ross site (3CT50) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Vernon Paul site (3CS25) in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Vernon Paul site (3CS25) indicate that these human remains were probably buried during the Parkin Phase (A.D. 1350–1550).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Rose Mound site (3CS27) in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Rose Mound site (3CS27) indicate that these human remains were probably buried during the Parkin Phase (A.D. 1350–1550).

In 1994 and 2009, human remains representing, at minimum, three individuals were recovered from the Parkin site (3CS29) in Cross County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Parkin site (3CS29) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Parkin site (3CS29) in Cross County, AR. In 2015, these human remains were discovered in the collections of the Arkansas Archeological Survey. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Parkin site (3CS29) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, three individuals were recovered from the Wittsburg site (3CS138) in Cross County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individuals were identified. No associated funerary objects were present. Physical anthropologists determined these human remains were from a prehistoric archeological context. Diagnostic artifacts found at the Wittsburg site (3CS138) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3CS256 in Cross County, AR. In 2015, these human remains were discovered in the collections of the Arkansas Archeological Survey. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CS256 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, three individuals were recovered from the White Oak Mouth/Trotter Place site (3FR4) in Franklin County, AR. These human remains were donated to the Arkansas Archeological Survey in 1983. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the White Oak Mouth/Trotter Place site (3FR4) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3FR274 in Franklin County, AR. These human remains were donated to the Arkansas Archeological Survey in 1997. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3FR274 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1997, human remains representing, at minimum, one individual were recovered from the Walnut Corners Church site (3GE6) in Greene County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Walnut Corners Church site

(3GE6) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Mississippi Period (A.D. 950–1541).

In 1974, human remains representing, at minimum, one individual were recovered from the Sloan/Dalton Field site (3GE94) in Greene County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Sloan/Dalton Field site (3GE94) indicate that these human remains were probably buried during the Archaic period (9500–650 B.C.).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3JA1 in Jackson County, AR. These human remains were donated to the Arkansas Archeological Survey in 1972. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3JA1 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1978, human remains representing, at minimum, one individual were recovered from site 3JA456 in Jackson County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3JA456 indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1968, human remains representing, at minimum, three individuals were recovered from Webb Farm #1 site (3JE2) in Jefferson County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Webb Farm #1 site (3JE2) indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Webb Farm #2 site (3JE6) in Jefferson County, AR. These human remains were donated to the Arkansas Archeological Survey in 1968. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Webb Farm #2 site (3JE6) indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950).

In 1979, human remains representing, at minimum, one individual were recovered from the Noble Lake site (3JE19) in Jefferson County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Noble Lake site (3JE19) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Walt #1 site (3JE45) in Jefferson County, AR. These remains were donated to the Arkansas Archeological Survey in 1993. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Walt #1 site (3JE45) indicate that these human remains were probably buried during the Coles Creek Phase (A.D. 700–1000).

In 1968, human remains representing, at minimum, two individuals were recovered from the Greer site (3JE50) in Jefferson County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Greer site (3JE50) indicate that these human remains were probably buried during either the Late Woodland Period (A.D. 600–950) or Mississippi Period (A.D. 950–1541).

In 1968, human remains representing, at minimum, one individual were recovered from site 3JE62 in Jefferson County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3JE62 indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950).

In 1972 and 1974, human remains representing, at minimum, one individual were recovered from site 3LW44 in Lawrence County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3LW44 indicate that these human remains were probably buried during the Middle Mississippi Period (A.D. 1000–1350).

In 2015, human remains representing, at minimum, two individuals were recovered from site 3LW809 in Lawrence County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3LW809 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1983, human remains representing, at minimum, one individual were recovered from the Barrett site (3LE3) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Barrett site (3LE3) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Soudan site (3LE5) in Lee County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Soudan site (3LE5) indicate that these human remains were probably buried during the Middle Mississippi Period (A.D. 1000–1350).

In 1970, 1984, and 1995, human remains representing, at minimum, three individuals were recovered from the Soudan site (3LE5) in Lee County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Soudan site (3LE5) indicate that these human remains were probably buried during the Middle Mississippi Period (A.D. 1000–1350).

In 1988, human remains representing, at minimum, one individual were recovered from the Kent site (3LE8) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Kent site (3LE8) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Kent Phase (A.D. 1350–1600).

In 1988 and 1989, human remains representing, at minimum, three individuals were recovered from the Clay Hill site (3LE11) in Lee County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Clay Hill site (3LE11) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Kent Phase (A.D. 1350–1600).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Clay Hill site (3LE11) in Lee County, AR. These human remains were donated to the Arkansas Archeological Survey in 1970. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Clay Hill site (3LE11) indicate that these human remains were probably buried during the Mississippi Period (A.D. 900–1500) or Kent Phase (A.D. 1350–1600).

In 1980, human remains representing, at minimum, three individuals were recovered from the Starkley site (3LE17) in Lee County, AR. No known individuals were identified. No

associated funerary objects were present. Diagnostic artifacts found at the Starkley site (3LE17) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Kent Phase (A.D. 1350–1600).

In 1984, human remains representing, at minimum, one individual were recovered from the Conner site (3LE18) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Conner site (3LE18) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

In 1972, human remains representing, at minimum, one individual were recovered from the Carnes site (3LE29) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Carnes site (3LE29) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Kent Phase (A.D. 1350–1600).

In 1973, human remains representing, at minimum, one individual were recovered from the Parson site (3LE50) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Parson site (3LE50) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1984, human remains representing, at minimum, one individual were recovered from the Troublesome Lake site (3LE128) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Troublesome Lake site (3LE128) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) to Mississippi Period (A.D. 950–1541).

In 1988, human remains representing, at minimum, one individual were recovered from the Peters Church site (3LE130) in Lee County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Peters Church site (3LE130) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Haynes Bluff site (3LE245) in Lee County, AR. These human remains were donated to the Arkansas Archeological Survey in 1987. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Haynes Bluff site (3LE245) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1994, human remains representing, at minimum, two individuals were recovered from site 3LE286 in Lee County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3LE286 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Kent Phase (A.D. 1350–1600).

In 2013, human remains representing, at minimum, one individual were excavated from the Toltec Mounds site (3LN42) in Lonoke County, AR. No known individual was identified. No associated funerary objects are present. Diagnostic artifacts found at the Toltec Mounds site (3LN42) indicate that these human remains were probably buried during the Plum Bayou Phase (A.D. 700–1000).

In 1994 and 1995, human remains representing, at minimum, five individuals were recovered from site 3LO12 in Logan County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3LO12 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the River Mountain Indian site (3LO31) in Logan County, AR. These human remains were donated to the Arkansas Archeological Survey in 1971. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the River Mountain Indian site (3LO31) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 2013, human remains representing, at minimum, one individual were recovered from the Toltec Mounds site (3LN42) in Lonoke County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Toltec Mounds site (3LN42) indicate that these human remains were probably buried during the Plum Bayou Culture (A.D. 700–1000).

In 1973, human remains representing, at minimum, two individuals were recovered from the Upper Nodena site (3MS4) in Mississippi County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Upper Nodena site (3MS4) indicate that these human remains were probably buried during the Late Woodland (A.D. 600–950), Early Mississippi periods (A.D. 700–1000), or Nodena Phase (A.D. 1400–1650).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3MS25 in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3MS25 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Friend Levee site (3MS69) in Mississippi County, AR. These human remains were donated to the Arkansas Archeological Survey in 2009. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Friend Levee site (3MS69) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1980, human remains representing, at minimum, one individual were recovered from the Bradbury site (3MS100) in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bradbury site (3MS100) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2009, human remains representing, at minimum, one individual were recovered from the Bradbury site (3MS100) in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bradbury site (3MS100) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2005, human remains representing, at minimum, one individual were recovered from the Eaker site (3MS105) in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Eaker site (3MS105) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2006, human remains representing, at minimum, one individual were recovered from the Eaker site (3MS105) in Mississippi County, AR. No known individual was identified. No associated funerary objects were present.

Diagnostic artifacts found at the Eaker site (3MS105) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1980, human remains representing, at minimum, one individual were recovered from the Barfield's Landing site (3MS109) in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Barfield's Landing site (3MS109) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1974, human remains representing, at minimum, one individual were recovered from site 3MS111 in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3MS111 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1988, human remains representing, at minimum, one individual were recovered from site 3MS441 in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3MS441 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2001, human remains representing, at minimum, one individual were recovered from the Bo site (3MS631) in Mississippi County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bo site (3MS631) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered near Blytheville in Mississippi County, AR. These human remains were donated to the Arkansas Archeological Survey in 1998. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found in Mississippi County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1970, 1978, and 1990, human remains representing, at minimum, one individual were recovered from the Baytown site (3MO1) in Monroe County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Baytown site (3MO1) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Webster's Camp site (3MO3) in Monroe County, AR. These human remains were donated to the Arkansas Archeological Survey in 1968. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Webster's Camp site (3MO3) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

In 1979, human remains representing, at minimum, one individual were recovered from the Green River site (3MO55) in Monroe County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Green River site (3MO55) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Walnut Ridge/Brinker Place site (3MO61) in Monroe County, AR. These human remains were donated to the Arkansas Archeological Survey in 1983. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Walnut Ridge/Brinker Place site (3MO61) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, three individuals were recovered from the Bank of Brinkley site (3MO72) in Monroe County, AR. These human remains were donated to the Arkansas Archeological Survey in 1998. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Bank of Brinkley site (3MO72) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1969, human remains representing, at minimum, one individual were recovered from the Dupree site (3PH1) in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Dupree site (3PH1) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Dupree site (3PH1) in Phillips County, AR. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Dupree site (3PH1) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1978, human remains representing, at minimum, three individuals were recovered from the Moore site (3PH7) in Phillips County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Moore site (3PH7) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1977, human remains representing, at minimum, one individual were recovered from the Old Town site (3PH20) in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Old Town site (3PH20) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Shadden site (3PH39) in Phillips County, AR. These human remains were donated to the Arkansas Archeological Survey in 1990. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Shadden site (3PH39) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Eloise Toney site (3PH42) in Phillips County, AR. These human remains were donated to the Arkansas Archeological Survey in 1990. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Eloise Toney site (3PH42) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1969, human remains representing, at minimum, one individual were recovered at site 3PH45 in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3PH45 indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

At an unknown date, human remains representing, at minimum, one

individual were recovered from the Old Town Lake site (3PH48) in Phillips County, AR. These human remains were donated to the Arkansas Archeological Survey in 1990. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Old Town Lake site (3PH48) indicate that these human remains were probably buried during the Marksville Period (100 B.C.–A.D. 400).

In 1977, human remains representing, at minimum, one individual were recovered from the College site (3PH53) in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the College site (3PH53) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1969, human remains representing, at minimum, one individual were recovered from the Montgomery #2 site (3PH60) in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Montgomery #2 site (3PH60) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1969, human remains representing, at minimum, one individual were recovered from the Chip Franklin site (3PH65) in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Chip Franklin site (3PH65) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1972 and 1973, human remains representing, at minimum, one individual were recovered from the Martin site (3PH126) in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Martin site (3PH126) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1977, human remains representing, at minimum, one individual were recovered from site 3PH153 in Phillips County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3PH153 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2015, human remains representing, at minimum, one individual were recovered from the Potter's Field site (3PO2/23) in Poinsett County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Potter's Field site (3PO2/23) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1974 and 1980, human remains representing, at minimum, three individuals were recovered from the Miller site (3PO24) in Poinsett County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Miller site (3PO24) indicate that these human remains were probably buried during the Mississippi (A.D. 900–1541) or Parkin Phase (A.D. 1300–1600).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Roby Cooper Place site (3PO40) in Poinsett County, AR. These human remains were donated to the Arkansas Archeological Survey in 1974. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Roby Cooper Place site (3PO40) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Hubbard #2 site (3PO146) in Poinsett County, AR. These human remains were donated to the Arkansas Archeological Survey in 2013. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Hubbard #2 site (3PO146) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered near Marked Tree in Poinsett County, AR. These human remains were donated to the Arkansas Archeological Survey at an unknown date. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Poinsett County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1971, human remains representing, at minimum, 19 individuals were recovered from the Howell Farm site (3PP17) in Pope County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts recovered from the Howell Farm site (3PP17) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1972 and 1973, human remains representing, at minimum, one individual were recovered from the Fowler's Point/Mulberry Hill site (3PR21) in Prairie County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Fowler's Point/Mulberry Hill site (3PR21) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from the Fowler's Point/Mulberry Hill site (3PR21) in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1987. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Fowler's Point/Mulberry Hill site (3PR21) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

In 1972 and 2011, human remains representing, at minimum, one individual were recovered from the Sanner-Ferguson site (3PR22) in Prairie County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Sanner-Ferguson site (3PR22) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1978, human remains representing, at minimum, one individual were recovered from the Bull Farm #1 site (3PR26) in Prairie County, AR. No known individual was identified. The one associated funerary object is one Winterville incised ceramic fragment (catalog # 78–1216–1). Diagnostic artifacts found at the Bull Farm #1 site (3PR26) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Honey Creek site (3PR28) in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey at an unknown date. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Prairie County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one

individual were recovered from the Rattlesnake Rest site (3PR48) in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1983. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Rattlesnake Rest site (3PR48) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Plunkett C–9 site (3PR97) in Prairie County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Plunkett C–9 site (3PR97) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

In 2008 and 2009, human remains representing, at minimum, 20 individuals were recovered from the Isgrig site (3PU15) in Pulaski County, AR. No known individuals were identified. The 45 associated funerary objects include 26 ceramic vessels, 15 arrow points, and 4 deer ulna awls. Diagnostic artifacts found at the Isgrig site (3PU15) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1990, human remains representing, at minimum, 25 individuals were recovered from the Kuykendall Brake site (3PU111) in Pulaski County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Kuykendall Brake site (3PU111) indicate that these human remains were probably buried during the Menard Complex (A.D. 1500–1700).

In 1995, human remains representing, at minimum, one individual were recovered from the County Dairy Farm site (3PU163) in Pulaski County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the County Dairy Farm site (3PU163) indicate that these human remains were probably buried during the Late Woodland Period (A.D. 600–950).

At an unknown date, human remains representing, at minimum, two individuals were recovered from site 3PU473 in Pulaski County, AR. These human remains were sent to the Arkansas Archeological Survey from the state Medical Examiner at an unknown date. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts from site 3PU473 indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700) or Mississippi Period (A.D. 950–1541).

In 2012, human remains representing, at minimum, one individual were recovered from the Grigsby site (3RA262) in Randolph County, AR. No known individual was identified. In accordance with Arkansas State Law, these human remains were reburied at the Grigsby site (3RA262) at an unknown date. The 1,866 associated funerary objects include 1,841 glass beads, 6 metal fragments, 1 metal kettle, 8 metal beads, 2 tinkling cones, 2 iron knives, 4 iron coils, 1 metal spoon, and 1 coil bracelet. These diagnostic artifacts indicate that the associated human remains were probably originally buried during the Protohistoric Period (A.D. 1541–1700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Big Eddy site (3SF9) in St. Francis County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Big Eddy site (3SF9) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Big Eddy site (3SF9) in St. Francis County, AR. These human remains were donated to the Arkansas Archeological Survey in 2014. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Big Eddy site (3SF9) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from the Castile Landing site (3SF12) in St. Francis County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Castile Landing site (3SF12) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, seven individuals were recovered from the Manley site (3SF25) in St. Francis County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Manley site (3SF25) indicate that these remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1969, human remains representing, at minimum, seven individuals were recovered from the Soc site (3WH34) in White County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Soc site (3WH34) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3WH73 in White County, AR. These human remains were donated to the Arkansas Archeological Survey in 1970. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts at site 3WH73 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1973, human remains representing, at minimum, one individual were recovered from the Glaze Creek Access site (3WH168) in White County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts at the Glaze Creek Access site (3WH168) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

In 1989, human remains representing, at minimum, two individuals were recovered from site 3WH462 in White County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts at site 3WH462 indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Mississippi Period (A.D. 950–1541).

In 1983, human remains representing, at minimum, one individual were recovered near Augusta in White County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found near Augusta in White County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Old Barn site (3WO239) in Woodruff County, AR. No known individual was

identified. No associated funerary objects were present. Diagnostic artifacts found at the Old Barn site (3WO239) indicate that these human remains were probably buried during the Late Mississippi Period (A.D. 1350–1650).

In 1967, human remains representing, at minimum, one individual were recovered from the Delaware Creek site (3YE6) in Yell County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Delaware Creek site (3YE6) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Bullock site (3YE20) in Yell County, AR. These human remains were donated to the Arkansas Archeological Survey in 1970. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bullock site (3YE20) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1992, human remains representing, at minimum, one individual were recovered from the Carden Bottoms site (3YE25) in Yell County, AR. No known individual was identified. The 3 associated funerary objects include 3 tubular shell beads (92–380–51, -56). Diagnostic artifacts found at the Carden Bottoms site (3YE25) indicate that these human remains were probably buried during the Late Mississippi Period (A.D. 1350–1650).

In 1991 and 1992, human remains representing, at minimum, one individual were recovered from site 3YE347 in Yell County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3YE347 indicate that these human remains were probably buried during the Late Mississippi Period (A.D. 1350–1650).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Cache River in Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found along the Cache River indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1500).

At an unknown date, human remains representing, at minimum, four individuals were recovered from an unknown location in Northeast Arkansas. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found in Northeast Arkansas indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1500).

At an unknown date, human remains representing, at minimum, one individual were recovered from Willshand Farms in Northeast Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at Willshand Farms indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Atkins Bottoms site in Pope County, AR. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Atkins Bottoms site indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1500).

At an unknown date, human remains representing, at minimum, one individual were recovered from Memphis, Crittenden County, AR. These human remains were donated to the Arkansas Archeological Survey in 1994. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in the Memphis, AR, vicinity indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Northeast Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Northeast Arkansas indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Northeast Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1968. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Northeast Arkansas indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in White County, AR, by the State Medical Examiner. These human remains were determined to be of Native American descent and were transferred to the Arkansas Archeological Survey at an unknown date. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in White County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in St. Francis County, AR, by the State Medical Examiner. These human remains were determined to be of Native American descent and were transferred to the Arkansas Archeological Survey at an unknown date. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in St. Francis County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Mississippi County, AR, by the State Medical Examiner. These human remains were determined to be of Native American descent and were transferred to the Arkansas Archeological Survey at an unknown date. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Mississippi County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

This notice includes a variety of terms commonly used in discussions of Arkansas archeology and the historical trajectories that gave rise to specific Native American communities identified in the historical record. Based on the archeological context for these sites and what is presently known about the peoples who pre-date the historic Quapaw and occupied the sites listed in this notice, the Arkansas Archeological Survey has determined the human remains listed in this notice are culturally affiliated with The Quapaw Tribe of Indians.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 276 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,964 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to and associated funerary objects to The Quapaw Tribe of Indians may proceed.

The Arkansas Archeological Survey is responsible for notifying The Quapaw Tribe of Indians that this notice has been published.

Dated: January 27, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03617 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22813; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes. Representatives of any Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes stated in this notice may proceed.

DATES: Representatives of any Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Arkansas Archeological Survey, Fayetteville, AR. The human remains were removed from unknown locations in the state of Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arkansas Archeological Survey professional staff in consultation with representatives of Caddo Nation of Oklahoma, The Osage Nation (previously listed as the Osage Tribe), The Quapaw Tribe of Indians, and Tunica-Biloxi Indian Tribe. These human remains were inventoried and documented by physical anthropologists at the University of Arkansas.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual (75 FSN 182) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey at an unknown date. No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual (85–814) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, three individuals (85–812) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals (94–1046) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1994. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, one individual (94–603) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1994. No known individual was identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, five individuals (97–734–1 to –5) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1997. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, three individuals (97–735) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1997. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, two individuals (98–687 and 98–688) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1998. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, two individuals (94–1019) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1994. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, one individual (92–1343) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1992. No known individual was identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, two individuals (95–929) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1995. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, three individuals (95–930) were recovered from an unknown location in the state of Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1995. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, one individual (2011–503–116) were recovered from an unknown location in Arkansas. These human remains were donated to the Arkansas Archeological Survey in 2011. No known individual was identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, three individuals (2015–613, 667) were recovered from an unknown location in Arkansas. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individuals were identified. No associated funerary objects were present.

At an unknown date, human remains representing, at minimum, one individual (2015–673) were recovered from an unknown location in Arkansas. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individual was identified. No associated funerary objects were present.

On occasion, the Arkansas Archeological Survey has received human remains that have been unaccompanied by any information about the location of discovery beyond the state of Arkansas. Diagnostic artifacts found in the state of Arkansas indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541). Inspection and documentation by physical anthropologists at the University of Arkansas indicate that these human remains are of an age and character to be identified as the remains of individuals who were buried in now unknown locations at least three centuries ago. The preponderance of evidence indicates that these are Native Americans who resided in Arkansas during the Prehistoric period.

Current research indicates that the earliest Paleoindian migrants were present in Arkansas in the waning centuries of the Pleistocene. Diagnostic Clovis and affiliated projectile points found in the state demonstrate that this residence began at least 11,600 years ago. Native people continued to reside in all parts of Arkansas through the end of the Prehistoric period which is marked at A.D. 1541 with the arrival of Spanish explorers on the Hernando DeSoto expedition.

Since none of the human remains enumerated in this NIC can be traced to a known archeological site, it is not possible to make a determination with regard to their potential affiliation with any of the Indian tribes with whom the Arkansas Archeological Survey engages in consultation.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on inspection and documentation by physical anthropologists at the University of Arkansas.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 31 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of Caddo Nation of Oklahoma, The Osage Nation (previously listed as the Osage Tribe), The Quapaw Tribe of Indians, and Tunica-Biloxi Indian Tribe.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to Caddo Nation of Oklahoma, The Osage Nation (previously listed as the Osage Tribe), The Quapaw Tribe of Indians, and Tunica-Biloxi Indian Tribe.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to Caddo Nation of Oklahoma, The Osage Nation (previously listed as the Osage Tribe), The Quapaw Tribe of Indians, and Tunica-Biloxi Indian Tribe may proceed.

The Arkansas Archeological Survey is responsible for notifying Caddo Nation of Oklahoma, The Osage Nation (previously listed as the Osage Tribe), The Quapaw Tribe of Indians, and Tunica-Biloxi Indian Tribe that this notice has been published.

Dated: January 27, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03633 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–0022767; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Vanderbilt University, Nashville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Vanderbilt University has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Vanderbilt University. If no additional requestors come forward,

transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Vanderbilt University at the address in this notice by March 27, 2017.

ADDRESSES: Arrin Richards, Assistant General Counsel, Vanderbilt University, 2100 West End Avenue, Suite 750, Nashville, TN 37203, telephone (615) 322–5157, email *arrin.k.richards@vanderbilt.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Vanderbilt University. The human remains and associated funerary objects were removed from the Arnold Village site in Brentwood, Williamson County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed inventory of the human remains was made by Vanderbilt University Associate Professor of Anthropology, Tiffiny A. Tung. An assessment of the human remains was made in consultation with Professor Tiffiny Tung, Professor Beth Conklin (Chair of the Department of Anthropology), Arrin Richards (Vanderbilt University Counsel), and representatives of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, The Choctaw Nation of Oklahoma, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

Between 1966 and 1967, human remains representing, at minimum, 208 individuals were removed from the Arnold Village site in Williamson County, TN. The Southeastern Indian Antiquities Survey Inc. (SIAS) excavated the site when it ''was threatened with partial destruction'' (Ferguson 1972: page 5) by the planned construction of homes. The Ferguson report indicates that the ceramic sherds from Burial #38 were transferred to the University of Tennessee (presumably at Knoxville) (Ferguson 1972: page 30), and Charles Nash (from Memphis State University) also examined the Arnold site ceramics, suggesting that some ceramics may have been transferred to Memphis State University. Excavations at the Arnold site uncovered the remnants of 17 ancient house structures and 151 graves of the ''stone box'' style (*i.e.,* the tomb is made of upright stone slabs laid in a rectangular shape, wide at the upper end and narrow at the lower end). No known individuals were identified. The 2 associated funerary objects are two ceramic artifacts. Other associated funerary objects reported by Ferguson are not under the control of Vanderbilt University. The associated funerary objects were determined to be what archeologists term the ''Middle Cumberland Culture,'' which falls within the ''Mississippian period,'' a chronology that places the human remains and associated funerary objects squarely within the pre-contact era. This chronology is further supported by a radiocarbon date from a femur bone fragment. Available evidence suggests that the Arnold site dates to A.D. 1250, plus or minus approximately 100 years. Additional evidence that the human skeletons are Native American is the shovel-shaped incisors (a dental trait interpreted by archaeologists as biological evidence of Native American affiliation) and cranial modification (an earlier cultural practice affiliated with Native American identity).

Determinations Made by Vanderbilt University

Officials of Vanderbilt University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the archeological context and radiocarbon dating.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 208 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), 2 ceramic objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- The Treaty of 1805 indicates that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Arrin Richards, Assistant General Counsel, Vanderbilt University, 2100 West End Avenue, Suite 750, Nashville, TN 37203, telephone (615) 322–5157, email *arrin.k.richards@vanderbilt.edu,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians may proceed.

Vanderbilt University is responsible for notifying the Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians that this notice has been published.

Dated: January 19, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03612 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0022684; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Fish and Wildlife Service, Alaska Region, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (USFWS), Alaska Region, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organization. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization, not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Alaska Region USFWS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribes or Native Hawaiian organizations, not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Alaska Region USFWS at the address in this notice by March 27, 2017.

ADDRESSES: Edward J. DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *Edward_decleva@fws.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Alaska Region USFWS. The human remains and associated funerary objects were removed from site MT–1, Mikisagmiut Bay, Nunivak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Alaska Region USFWS professional staff in consultation with representatives of the Native Village of Mekoryuk, the NIMA Corporation, and the Calista Corporation.

History and Description of the Remains

In 1973, human remains representing, at minimum, one individual were removed from site MT–1 (now known as site 49–XNI–032), Mikisagmiut Bay, Nunivak Island, AK, during excavations by University of Oregon archeologists. No known individuals were identified. The seven associated funerary objects include one awl, one bone tube, two shaped bones, one ivory labret, one plain gravel-tempered potsherd, and one bone line shuttle or sled runner.

Nunivak Island is traditional territory of the Central-Yup'ik-speaking Nunivak Eskimo or Nuniwarmiut people. Oral tradition and archeological investigations indicate that Nunivak Island was peopled at least 2600 years ago and most likely continuously occupied by descendants of the initial population. The nature of the funerary artifacts suggests a late prehistoric age for the burials. The human remains are thought to represent a woman, most likely a young adult. The human remains and associated artifacts were transferred to the University of Oregon Museum of Natural and Cultural History in 2005 by the archeologist responsible for collecting them.

Determinations Made by the Alaska Region USFWS

Officials of the Alaska Region USFWS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the seven objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Nuniwarmiut people of Alaska and Native Village of Mekoryuk.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wishes to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Edward DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *edward_decleva@fws.gov,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Nuniwarmiut people and Native Village of Mekoryuk may proceed.

Alaska Region USFWS is responsible for notifying the Nuniwarmiut people and Native Village of Mekoryuk that this notice has been published.

Dated: January 6, 2017

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03608 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22751; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to

request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas Archeological Survey, Fayetteville, AR. The human remains and associated funerary objects were removed from multiple counties in the state of Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains were made by the Arkansas Archeological Survey professional staff in consultation with representatives of the Caddo Nation, The Osage Nation (previously listed as the Osage Tribe), and The Quapaw Tribe of Indians. These human remains were inventoried and documented by physical anthropologists at the University of Arkansas.

History and Description of the Remains

In 1968, human remains representing, at minimum, one individual were recovered from the Galatia Shelter site (3BA5) in Baxter County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Galatia Shelter site (3BA5) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Galatia Shelter site (3BA5) in Baxter County, AR. These human remains were donated to the Arkansas Archeological Survey in 1997. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Galatia Shelter site (3BA5) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Elmo Hurst Indian Grave site (3BA65) in Baxter County, AR. These human remains were donated to the Arkansas Archeological Survey in 1975. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at Elmo Hurst Indian Grave site (3BA65) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1968, human remains representing, at minimum, three individuals were recovered from the Sheep Cave site (3BE42) in Benton County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Sheep Cave site (3BE42) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950 to 1541).

In 1979, human remains representing, at minimum, one individual were recovered from the Butler Shelter #2 site (3BE205) in Benton County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Butler Shelter #2 site (3BE205) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from the Eagle's Nest Bottom site (3BE243) in Benton County, AR. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Eagle's Nest Bottom site (3BE243) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1986, human remains representing, at minimum, one individual were recovered from the War Eagle Creek site (3BE486) in Benton County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the War Eagle Creek site (3BE486) indicate that these remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Boone County, AR. These human remains were donated to the Arkansas Archeological Survey in 1993. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Boone County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 2016, human remains representing, at minimum, one individual were recovered from an unknown location in Boone County, Arkansas. These human remains were determined to be of Native American descent by the state Medical Examiner and were transferred to the Arkansas Archeological Survey. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Boone County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1971, human remains representing, at minimum, one individual were recovered from the Blue Springs Shelter site (3CR4) in Carroll County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Blue Springs Shelter site (3CR4) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1985, human remains representing, at minimum, five individuals were recovered from the Berryville site (3CR91) in Carroll County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Berryville site (3CR91) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the David Land site (3CR260) in Carroll County, AR. These human remains were donated to the Arkansas Archeological Survey in 1993. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the David Land site indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from Carroll County, AR. These human remains were determined to be of Native American ancestry after being taken to the state crime lab and were then donated to the Arkansas Archeological Survey in 1992. No known individual was identified. No

associated funerary objects were present. These human remains were buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1975, human remains representing, at minimum, one individual were recovered from the Beaver Pond and Bluffs site (3CW11) in Crawford County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts recovered from the Beaver Pond and Bluffs site (3CW11) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3FA118 in Faulkner County, AR. These human remains were found on premises in 2015. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3FA118 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 2008, human remains representing, at minimum, three individuals were recovered from the Blackhawk I site (3IN6) in Independence County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Blackhawk I site (3IN6) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3IN11 in Independence County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3IN11 in Independence County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 2009, human remains representing, at minimum, five individuals were recovered from the Harter Knoll site (3IN54) in Independence County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Harter Knoll site (3IN54) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2002, human remains representing, at minimum, 11 individuals were recovered from the Gardner #2 site (3IN505) in Independence County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Gardner #2 site (3IN505) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 2002, human remains representing, at minimum, 15 individuals were recovered from the Gardner site (3IN680) in Independence County, AR. No known individuals were identified. The one associated funerary object includes one bone tool (2002–600). Diagnostic artifacts found at the Gardner site (3IN680) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Independence County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Independence County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from the area of Calico Rock in Izard County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found in Izard County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, three individuals were recovered from an unknown site in Johnson County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found in Johnson County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from an unknown site in Madison County, AR. These human remains were donated to the Arkansas Archeological Survey in 1994. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found in Madison County, AR, indicate that these human remains were probably buried during the Prehistoric period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown site in Madison County, AR. These human remains were donated to the Arkansas Archeological Survey in 1975. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Madison County, AR, indicate that these human remains were probably buried during the Prehistoric period (11,650 B.C.–A.D. 1541).

At an unknown date, possibly 1972, human remains representing, at minimum, one individual were recovered from the Turner Cave site (3MA20–83) in Madison County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Turner Cave site (3MA20–83) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1971, human remains representing, at minimum, one individual were recovered from the Loy Watson #2 site (3MA53) in Madison County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Loy Watson #2 site (3MA53) indicate that these human remains were probably during the Archaic period (9500–650 B.C.).

At an unknown date, human remains representing, at minimum, three individuals from the Kings River site (3MA113) in Madison County, AR, were transferred from the University of Arkansas to the Arkansas Archeological Survey. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site (MA113) indicate that these human remains were probably buried during the Prehistoric period (11,650 B.C.–A.D. 1541).

In 1980, human remains representing, at minimum, one individual were recovered from site 3MA120 in Madison County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3MA120 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1984, human remains representing, at minimum, one individual were recovered from site 3MA127 in Madison County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3MA127 indicate that these human remains were probably buried during the Woodland Period (650 B.C–950 A.D).

At an unknown date, human remains representing, at minimum, two individuals were recovered from site 3MA158 in Madison County, AR. These human remains were donated to the

Arkansas Archeological Survey in 1981. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3MA158 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

In 1968, human remains representing, at minimum, one individual were recovered from the Cowcreek site (3MR33) in Marion County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Cowcreek site (3MR33) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1968, human remains representing, at minimum, one individual were recovered from the White Eagle site (3MR53) in Marion County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the White Eagle site (3MR53) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the White Eagle site (3MR53) in Marion County, AR. These human remains were donated to the Arkansas Archeological Survey in 1968. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the White Eagle site (3MR53) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, four individuals were recovered from the Clear Creek Cave site (3MR77) in Marion County, AR. These human remains were donated to the Arkansas Archeological Survey in 1996. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Clear Creek Cave site (3MR77) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Kading site in Marion County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Marion County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1970, human remains representing, at minimum, two individuals were recovered from site 3NW14 in Newton County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3NW14 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1969 and 1970, human remains representing, at minimum, two individuals were recovered from the Old Saltpeter's Cave site (3NW29) in Newton County, AR. No known individuals were identified. The three associated funerary objects include one nutting stone and two projectile points (70–105). Diagnostic artifacts found at the Old Saltpeter's Cave site (3NW29) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3NW405 in Newton County, AR. These remains were donated to the Arkansas Archeological Survey in 1971. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3NW405 indicate that these human remains were probably buried during the Prehistoric period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from site 3NW408 in Newton County, AR. These remains were donated to the Arkansas Archeological Survey in 1971. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3NW408 indicate that these human remains were probably buried during the Prehistoric period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown site in Newton County, AR. No known individual was identified. No associated funerary objects were present. These human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1982, human remains representing, at minimum, six individuals were recovered from the George W. Cheek estate site (3PP105) in Pope County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts recovered from the George W. Cheek estate site (3PP105) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown site in Searcy County, AR. These human remains were donated to the Arkansas Archeological Survey in 1994. No known individual was identified. No associated funerary objects were present. These human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1978, human remains representing, at minimum, one individual were recovered from the White Bluff site (3SE26) in Searcy County, AR. No known individual was identified. No associated funerary objects were present. These human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from the Bixler Hole Shelter in Van Buren County, AR. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at Bixler Hole Shelter indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1994, human remains representing, at minimum, one individual were recovered from the Brown's Bluff site (3WA10) in Washington County, AR. No known individual was identified. No associated funerary objects were present. These human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1973, human remains representing, at minimum, one individual were recovered from the Blue Springs site (3WA122) in Washington County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Blue Springs site (3WA122) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1969, human remains representing, at minimum, one individual were recovered from the Lynch site (3WA143) in Washington County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Lynch site (3WA143) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1988, human remains representing, at minimum, one individual were recovered from site 3WA823 in Washington County, AR. No known

individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3WA823 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1981, human remains representing, at minimum, one individual were recovered from site 3WH276 in White County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts at site 3WH276 indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in the state of Arkansas. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Northwest Arkansas indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

This notice includes a variety of terms commonly used in discussions of Arkansas archeology and the historical trajectories that gave rise to specific Native American communities identified in the historical record. Based on the archeological context for these sites and what is presently known about the peoples who pre-date the historic Osage and occupied the sites listed in this notice, the Arkansas Archeological Society has determined the human remains listed in this notice are culturally affiliated with The Osage Nation (previously listed as the Osage Tribe).

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 107 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the four objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Osage Nation (previously listed as the Osage Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Osage Nation (previously listed as the Osage Tribe) may proceed.

The Arkansas Archeological Survey is responsible for notifying The Osage Nation (previously listed as the Osage Tribe) that this notice has been published.

Dated: January 17, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03616 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22827; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Army, United States Army Garrison, Presidio of Monterey, Monterey, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Army, United States Army Garrison, Presidio of Monterey has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the United States Army Garrison, Presidio of Monterey. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the United States Army Garrison, Presidio of Monterey at the address in this notice by March 27, 2017.

ADDRESSES: Colonel Lawrence Brown, Department of the Army, United States Army Garrison, Presidio of Monterey, 1759 Lewis Road, Suite 210, Monterey, CA 93944–3223, email *laura.a.prishmontquimby.civ@mail.mil,* telephone (831) 242–7926.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the United States Army Garrison, Presidio of Monterey, Monterey, CA. The human remains and associated funerary objects were removed from the Presidio of Monterey, Monterey County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the United States Army Garrison, Presidio of Monterey professional staff, with the assistance of the United States Army Corps of Engineers, St. Louis District, Mandatory Center of Expertise in the Curation and Management of Archaeological Collections, and in consultation with representatives of Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California, and the following non-federally recognized Indian group: Ohlone/Costanoan-Esselen Nation. The Tuolumne Band of Me-Wuk Indians of

the Tuolumne Rancheria of California was also invited to consult but chose to not participate.

History and Description of the Remains

In 1910, human remains representing, at minimum, three individuals were purportedly collected by an individual named Heath in the vicinity of El Castillo, site CA–MNT–101, in Monterey County, CA. A.R. Pilling stated that Heath gave him the human remains when Pilling donated them to the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, CA, in 1947. The human remains were identified as two adult males and one sub-adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In 1947 and 1953, human remains representing, at minimum, one individual, were found by A.R. Pilling at the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, CA, stored within faunal collections associated with El Castillo (CA–MNT–101), Monterey County, CA. The human remains were identified as one adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In 1960, human remains representing, at minimum, one individual, were purportedly collected from the vicinity of El Castillo (CA–MNT–101), Monterey County, CA. The human remains were donated to the Pacific Grove Museum of Natural History, Pacific Grove, CA by Donald Howard. The catalog card states that the human remains were from ''the Presidio of Monteray (sic) near the intersection of Foam and Lighthouse above the cliff.'' The human remains were identified as an adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In 1967, human remains representing, at minimum, nine individuals, were excavated from El Castillo (CA–MNT–101), Monterey County, CA. The excavations resulted from a proposal to establish a State Park or Monument at El Castillo, for which the CA Department of Parks and Recreation and the National Park Service contracted the Central California Archaeological Foundation to survey and excavate the proposed site. Collections from the excavation were curated at the California State Parks, Department of Parks and Recreation, California State Museum Resource Center, now titled the California Statewide Museum Collections Center, McClellan, CA. The human remains were identified as three adults (one male, one female and one of indeterminate sex), two sub-adults of indeterminate sex and four infants of indeterminate sex. No known individuals were identified. The 122 associated funerary objects include: 1 andesite chipped stone scrapper or preform, 2 complete hammer stones (1 is basalt), 1 gray chert core, 1 antler flaking tool (burned), 1 incomplete antler tool, 1 fragmented antler tine, 3 Olivella shell bead fragments, 1 shell fishhook fragment, 1 possible Haliotis ornament preform, 1 fragmented clam shell ornament, 19 unmodified mammal bones, 4 unmodified bird bones, 3 unmodified fish bones, 3 unmodified crustacean shells, and 80 unmodified shells (including fragments of Haliotis, Olivella and Turban and few complete Haliotis, some of which may be modified).

In 1985, human remains representing, at minimum, two individuals were excavated from El Castillo (CA–MNT–101), Monterey County, CA. The archeological test excavations were conducted by Archaeological Consulting and Research Services to determine the effect on cultural resources of a proposed easement along Lighthouse Avenue, with a connection to Van Buren Street. The collection was originally stored at Fort Ord, Seaside, CA. In 1994, Cultural Resources Management Services (CRMS) inventoried archeological collections from the Presidio of Monterey. These collections were temporarily stored at their laboratory in Paso Robles, CA until they were moved to the San Diego Archaeological Center, Escondido, CA in 2003. The human remains were identified as one adult and one sub-adult of indeterminate sex. No known individuals were identified. The 188 associated funerary objects include: 3 chert projectile points, 1 granite and 1 metavolcanic hammerstone, 4 granite pestle fragments, 1 chert and 1 metavolcanic chopper, 1 siltstone scrapper, 10 biface fragments, 67 chipped stone debitage, 2 bone awl tips, 6 Mytilus fish hook fragments, 30 Olivella shell beads, 12 Haliotis shell pendant fragments, 1 modified Mytilus shell fragment, and 48 unmodified Olivella shell and shell fragments.

In the 1984, human remains representing, at minimum, one individual were excavated from CA–MNT–932, Monterey County, CA. The excavations were undertaken by Far Western Anthropological Research Group, Inc. to evaluate the site's eligibility for inclusion in the National Register of Historic Places. The collection was originally curated at San Jose State University, Department of Anthropology, San Jose, CA. In 1994, CRMS inventoried archeological collections from the Presidio of Monterey and stored them at their laboratory in Paso Robles, CA, until they were moved to the SDAC, Escondido, CA in 2003. SDAC inventoried the collection, and only at that time was the bone material in the collection positively identified as human. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the United States Army Garrison, Presidio of Monterey

Officials of the United States Army Garrison, Presidio of Monterey have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on morphological characteristics and the archeological context of the sites from which they were removed.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 17 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 310 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- A treaty signed in 1851 identified Indian lands to be ceded to the United States in exchange for compensation, and included the land from which the Native American human remains and associated funerary objects listed in this notice were removed. That treaty was one of 18 such treaties between the United States and Indian entities in California that were negotiated and signed in 1851 and 1852, wherein certain Indian lands were ceded to the U.S. in exchange for compensation. On July 8, 1852, the U.S. Senate refused to ratify any of those 18 treaties. Nonetheless, the United States proceeded to take the lands to be ceded, but without paying compensation.
- According to the California Indians Jurisdictional Act of 1928 (45 Stat. 602), Congress declared that the uncompensated taking of these lands, including the land from which the Native American human remains and associated funerary objects listed in this notice were removed, provided grounds for granting equitable relief to

descendants of the Indian entities that signed those treaties.

• According to a final judgment of the Indian Claims Commission (8 Ind. Cl. Comm. 39a) and a final judgment of the Court of Federal Claims (102 Ct. C1. 837), the Indian entities in California that signed those 18 treaties held aboriginal title to the lands to be ceded, including the land from which the Native American human remains and associated funerary objects listed in this notice were removed. Consequently, the Court and the Commission awarded compensation to the descendants of the Indian entities that signed those treaties.

• The present-day Indian tribes that are descended from the Indian entities that signed the 1851 treaty ceding the land from which the Native American human remains and associated funerary objects listed in this notice were removed are the Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

• According to an Act of Congress and final judgments of the Indian Claims Commission and the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Colonel Lawrence Brown, Department of the Army, United States Army Garrison, Presidio of Monterey, 1759 Lewis Road, Suite 210, Monterey, CA 93944–3223, email *laura.a.prishmontquimby.civ@mail.mil,* telephone (831) 242–7926, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and, if joined to one or more of the afore-mentioned tribes, to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California and the Ohlone/Costanoan-Esselen Nation, a non-federally recognized Indian group, may proceed.

The United States Army Garrison, Presidio of Monterey is responsible for notifying the Picayune Rancheria of the Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California, that this notice has been published.

Dated: January 30, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03618 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0022686; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Ohio History Connection, Columbus, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Ohio History Connection has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Ohio History Connection. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Ohio History Connection at the address in this notice by March 27, 2017.

ADDRESSES: Bradley Lepper, Ohio History Connection, 800 East 17th Avenue, Columbus, OH 43211, telephone (614) 298–2064, email *blepper@ohiohistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Ohio History Connection, Columbus, OH. The human remains and associated funerary objects were removed from Newcomers Town and Cemetery, Tuscarawas County, OH.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Ohio History Connection professional staff in consultation with representatives of the Delaware Nation, Oklahoma.

History and Description of the Remains

In July 1934, construction activities relating to the installation of sewer and waterlines along Mulvane Street in Newcomerstown, Tuscarawas County, OH, uncovered human remains. Emerson F. Greenman, Curator of Archaeology for the Ohio History Connection investigated the discovery and collected human remains and

associated funerary objects. The human remains consist of a single individual of indeterminate age (A1427/1) along with 37 iron nails (A1427/2) and 15 mostly fragmentary and unmodified peach pits (A1427/9), which are interpreted as funerary objects. This site subsequently was recorded as Newcomer's Town and Cemetery (33TU604).

Newcomers Town, also known as *Gekelmukpechunk,* was a large Delaware Indian village occupied in the late 1700s. The limits of the site have not been established, but the human remains collected from the Mulvane Street location are reasonably inferred to relate to the Delaware Indian town and therefore these remains are considered to be culturally affiliated to the Delaware Nation, Oklahoma

Determinations Made by the Ohio History Connection

Officials of the Ohio History Connection have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 52 objects described in this notice are reasonably believed to have been placed with or near the human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Delaware Nation, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Bradley Lepper, Ohio History Connection, 800 East 17th Avenue, Columbus, OH 43211, telephone (614) 298–2064, email *blepper@ohiohistory.org,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Delaware Nation, Oklahoma, may proceed.

The Ohio History Connection is responsible for notifying the Delaware Nation, Oklahoma, that this notice has been published.

Dated: January 5, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03609 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22597; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Arkansas Archeological Survey. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Arkansas Archeological Survey that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

At an unknown date, six cultural items were removed from unknown areas in southern Arkansas. These cultural items were given to Southern Arkansas University at an unknown date, and donated to the Arkansas Archeological Survey in 2016. The six unassociated funerary objects are one East Incised fragmentary jar, one East Incised bowl, one Nash Neck Banded jar, one effigy jar, one plain bowl, and one Hempstead Engraved bottle (Catalog #95–440–49, 50, 52, 55, 60, 61).

The pottery types are well known examples of Caddo traditional wares. East Incised and Hempstead Engraved finewares are found throughout Southwest Arkansas, along the Red River Valley in the vicinity of the Great Bend, and into adjoining corners of Texas, Louisiana, and Oklahoma. The time spans for the types overlap, with East Incised associated with the East Phase and ranging between A.D. 1100 and 1400, Hempstead Engraved is associated with the Haley Phase as well as the East Phase and was made between about A.D. 1200 and 1450. Nash Neck Banded was made in the 15th and 16th centuries. All three types were made before European contact and during the Caddo tradition.

The Caddo archeological tradition developed between A.D. 900 and 1000 in the four corners region of Arkansas, Texas, Louisiana and Oklahoma. Distinctive characteristics include a dispersed residential settlement of families with a lifestyle grounded in farming and collecting wild plants and animals. The core of community life was a religious and political center with ceremonial and burial mounds, public areas for community events and rituals, and a small residential population believed to be religious and political leaders and their families. Caddo ceramics are highly distinctive with dual manufacturing traditions that produced both refined wares decorated with complex stylized incised and engraved designs and utilitarian wares with highly plastic incised, punctuated, and brushed designs that are dominated by geometric motifs.

The Caddo continued to practice traditional settlement arrangements and material crafts well into the contact period. This is confirmed in part by past discoveries of distinctive Caddo ceramics and other artifacts found with European trade items in locations where French and Spanish observers

documented their settlements. There is thus a strong material link between historic Caddo Tribal communities and pre-contact archeological remains. The collection enumerated here is entirely typical of pre-contact Caddo Tradition material culture.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 6 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Caddo Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by March 27, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Caddo Nation of Oklahoma may proceed.

The Arkansas Archeological Survey is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: December 19, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03606 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22598; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Arkansas Archeological Survey. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Arkansas Archeological Survey that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1979, 1983, and 1986, 27 cultural items were removed from the Belle Meade site (3CT30) in Crittenden County, AR. These unassociated funerary objects were recovered by the University of Memphis in 1979, 1983, and 1986, and were curated at the C.H. Nash Museum in Memphis, TN. These cultural items were transferred to the Arkansas Archeological Survey in December of 2015. The 27 unassociated funerary objects are 10 partial jars, 5 fragmentary bottles, 1 frog effigy, 10 reconstructed bowls, and 1 reconstructed Ogee bowl (Catalog #2016–551, 552, 553, 554, 555, and 556).

At an unknown date, 10 cultural items were removed from the Belle Meade site (3CT30) in Crittenden County, AR. These unassociated funerary objects were donated to the C.H. Nash Museum in Memphis, TN, part of the University of Memphis. These cultural items were transferred to the Arkansas Archeological Survey in December of 2015. The 10 unassociated funerary objects are 1 reconstructed bowl, 1 fragmentary bottle, 5 fragmentary jar, 2 large bag of sherds, and 1 partial Ogee short necked bottle (Catalog # 2016–556, 557).

In 1980 and 1983, 22 cultural items were removed from the Beck site (3CT8) in Crittenden County, AR. These unassociated funerary objects were recovered by the University of Memphis and curated at the C.H. Nash Museum in Memphis, TN. These cultural items were transferred to the Arkansas Archeological Survey in December of 2015. The 22 unassociated funerary objects include 5 reconstructed jars, 1 wide-mouthed bottle, 2 reconstructed effigy bowls, 4 fragmentary bottles, 1 effigy jar, 6 fragmentary bowls, 2 fragmentary jars, and 1 fragmentary teapot vessel (Catalog #2016–473, 477).

The items detailed in this inventory represent late prehistoric and protohistoric items common to large village sites located in the central Mississippi Valley province of northeastern Arkansas. It is difficult to link historic ethnic identities to prehistoric cultural manifestations identified for this region solely on the basis of archeological evidence. In response to this circumstance, modern Native American communities assert cultural affiliations for the purpose of NAGPRA repatriation claims based on settlement locations at the beginning of the Colonial era as documented by early European accounts. Colonial records from the late 17th century and extending through the 18th century place Quapaws in the region encompassed by the modern counties from which the collections listed above are derived. The first treaty the Quapaws signed with the United States, in 1818, further establishes residence and control over, or interest in, these portions of Arkansas.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

• Pursuant to 25 U.S.C. 3001(3)(B), the 59 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Quapaw Tribe of Indians, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556 by March 27, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Quapaw Tribe of Indians, Oklahoma may proceed.

The Arkansas Archeological Survey is responsible for notifying the Quapaw Tribe of Indians, Oklahoma that this notice has been published.

Dated: December 19, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03621 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22752: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas Archeological Survey, Fayetteville, AR. The human remains and associated funerary objects were removed from multiple counties in the state of Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arkansas Archeological Survey professional staff in consultation with representatives of the Caddo Nation, The Osage Nation (previously listed as the Osage Tribe), and The Quapaw Tribe of Indians. These human remains were inventoried and documented by physical anthropologists at the University of Arkansas.

History and Description of the Remains

At an unknown date, human remains representing at minimum, one individual were removed from the East site (3CL21) in Clark County, AR. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the East site (3CL21) indicate that these human remains were probably buried during the Caddo tradition (A.D. 900–1650).

At an unknown date, human remains representing, at minimum, four individuals were removed from site 3CL24 in Clark County, AR. These human remains were donated to the Arkansas Archeological Survey in 1974. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CL24 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were removed from the Bayou Sel site (3CL27) in Clark County, AR. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individual was identified. No associated funerary items were present. Diagnostic artifacts found at the Bayou Sel site (3CL27) indicate that these human remains were probably buried during the Caddo tradition (A.D. 900–1650).

At an unknown date, human remains representing, at minimum, one individual were removed from the Copeland Ridge site (3CL195) in Clark County, AR. These human remains were donated to the Arkansas Archeological Survey in 1991. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Copeland Ridge site (3CL195) indicate that these human remains were probably buried during the Caddo tradition (A.D. 900–1650), Late Caddo (A.D. 1450–1650), or Social Hill Phase (A.D. 1500–1600).

At an unknown date, human remains representing, at minimum, one individual were removed from site 3CL287 in Clark County, AR. These human remains were donated to the Arkansas Archeological Survey in 1980. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3CL287 indicate that these human remains were probably buried during the Late Caddo Period (A.D. 1450–1650).

In 1984, human remains representing, at minimum, two individuals were recovered from the Wilson site (3CV109) in Cleveland County, AR. No known individuals were identified. The

associated funerary object includes one fragmentary Foster Incised/Keno trailed bowl (84–482). Diagnostic artifacts found at the Wilson site (3CV109) indicate that these human remains were probably buried during the Late Mississippi Period (A.D. 1350–1650) or Late Caddo Period (A.D. 1450–1650).

In 1970, human remains representing, at minimum, one individual were recovered from the Kelly Sears site (3CO3) in Columbia County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Kelly Sears site (3CO3) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Fourche Maline tradition (500 B.C.–A.D. 900).

In 1971, human remains representing, at minimum, 10 individuals were recovered from the Hood site (3HE54) in Hempstead County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Hood site (3HE54) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Fourche Maline tradition (500 B.C.–A.D. 900).

In 1972 and 1974, human remains representing, at minimum, 20 individuals were recovered from the Ferguson site (3HE63) in Hempstead County, AR. No known individuals were identified. The 51 associated artifacts include 42 ceramic vessels, two broken siltstone discs, one cut shell, one tool kit, one worked flake, one Gary point, one fragmentary biface, one quartz crystal, and one clay objects (72–22). Diagnostic artifacts found at the Ferguson site (3HE63) indicate that these human remains were probably buried during the Fourche Maline tradition (500 B.C.–A.D. 900) or Haley Phase (A.D. 1200–1400).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Purtle site (3HE70) in Hempstead County, AR. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Purtle site (3HE70) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Fourche Maline tradition (500 B.C.–A.D. 900).

In 1983 and 1984, human remains representing, at minimum, five individuals were recovered from the Martin Farm site (3HE92) in Hempstead County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Martin Farm site (3HE92) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950) or Fourche Maline tradition (500 B.C.–A.D. 900).

In 1996, human remains representing, at minimum, one individual were recovered from the Barkman Salt site (3HS10) in Hot Spring County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Barkman Salt site (3HS10) indicate that these human remains were probably buried during the Caddo tradition (A.D. 900–1650).

In 1974, human remains representing, at minimum, one individual were recovered from site 3HS15 in Hot Spring County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3HS15 indicate that these human remains were probably buried during the Caddo tradition (A.D. 900–1650).

In 1976, human remains representing, at minimum, three individuals were recovered from site 3HS22 in Hot Spring County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3HS22 indicate that these human remains were probably buried during the Late Caddo (A.D. 1450–1600) or Caddo IV Period (A.D. 1500–1700).

In 1972, human remains representing, at minimum, two individuals were recovered from site 3HS38 in Hot Spring County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at site 3HS38 indicate that these human remains were probably buried during the Late Caddo Period (A.D. 1450–1600) or Caddo IV Period (A.D. 1500–1700).

In 1996, human remains representing, at minimum, one individual were recovered from site 3HS450 in Hot Spring County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the site 3HS450 indicate that these human remains were probably buried during the Caddo III period (A.D. 1400–1500).

In 1992, human remains representing, at minimum, one individual were recovered near site 3LO17 in Logan County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found near site 3LO17 indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 2016, human remains representing, at minimum, one individual were recovered from the surface of the Wild Violet Site (3LO226) in Logan County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Wild Violet site (3LO226) indicate that these human remains were probably buried during the Late Archaic Period (2000 B.C.–A.D. 800) or Fourche Maline tradition (500 B.C.–A.D. 900).

In 1994, human remains representing, at minimum, one individual were recovered from the Moore/Higginbotham site (3MI3/30) in Miller County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Moore/Higginbotham site (3MI3/30) indicate that these human remains were probably buried during the Fourche Maline tradition (500 B.C.–A.D. 900).

In 1968, 1969, 1983, and 2009, human remains representing, at minimum, 380 individuals were recovered from the Crenshaw site (3MI6) in Miller County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts and radiocarbon dates found at the Crenshaw site (3MI6) indicate that these human remains were probably buried during the Middle Caddo Period (A.D. 1200–1400).

In 1994, human remains representing, at minimum, one individual were recovered near the Caddo River in Montgomery County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found along the Caddo River indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from an unknown site in Ouachita County. These human remains were donated to the Arkansas Archeological Survey in 1987. No known individuals were identified. No associated funerary items were present. Diagnostic artifacts found in Ouachita County indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, two individuals were recovered from the Slough Bend site (3SA7) in Saline County, AR. These human remains were donated to the Arkansas Archeological Survey in 1969. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts

found at the Slough Bend site (3SA7) indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 2002, human remains representing, at minimum, one individual were recovered from the Hughes Mound site (3SA11) in Saline County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Hughes Mound site (3SA11) indicate that the human remains were probably buried during the Late Caddo Period (A.D. 1450–1650).

In 1978 and 1985, human remains representing, at minimum, two individuals were recovered from the Holman Springs site (3SV29) in Sevier County, AR. No known individuals were identified. The two associated funerary objects include one lot of grey clay and one ceramic vessel (85–380–270, 271). Diagnostic artifacts found at the Holman Springs site (3SV29) indicate that these human remains were probably buried during the Middle (A.D. 1300–1450) or Late Caddo Period (A.D. 1450–1650).

In 1987, human remains representing, at minimum, three individuals were recovered from the Wake site (3SV224) in Sevier County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Wake site (3SV224) indicate that these human remains were probably buried during the Late Woodland period (A.D. 600–950).

At an unknown date, human remains representing, at minimum, six individuals were recovered from the Bowman site in Southwest Arkansas. These human remains were donated to the Arkansas Archeological Survey in 1984. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Bowman site indicate that these human remains were probably buried during the Caddo tradition (A.D. 900–1650).

At an unknown date, human remains representing, at minimum, two individuals were recovered from an unknown location in Southwest Arkansas. These human remains were donated to the Arkansas Archeological Survey in 2006 and 2007. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found in Southwest Arkansas indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Sebastian County, AR. These human remains were determined to be of Native American descent and were transferred to the Arkansas Archeological Survey. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Sebastian County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Garland County, AR. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Garland County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

This notice includes a variety of terms commonly used in discussions of Arkansas archeology and the historical trajectories that gave rise to specific Native American communities identified in the historic record. Based on the archeological context for these sites and what is presently known about the peoples who pre-date the historic Caddo and occupied the sites listed in this notice, the Arkansas Archeological Society has determined the human remains listed in this notice are culturally affiliated with the Caddo Nation of Oklahoma.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 459 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 54 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Caddo Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed.

The Arkansas Archeological Survey is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: January 17, 2017,

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03614 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22723; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum (Burke Museum) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of

the request to the Burke Museum at the address in this notice by March 27, 2017.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849x2, email *plape@uw.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Burke Museum, Seattle, WA. The human remains were removed from ''Arctic Alaska''.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Burke Museum professional staff in consultation with representatives of the Inupiat Community of the Arctic Slope, the Native Village of Barrow Inupiat Traditional Government, the Native Village of Point Hope, and the North Slope Borough's Department of Inupiat History, Language and Culture, an entity that does not have standing under the law, but assists the tribes and Native Villages with repatriation efforts.

History and Description of the Remains

On an unknown date prior to 1923, human remains representing, at minimum, one individual were removed from an unknown location in the Alaskan Arctic. The original museum catalog ledger information notes these human remains are from ''Arctic Alaska''. Based on where the catalog number entry (#3499) falls on the ledger, these human remains were brought to the museum prior to 1923. No known individuals were identified. No funerary objects are present.

These human remains have been determined to be Native American based on geographical and biological information. Archeological and biological information suggest continuity between past populations and the modern Inupiat. These human remains exhibit characteristics of being collected from the surface, including bleaching and lichen adhered to the cranium and mandible. This is consistent with traditional Inupiat burial practices of laying the deceased on the surface or in boxes on the surface. The Inupiat are now members of the Atqasuk Village (Atkasook), Kaktovik Village (a.k.a. Barter Island), Native Village of Nuiqsut (a.k.a. Nooiksut), Native Village of Point Lay, Village of Anaktuvuk Pass, and Village of Wainwright, which are all represented by the Inupiat Community of the Arctic Slope, Native Village of Barrow Inupiat Traditional Government, and Native Village of Point Hope.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Inupiat Community of the Arctic Slope, Native Village of Barrow Inupiat Traditional Government, and Native Village of Point Hope.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 ext 2, email *plape@uw.edu,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Inupiat Community of the Arctic Slope, Native Village of Barrow Inupiat Traditional Government, and Native Village of Point Hope may proceed.

The Burke Museum is responsible for notifying the Inupiat Community of the Arctic Slope, Native Village of Barrow Inupiat Traditional Government, and Native Village of Point Hope that this notice has been published.

Dated: January 10, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03607 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22754; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Arkansas Archeological Survey, Fayetteville, AR, and Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Arkansas Archeological Survey has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on April 15, 2002 and on December 22, 2014. This notice removes human remains and associated funerary objects that are not under the control of the Arkansas Archeological Society.

ADDRESSES: Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects previously thought to be under the control of the Arkansas Archeological Survey. The human remains and associated funerary objects were removed from Clark County, Poinsett County, and Pulaski County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice removes human remains and associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (67 FR 18242, April 15, 2002) and (79 FR 76357, 76359, December 22, 2014). Three sites listed in those notices by the Arkansas Archeological Survey (AAS) were determined later to be under the control of the Arkansas State Highway and Transportation Department. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (67 FR 18242, April 15, 2002), column 2, paragraph 7 is removed in its entirety.

In the **Federal Register** (67 FR 18243, April 15, 2002), column 1, paragraph 2, sentence 1 is corrected by replacing the number 140 with the number 116.

In the **Federal Register** (67 FR 18243, April 15, 2002), column 1, paragraph 2, sentence 2 is corrected by replacing the number 168 with the number 62.

In the **Federal Register** (79 FR 76357, December 22, 2014), column 3, paragraph 5 is removed in its entirety.

In the **Federal Register** (79 FR 76358, December 22, 2014), column 3, paragraph 6 is removed in its entirety.

In the **Federal Register** (79 FR 76361, December 22, 2014), column 3, paragraph 3, sentence 1 is corrected by replacing the number 440 with the number 435.

The Arkansas Archeological Survey is responsible for notifying the Caddo Nation of Oklahoma and the Quapaw Tribe of Indians that this notice has been published.

Dated: January 17, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03613 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22722; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum (Burke Museum) has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Burke Museum at the address in this notice by March 27, 2017.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849x2, email *plape@uw.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Burke Museum, Seattle, WA. The human remains were removed from Point Hope, North Slope Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Burke Museum professional staff in consultation with representatives of the Native Village of Point Hope.

History and Description of the Remains

In 1929, human remains representing, at minimum, one individual were removed from Point Hope, North Slope Borough, AK. The human remains were removed by William A. Shanafelt and loaned to the Burke Museum in 1930. While the Burke Museum has never formally accessioned these human remains, it has been advised to proceed and comply with NAGPRA regarding this individual. No known individuals were identified. No funerary objects are present.

The human remains have been determined to be Native American based on osteological and geographical evidence. Based on the donor's history and general provenience of removal, the human remains have been determined to be related to the Inupiat people of the Point Hope area. The Inupiat were the aboriginal occupants of the archeological sites documented in the Point Hope area, which date between A.D. 1000–1700 (Damas, 1984). The modern day Inupiat descendants are members of the Native Village of Point Hope (Tikigaq).

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and Native Village of Point Hope.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.edu,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Native Village of Point Hope may proceed.

The Burke Museum is responsible for notifying the Native Village of Point Hope that this notice has been published.

Dated: January 10, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03632 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22815; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas Archeological Survey, Fayetteville, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas Archeological Survey has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains

and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas Archeological Survey. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas Archeological Survey at the address in this notice by March 27, 2017.

ADDRESSES: George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas Archeological Survey, Fayetteville, AR. The human remains and associated funerary objects were removed from multiple counties in the state of Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arkansas Archeological Survey professional staff in consultation with representatives of Caddo Nation of Oklahoma, The Quapaw Tribe of Indians, and The Osage Nation (previously listed as the Osage Tribe). These human remains were inventoried and documented by physical anthropologists at the University of Arkansas. The Tunica-Biloxi Indian Tribe, which the Arkansas Archeological Survey had invited to consult, did not participate.

History and Description of the Remains

In 2011, human remains representing, at minimum, one individual were recovered from a back dirt pile at site 3AS1 in Ashley County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at site 3AS1 indicate that these human remains were probably buried during the Baytown Phase (A.D. 400–700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Big Mound Ridge site (3AS6) in Ashley County, AR. These human remains were donated to the Arkansas Archeological Survey in 2015. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Big Mound Ridge site (3AS6) indicate that these human remains were probably buried during the Baytown Phase (A.D. 400–700).

In 1977, human remains representing, at minimum, six individuals were recovered from the Boydell site (3AS58) in Ashley County, AR. No known individuals were identified. The 8 associated funerary objects include 1 Addis Plain, *var.* Addis bowl fragment, 1 Addis Plain *var.* Greenville ceramic base, 1 Coleman Incised, *var.* Coleman ceramic base, 2 Mississippi Plain vessels, 1 Addis Plain *var.* Addis large bowl, 1 Addis Plain *var.* Addis bowl, and 1 L'eau Noire bowl fragment (77–764). Diagnostic artifacts found at the Boydell site (3AS58) indicate that these human remains were probably buried during the Bartholomew Phase (A.D. 1200–1400).

In 1970, human remains representing, at minimum, 15 individuals were recovered from the Gordon site (3AS152) in Ashley County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Gordon site (3AS152) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Bartholomew Phase (A.D. 1200–1400).

In 1978, human remains representing, at minimum, one individual were recovered from the Gordon site (3AS152) in Ashley County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Gordon site (3AS152) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Bartholomew Phase (A.D. 1200–1400).

In 1975, human remains representing, at minimum, one individual were recovered from the Fifty Miles an Hour site (3AS189) in Ashley County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Fifty Miles an Hour site (3AS189) indicate that these human remains were probably buried during Mississippi Period (A.D. 950–1541).

In 2010, human remains representing, at minimum, 15 individuals were recovered from the Sheppard site (3AS437) in Ashley County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Sheppard site (3AS437) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

At an unknown date, human remains representing, at minimum, one individual were recovered near the town of Marsden in Bradley County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Bradley County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1971, human remains representing, at minimum, two individuals were recovered from the Coon Island site (3BR10) in Bradley County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Coon Island site (3BR10) indicate that these human remains were probably buried during the Marksville Period (100 B.C.–A.D. 400).

In 1978, human remains representing, at minimum, 17 individuals were recovered from the Saline Sand and Gravel site (3BR40) in Bradley County, AR. No known individuals were identified. The 5 associated funerary objects include 1 Belcher Engraved bottle, 1 Mississippi Plain jar, 1 Wallace Incised bowl, 1 turtle carapace, and 1 lot of 607 grams of burial fill (78–1189). Diagnostic artifacts found at the Saline Sand and Gravel site (3BR40) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Bartholomew Phase (A.D. 1200–1400).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Saline Sand and Grave site (3BR40) in Bradley County, AR. These human remains were donated to the Arkansas Archeological Survey in 1982. No

known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Saline Sand and Gravel site (3BR40) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541) or Bartholomew Phase (A.D. 1200–1400).

In 1995, human remains representing, at minimum, one individual were recovered from the Gene Thompson site (3BR122) in Bradley County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Gene Thompson site (3BR122) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1983, human remains representing, at minimum, one individual were recovered from the Bangs Slough site (3CA3) in Calhoun County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bangs Slough site (3CA3) indicate that these human remains were probably buried during the Coles Creek culture (A.D. 700–1000).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Keller site (3CA13) in Calhoun County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Keller site (3CA13) indicate that these human remains were probably buried during the Coles Creek culture (A.D. 700–1000).

In 1981, human remains representing, at minimum, nine individuals were recovered from the Powell Canal site (3CH14) in Chicot County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Powell Canal site (3CH14) indicate that these human remains were probably buried during the Baytown Period (A.D. 400–700).

In 1967, human remains representing, at minimum, one individual were recovered from the Bunker Black Plantation site (3CH25) in Chicot County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Bunker Black Plantation site (3CH25) indicate that these human remains were probably buried during the Woodland Period (650 B.C.–A.D. 950).

In 1970, human remains representing, at minimum, eight individuals were recovered from the McArthur site (3CH49) in Chicot County, AR. No known individuals were identified. The 8 associated funerary objects include 1 shell tempered bowl, 1 mussel shell fragment, 2 clay beads, 1 fragmentary Manchac jar, 1 reconstructed bowl, 1 turtle carapace, and 1 clay ball (70–386). Diagnostic artifacts found at the McArther site indicate that these human remains were probably buried during the Bartholomew Phase (A.D. 1200–1400).

In 1984, human remains representing, at minimum, one individual were recovered from the Hunter site (3CH135) in Chicot County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Hunter site (3CH135) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Possum Trap or Coon Bayou site (3DE37) in Desha County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Possum Trap or Coon Bayou site (3DE37) indicate that these human remains were probably buried during the Marksville Period (100 B.C.–A.D. 400).

In 1973, human remains representing, at minimum, one individual were recovered from the R.H. Wolfe site (3DR1) in Drew County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the R.H. Wolfe site (3DR1) indicate that these human remains were probably buried during the Tillar Complex (A.D. 1400–1700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Taylor Mounds site (3DR2) in Drew County, AR. These human remains were donated to the Arkansas Archeological Survey in 1981. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Taylor Mounds site (3DR2) indicate that these human remains were probably buried during the Marksville Period (100 B.C.–A.D. 400).

In 1973, human remains representing, at minimum, one individual were recovered from the Tillar Farms site (3DR30) in Drew County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Tillar Farms site (3DR30) indicate that these human remains were probably buried during the Tillar Complex (A.D. 1400–1700).

At an unknown date, human remains representing, at minimum, four individuals were recovered from the Tillar site (3DR49) in Drew County, AR. These individuals were donated to the Arkansas Archeological Survey in 1982 and 1985. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Tillar site (3DR49) indicate that these human remains were probably buried during the Tillar Complex (A.D. 1400–1700).

In 1972, human remains representing, at minimum, one individual were recovered from the Austin site (3DR50) in Drew County, AR. No known individual was identified. The two associated artifacts include two clay pipes (72–153–1, –4). Diagnostic artifacts found at the Austin site (3DR50) indicate that these human remains were probably buried during the Tillar Complex (A.D. 1400–1700).

In 1981, human remains representing, at minimum, nine individuals were recovered from the McClendon site (3DR144) in Drew County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the McClendon site (3DR144) indicate that these human remains were probably buried during the Tillar Complex (A.D. 1400–1700).

At an unknown date, human remains representing, at minimum, one individual were recovered from the McClendon site (3DR144) in Drew County, AR. These human remains were donated to the Arkansas Archeological Survey in 1982. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the McClendon site (3DR144) indicate that these human remains were probably buried during the Tillar Complex (A.D. 1400–1700).

In 1982, human remains representing, at minimum, one individual were recovered from the Land's End site (3DR184) in Drew County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Land's End site (3DR184) indicate that these human remains were probably buried during the Early Mississippi Period (A.D. 700–1000).

In 1982 and 1983, human remains representing, at minimum, one individual were recovered from the Cherry site (3DR190) in Drew County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Cherry site (3DR190) indicate that these human remains were

probably buried during the Tillar Complex (A.D. 1400–1700).

In 1982, human remains representing, at minimum, one individual were recovered from the Dark Dirt Site (3DR191) in Drew County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Dark Dirt site (3DR191) indicate that these human remains were probably buried during the Bartholomew Phase (1200–1400 A.D.).

In 1982, human remains representing, at minimum, one individual were recovered from the Lone Holly site (3DR196) in Drew County, AR. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Lone Holly site (3DR196) indicate that these human remains were probably buried during the Bartholomew Phase (A.D. 1200–1400).

In 1986, human remains representing, at minimum, 133 individuals were recovered from the Ables Creek site (3DR214) in Drew County, AR. No known individuals were identified. The 82 funerary objects include 1 Barton Incised *var.* Togo jar, 1 Mississippi Plain bottle, 1 Winterville Incised bottle, 63 shell beads, 1 Mississippi Plain bottle neck, 1 Mississippi Plain *var.* Birch bottle, 1 polishing stone, 1 sheet of Mica, 1 squirrel skeleton, 1 unidentified incised bottle, 1 Barton Incised jar with mussel shell, 1 bone awl, 1 Mississippi Plain bowl, 2 bone hair pins, 1 shell pendant, 1 Winterville Incised small saucer, 1 Mississippi Plain seed jar, 1 Winterville Incised bottle, and 1 preform. Diagnostic artifacts found at the Ables Creek site (3DR214) indicate that these human remains were probably buried during the Mississippi Period (A.D. 950–1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Drew County, AR. These human remains were donated to the Arkansas Archeological Survey in 1969. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Drew County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1967 and 1971, human remains representing, at minimum, three individuals were recovered from the Paw-Paw site (3OU22) in Ouachita County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Paw-Paw site (3OU22) indicate that these human remains were probably buried during the Archaic Period (9500–650 B.C.) or Fourche Maline Tradition (800 B.C.–A.D. 900).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Union County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Union County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1972, human remains representing, at minimum, four individuals were recovered from the Locust Ridge site (3UN8) in Union County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Locust Ridge site (3UN8) indicate that these human remains were probably buried during the Baytown (A.D. 400–700) or Coles Creek Period (A.D. 700–1000).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Watts Field site (3UN22) in Union County, AR. These human remains were donated to the Arkansas Archeological Survey in 1973. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Watts Field site (3UN22) in Union County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

In 1972 and 1975, human remains representing, at minimum, 18 individuals were recovered from the Shallow Lake site (3UN52) in Union County, AR. No known individuals were identified. No associated funerary objects were present. Diagnostic artifacts found at the Shallow Lake site (3UN52) indicate that these human remains were probably buried during the Coles Creek Period (A.D. 700–1000).

At an unknown date, human remains representing, at minimum, one individual were recovered from the Shallow Lake site (3UN52) in Union County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found at the Shallow Lake site (3UN52) in Union County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

At an unknown date, human remains representing, at minimum, one individual were recovered from an unknown location in Drew County or Chicot County, AR. These human remains were donated to the Arkansas Archeological Survey in 1985. No known individual was identified. No associated funerary objects were present. Diagnostic artifacts found in Drew County and Chicot County, AR, indicate that these human remains were probably buried during the Prehistoric Period (11,650 B.C.–A.D. 1541).

This notice includes a variety of terms commonly used in discussions of Arkansas archeology and the historical trajectories that gave rise to specific Native American communities identified in the historic record. Based on the archeological context for these sites and what is presently known about the peoples who pre-date the historic Tunica and occupied the sites listed in this notice, the Arkansas Archeological Society has determined the human remains listed in this notice are culturally affiliated with the Tunica-Biloxi Indian Tribe.

Determinations Made by the Arkansas Archeological Survey

Officials of the Arkansas Archeological Survey have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 269 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 105 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Tunica-Biloxi Indian Tribe.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. George Sabo, Director, Arkansas Archeological Survey, 2475 North Hatch Avenue, Fayetteville, AR 72704, telephone (479) 575–3556, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Tunica-Biloxi Indian Tribe may proceed.

The Arkansas Archeological Survey is responsible for notifying the Tunica-Biloxi Indian Tribe that this notice has been published.

Dated: January 27, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03615 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22736; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Peabody Museum of Natural History, Yale University, New Haven, CT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Peabody Museum of Natural History has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Peabody Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Peabody Museum of Natural History at the address in this notice by March 27, 2017.

ADDRESSES: Professor David Skelly, Director, Yale Peabody Museum of Natural History, P.O. Box 208118, New Haven, CT 06520–8118, telephone (203) 432–3752.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Peabody Museum of Natural History, Yale University, New Haven, CT. The human remains were removed from a site near the Little Medicine Bow River in the Freeze Out Hills, Carbon County, WY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Peabody Museum of Natural History professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming and Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma).

History and Description of the Remains

Around 1883, human remains representing, at minimum, three individuals were removed from a site near the Little Medicine Bow River in the Freeze Out Hills in Carbon County, WY, and donated to the Peabody Museum of Natural History in 1925. The human remains represent one adult of indeterminate sex, aged 40–50 years; one adult female, aged 25–35 years; and one subadult, probable female, aged 15–18 years. No known individuals were identified. No associated funerary objects are present.

According to historical documentation, an Arapaho village near the Little Medicine Bow River was attacked in 1846 and the villagers were massacred by a group of trappers from the American and Northwest Fur Companies in retribution for an earlier attack on a wagon train. Around 1883, the site was visited and human remains were removed.

Determinations Made by the Peabody Museum of Natural History

Officials of the Peabody Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Arapaho Tribe of the Wind River Reservation, Wyoming, and Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Professor David Skelly, Director, Yale Peabody Museum of Natural History, P.O. Box 208118, New Haven, CT 06520–8118, telephone (203) 432–3752, by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Arapaho Tribe of the Wind River Reservation, Wyoming, and Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma), may proceed.

The Peabody Museum of Natural History is responsible for notifying the Arapaho Tribe of the Wind River Reservation, Wyoming, and Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma), that this notice has been published.

Dated: January 11, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03636 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22773; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas State Highway and Transportation Department, Little Rock, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State Highway and Transportation Department has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit

a written request to the Arkansas State Highway and Transportation Department. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Arkansas State Highway and Transportation Department at the address in this notice by March 27, 2017.

ADDRESSES: Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Arkansas State Highway and Transportation Department. The human remains were removed from multiple counties in Arkansas.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Remains

In 1974, human remains representing, at minimum, three individuals were recovered from Sylamore Ferry site (3ST26) in Stone County, AR. A portion of the Sylamore Ferry site was going to be impacted by Arkansas State Highway and Transportation Department (AHTD) construction. The excavations were undertaken by the AHTD, and the human remains were stored at Texas A&M University. In 1985, the human remains were returned to the AHTD and then eventually were taken for permanent storage to the Arkansas Archeological Survey (AAS). The gender and age of the human remains were undetermined. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at the Sylamore Ferry site (3ST26) indicate that the human remains were probably buried during the Mississippian period (A.D. 1100 to 1600).

In 1988, human remains representing, at minimum, one individual were recovered from site 3LW15 in Lawrence County, AR, during preliminary analysis of the U.S. Highway 67 relocation in northeast Arkansas. No further work was done at this site because it was not within the project's footprint. The human remains have remained in the AAS's collections since the time of their removal. The gender and age of the human remains were undetermined. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3LW15 indicate that these human remains were probably buried during the Mississippian period (A.D. 900 to 1500).

In 1995, human remains representing, at minimum, two individuals were recovered from site 3CG1059 in Craighead County, AR. The burials were discovered during Phase II excavation for the construction of Cash Bypass. The AHTD contracted the excavations out to the Center of Archaeological Research at Southwest Missouri State University. The human remains were transferred to the AAS for curation. The human remains were identified as two adults. The gender of the human remains was undetermined. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3CG1059 indicate that these human remains were probably buried possibly during the Mississippian period (A.D. 900 to 1500).

In 1996, human remains representing, a minimum, six individuals were recovered from the Holden-Conner site (3JA632) in Jackson County, AR, during Phase III mitigation for the expansion and relocation of U.S. Highway 67. The AHTD contracted the excavations out to the Center of Archaeological Research at Southwest Missouri State University. The human remains were transferred to the AAS for curation. The human remains were identified as one infant (1–4 years), three children (4–8 years), and two young adults (16 to 21 years). The gender of the human remains was undetermined. No known individuals were identified. No associated funerary objects are present. Diagnostic artifacts found at site 3JA632 indicate that these human remains were probably buried during the Late Mississippian period (A.D. 1400 to 1650).

Determinations Made by the Arkansas State Highway and Transportation Department

Officials of the Arkansas State Highway and Transportation Department have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Caddo Nation of Oklahoma, Cherokee Nation, The Osage Nation (previously listed as the Osage Tribe), The Quapaw Tribe of Indians, Tunica-Biloxi Indian Tribe, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Caddo Nation of Oklahoma, Cherokee Nation, the Osage Nation (previously listed as the Osage Tribe), the Quapaw Tribe of Indians, Tunica-Biloxi Indian Tribe, and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The Arkansas State Highway and Transportation Department is responsible for notifying the Caddo Nation of Oklahoma, Cherokee Nation of Oklahoma, the Osage Nation (previously listed as the Osage Tribe), the Quapaw Tribe of Indians, Tunica-Biloxi Indian, and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: January 24, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03635 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22701: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Defense, Army Corps of Engineers, Omaha District, Omaha, NE, and State Archeological Research Center, Rapid City, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Omaha District, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the U.S. Army Corps of Engineers, Omaha District. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the U.S. Army Corps of Engineers, Omaha District at the address in this notice by March 27, 2017.

ADDRESSES: Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Army Corps of Engineers, Omaha District. The human remains and associated funerary objects were removed from multiple counties in the state of South Dakota.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the South Dakota State Archeological Research Center and U.S. Army Corps of Engineers, Omaha District professional staff in consultation with representatives of Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

History and Description of the Remains

In 1973, human remains representing, at minimum, 1 individual were removed from site 39CH206 in Charles Mix County, SD. The human remains are presently located at the South Dakota State Archeological Research Center (SARC), under the managerial control of the Omaha District. No known individual was identified. No associated funerary objects are present.

In August 1973, the University of Arkansas conducted an archeological survey of 36 sites along the Fort Randall shoreline under a contract with the National Park Service. The purpose was to assess damage to sites and make recommendations on site protection. A partial cranium was discovered eroding out of the cutbank at 39CH206. The collection was originally stored at the National Park Service Midwest Archeological Center, Lincoln, NE, and transferred to SARC in the 1980s. The human remains were sent to the University of Tennessee, Knoxville, in 1988 for documentation by a physical anthropologist and returned to SARC in 1995. Based on morphological characteristics and the site's artifact assemblage, the human remains are determined to be Native American.

Site 39CH206 is located on the east bank of the Missouri River and represents a small occupation. Archeologists have suggested an association between site 39CH206 and a nearby site, 39CH205. 39CH205 is a village whose artifacts indicate an Initial Middle Missouri Tradition (A.D. 900–1350) of the Plains Village Period. The Initial Middle Missouri Tradition is believed to be ancestral Mandan. The Mandan are represented today by Three Affiliated Tribes of the Fort Berthold Reservation.

In 1965, human remains representing, at minimum, 1 individual were removed from site 39HU7 in Hughes County, SD. The human remains are presently located at the South Dakota State Archeological Research Center (SARC), under the managerial control of the Omaha District. No known individual was identified. No associated funerary objects are present.

McClure's Ranch, site 39HU7, was excavated in 1965 by Richard B. Johnson for the Smithsonian Institution River Basin Surveys. The site collection originally stayed with the U.S. Army Corps of Engineers until Johnson took a sabbatical in 1978/1979 from Trent University in order to complete the site report. The collection was then transferred to SARC in 1982. The human remains were sent to the University of Tennessee, Knoxville, for inventory in 1986 and returned to SARC in 1995. Based on morphological characteristics and the site's artifact assemblage, the human remains are determined to be Native American.

Site 39HU7 is a single component earth lodge village site located on the north shore of Lake Sharpe in Hughes County, SD. Based on evidence from archeological excavations, including house structure and the presence of Iona and Talking Crow ceramic wares, the site dates to the Felicia phase of the Post-Contact Coalescent variant (A.D. 1690–1700) of the Plains Village Tradition. Based on archeological, physical anthropological, oral tradition, historic evidence, and geography, Post-Contact populations are believed to be ancestral Arikara. The Arikara are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation.

In 1964, human remains representing, at minimum, 1 individual was removed from site 39LM34 in Lyman County, SD. The human remains are presently located at the South Dakota State Archeological Research Center (SARC), under the managerial control of the Omaha District. No known individual was identified. The 12 associated funerary objects are 7 ceramic body sherds, 1 incomplete sandstone grinding stone, 1 modified faunal fragment, 1 faunal knife, and 2 charred corn kernels.

In 1964, Dr. O.L. Mallory re-examined a number of sites after the flooding of the Fort Randall Reservoir. At site 39LM34, bank slumping exposed a single nearly complete adult male burial and 12 funerary objects which were collected and stored at the National Park Service Midwest Archeological Center, Lincoln, NE, until 1986. At that time, both the human remains and object were transferred to SARC. SARC sent the remains of the nearly complete adult male to the University of Tennessee, Knoxville, for documentation by a physical anthropologist that same year. The majority of the individual was returned to SARC and reburied along the Missouri River north of Ft. Pierre in 1991. The tibiae and ribs, which had been kept by the University of Tennessee for further analysis, were returned to SARC in 1995, and are accounted for in this notice. Based on

morphological characteristics and the site's artifact assemblage, the human remains are determined to be Native American.

Site 39LM34 is an earth lodge village situated on a low terrace of the right bank of the Missouri River in central South Dakota. Based on the ceramic types (Talking Crow Straight Rim, Iona Indented, and Cloistered Rims), and brass and copper ornaments, the site is dated to the Post-Contact Coalescent variant (A.D. 1675–1780) of the Plains Village Tradition. Based on archeological, physical anthropological, oral tradition, historic evidence, and geography, Post-Contact populations are believed to be ancestral Arikara. The Arikara are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation.

In 1955, human remains representing, at minimum, 4 individuals were removed from site 39WW301 in Walworth County, SD. The human remains are presently located at the South Dakota State Archeological Research Center (SARC), under the managerial control of the Omaha District. No known individuals were identified. No associated funerary objects are present.

Site 39WW301 was excavated by Wesley R. Hurt, University of South Dakota Museum (now known as the W.H. Over Museum) in conjunction with the South Dakota Archeological Commission as part of the Smithsonian Institute River Basin Surveys in 1955. The human remains of three infants and one subadult were collected. Two infants and one subadult were found together in a secondary burial. One infant was found in a refuse mound.

Following excavation, the collection became part of the W.H. Over Museum collections in Vermillion, SD. The collection was transferred to SARC in 1974. In 1978, an infant skull, probably belonging to Individual 1, was inventoried at SARC and by the University of Tennessee, Knoxville, after which it was reburied in 1986 at site 39ST15. During a collection review at SARC in 1993, additional human remains from Individual 1, as well as remains from Individuals 2, 3, and 4 were located. Based on morphological characteristics and the site's artifact assemblage, the human remains are determined to be Native American.

Site 39WW301 is a multi-component site on a high terrace above the confluence of Swan Creek and the Missouri River in Walworth County, north central South Dakota. Based on ceramics, projectile points, architectural features, and feature typologies, two components are represented—the Akaska Focus of the Extended Coalescent variant (A.D. 1500–1675) and the LeBeau Phase of the Post-Contact Coalescent variant (A.D. 1675–1780). Based on archeological, physical anthropological, oral tradition, historic evidence, and geography, Extended and Post-Contact populations are believed to be ancestral Arikara, but in some cases may also represent the Mandan populations. The Mandan and Arikara are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation.

Determinations Made by the Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 7 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 12 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, may proceed.

The U.S. Army Corps of Engineers, Omaha District is responsible for notifying Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, that this notice has been published.

Dated: January 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03610 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22600; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of object of cultural patrimony. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the American Museum of Natural History. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the American Museum of Natural History at the address in this notice by March 27, 2017.

ADDRESSES: Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024–5192, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the American Museum of Natural History, New York, NY, that meets the definition of an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in

this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

In 1901, while on a museum-sponsored expedition to conduct linguistic and ethnological investigations among the Meskwaki (Fox), William Jones acquired the grizzly bear claw necklace from an unspecified individual(s) in Tama, Tama County, IA. The necklace consists of a circular core wrapped in otter fur, onto which are attached 27 grizzly bear claws, each spaced apart by 3 blue glass beads. The necklace has a long trailer that is formed from the folded pelt of the otter which hangs from the back and is decorated by three areas of beading.

Based on the museum's records and consultation with representatives of the Sac & Fox Tribe of the Mississippi in Iowa, this grizzly bear claw necklace is affiliated with the Sac & Fox Tribe of the Mississippi in Iowa. Evidence from museum records, scholarly publications, and information provided during consultation indicates that the necklace has ongoing historical, traditional, and cultural importance to the tribe, and that no individual had the right to alienate it.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the 1 cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Sac & Fox Tribe of the Mississippi in Iowa.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024–5192, telephone (212) 769–5837, email *nmurphy@amnh.org,* by March 27, 2017. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Sac & Fox Tribe of the Mississippi in Iowa may proceed.

The American Museum of Natural History is responsible for notifying the Sac & Fox Tribe of the Mississippi in Iowa that this notice has been published.

Dated: December 19, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03623 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22826; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology at Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology at Indiana University has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Indiana University NAGPRA Office. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Indiana University NAGPRA Office at the address in this notice by March 27, 2017.

ADDRESSES: Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 East Kirkwood Avenue, Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology at Indiana University, Bloomington, IN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Indiana University professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington); and Swinomish Indian Tribal Community (previously listed as the Swinomish Indians of the Swinomish Reservation of Washington). The following tribes were contacted but did not participate in consultations: Confederated Tribes of the Chehalis Reservation; Cowlitz Indian Tribe; Jamestown S'Klallam Tribe; Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington); Makah Indian Tribe of the Makah Indian Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington); Nooksack Indian Tribe; Puyallup Tribe of the Puyallup Reservation; Quileute Tribe of the Quileute Reservation; Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington); Sauk-Suiattle Indian Tribe; Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington); Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington); Snoqualmie Indian Tribe (previously listed as the Snoqualmie Tribe, Washington); Squaxin Island

Tribe of the Squaxin Island Reservation; Suquamish Indian Tribe of the Port Madison Reservation; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and Upper Skagit Indian Tribe (hereinafter referred to as ''The Invited and Consulted Tribes''). Due to the ambiguity of the region listed as the ''Northwest Coast,'' consultation efforts were extended to tribal communities in the coastal areas of Washington State.

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from an unknown location along the ''Northwest Coast.'' This individual was transferred to Indiana University from the University of Chicago during the 1950s along with four other individuals. Notes with these four individuals indicated they were likely collected from the Anacortes area of Washington State. The boxes are recorded as having been previously from the University of Washington; however, efforts in collaboration with NAGPRA personnel at the University of Washington have failed to locate additional information regarding the collection's presence at the University of Washington and its subsequent transfer to the University of Chicago. No known individuals were identified. No associated funerary objects are present.

The four individuals were transferred to the Lummi Tribe of the Lummi Reservation in summer of 2016. Through consultation, it was decided that this individual should be transferred with the other four individuals, as it is likely that they were collected together from the same location.

Determinations Made by the Department of Anthropology at Indiana University

Officials of the Department of Anthropology at Indiana University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological evidence and collection history.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- On January 22, 1855, the Point Elliot Treaty was signed by representatives from the Lummi Tribe of the Lummi Reservation, Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington), Nooksack Indian Tribe, Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington), Sauk-Suiattle Indian Tribe, Snoqualmie Indian Tribe (previously listed as the Snoqualmie Tribe, Washington), Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington), Suquamish Indian Tribe of the Port Madison Reservation, Swinomish Indian Tribal Community (previously listed as the Swinomish Indians of the Swinomish Reservation of Washington), Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington), and the Upper Skagit Tribe (hereinafter referred to as ''The Aboriginal Land Tribes''). The Point Elliot Treaty established an agreement between the United States Government and The Aboriginal Land Tribes for lands in western Washington. The lands around Anacortes, WA from which the Native American human remains were removed were a part of the aboriginal lands ceded by the Point Elliot Treaty.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 East Kirkwood Avenue, Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

Indiana University is responsible for notifying The Invited and Consulted Tribes that this notice has been published.

Dated: January 30, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03619 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22721; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Defense, Department of the Navy, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Defense, Department of the Navy (DoN) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of the Navy. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of the Navy at the address in this notice by March 27, 2017.

ADDRESSES: Dr. Susan S. Hughes, Archaeologist, Department of the Navy, NAVFAC NW., 1101 Tautog Circle, Silverdale, WA 98315, telephone (360) 396–0083, email *susan.s.hughes@navy.mil.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of the Navy. The human remains were removed from Indian Island, Jefferson County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human

remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of the Navy professional staff in consultation with representatives of the Jamestown S'Klallam Tribe and Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians).

History and Description of the Remains

In 1976, human remains representing, at minimum, 2 individuals were removed from Walan Point, Indian Island in Jefferson County, WA. The site was first recorded by G.L. Coale in 1956. Prior to the construction of an ammunitions pier and support facilities on the sandspit, Astrida Blukis Onat with Seattle Central Community College conducted test excavations at the site in 1975. Analysis of the materials indicated the site to be a temporary procurement camp less than 2000 years old. Among the many artifacts recovered were fragments of unidentified human bone from four excavation units: 92N10W, 98N8W, 114N8W, and 130N11W. These materials were briefly mentioned in Blukis Onat's 1976 report. During pier construction later that year, heavy equipment unearthed two human burials at depths of 40 to 60 centimeters below the surface along with several surface bone fragments. One of the burials was estimated to be 300 years old based on the decomposition of the cedar box that the individual was buried in. These remains were studied by a physical anthropologist and the results summarized in Blukis Onat and Haversat (1977). All materials recovered from the excavations were transferred to the Washington State University's Museum of Anthropology for storage.

Following a 1995 curation assessment performed by the Washington State University Museum (Andrefsky et al. 1995), all known human remains and associated funerary objects from the Walan Point site were repatriated with the Jamestown S'Klallam Tribe. The Notice of Inventory Completion was published in the **Federal Register** on December 17, 1998, 63 FR 69651. The human remains and associated funerary objects were transferred to the S'Klallam on February 8, 1999, and subsequently re-interred in a repatriation cemetery on NAVMAG Indian Island. In 2002, the remaining artifacts and excavation records from Walan Point were transferred from Washington State University to the Jamestown S'Klallam Reservation Tribal Center in Blyn, WA. The Jamestown S'Klallam moved the materials to a different facility in 2015. That same year, the U.S. Army Corps of Engineers Center of Expertise for the Curation and Management of Archaeological Collections performed an updated Curation Assessment of the Indian Island collection at the new facility. During this assessment, two small bags labeled as human remains, each containing one bone, were found in a box of faunal remains (Williams 2015).

In 2016, these two bones were sent to Dr. Guy Tasa, forensic anthropologist with the Washington State Department of Archaeology and Historic Preservation, for identification. Dr. Tasa identified the bones as representing two sub-adult humans of unknown sex. The first is a humoral head belonging to a child, aged 5 to 16 years of age; the second, the left tibia epiphysis from a sub-adult, aged 10 to 15 years. These bones appear to have been recovered from Blukis Onat's 1976 excavation, units 92N10W and 98N8W, respectively. It is the intent of the Department of the Navy to repatriate these additional human remains from the Walan Point site. No known individuals were identified. No associated funerary objects are present.

Based on the ethnographic data, tribal accounts, and archeological data, the Department of the Navy has determined that the Jamestown S'Klallam, Lower Elwha Clallam, and Port Gamble S'Klallam Tribes are most closely affiliated with these remains. Ethnographic studies place Indian Island within the traditional territory of the Chemakum Tribe. By the early 1850s, the Chemakum population was reduced to 90 individuals; by 1878, only 13 individuals remained. The much larger Clallam (S'Klallam) Tribe, whose territory joined the Chemakum's on the west, took over Chemakum territory in the later 1800s, and the few remaining Chemakum still living in the area joined with the Clallam Tribe.

Determinations Made by the Department of the Navy

Officials of the Department of the Navy have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human and the Jamestown S'Klallam Tribe, Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington), and Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Susan S. Hughes, Archaeologist, Department of the Navy, NAVFAC NW., 1101 Tautog Circle, Silverdale, WA 98315, telephone (360) 396–0083, email *susan.s.hughes@navy.mil,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Jamestown S'Klallam Tribe, Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington), and Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians) may proceed.

The Department of the Navy is responsible for notifying the Jamestown S'Klallam Tribe, Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington), and Port Gamble S'Klallam Tribe (previously listed as the Port Gamble Band of S'Klallam Indians) that this notice has been published.

Dated: January 9, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03611 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22730; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum (Burke Museum), in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal

descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Burke Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Burke Museum at the address in this notice by March 27, 2017.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Burke Museum, Seattle, WA, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In the late 19th century, 33 cultural items were removed from an unknown location by James T. White from Point Hope, North Slope Borough, AK, and later donated to the Burke Museum by his wife in 1904. The 33 unassociated funerary objects are 1 wooden mask, 4 ground stone tools, 1 lot of earthenware fragments, 1 ivory thimble holder, 1 needle, 1 needle case, 1 comb, 1 scoop, 1 pipe, 2 pipe bowls, 1 ivory tool, 3 ground stone knives, 2 stone points, 2 bone points, 2 harpoon heads, 1 scraper blade, 4 harpoon points, 1 lance, 1 sinew rope, and 2 adzes.

In the late 19th century, one unassociated funerary object was removed from Point Hope, AK. It is believed that this object was also removed by James T. White and donated to Young Naturalist Society, who then donated it to the Burke Museum in 1904. The one unassociated funerary object is one lot of earthenware fragments. These fragments are labeled with the same writing and are given similar numbers to the other fragments from James T. White.

The objects were listed in the accession records as being removed from ''old Tigarah'' or ''old Eskimo'' graves at Point Hope. The objects are consistent with historic and prehistoric material cultural from this area and are related to the Inupiat people of the Point Hope (Tikigaq, aka Tigara) area (Damas, 1984). The modern day Inupiat descendants from Point Hope are members of the Native Village of Point Hope.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 34 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Native Village of Point Hope.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.edu,* by March 27, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Native Village of Point Hope may proceed.

The Burke Museum is responsible for notifying the Native Village of Point Hope that this notice has been published.

Dated: January 11, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03605 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22812; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Dana Adobe Nipomo Amigos, Nipomo, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Dana Adobe Nipomo Amigos has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Dana Adobe Nipomo Amigos. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Dana Adobe Nipomo Amigos at the address in this notice by March 27, 2017.

ADDRESSES: Donna L Gillette, Ph.D., NAGPRA Collections Manager, Dana Adobe Nipomo Amigos, 671 South Oakglen Avenue, Nipomo, CA 93444, telephone (805) 929–5679, email *dana@danaadobe.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Dana Adobe Nipomo Amigos, Nipomo, CA. The human remains were removed from Nipomo, San Luis Obispo County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Dana Adobe Nipomo Amigos professional staff in consultation with osteologists and representatives of the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, and the yak tityu tityu Northern Chumash Tribe, a non-federally recognized Indian group.

History and Description of the Remains

In July 2012, human remains representing, at minimum, one individual were removed from the Dana Adobe site in San Luis Obispo County, CA. The human remains were excavated from the northeast corner of the 1840s adobe while in the process of installing a four-inch wide drain pipe at a depth of 20–30 cm around the perimeter of the building. The firm that conducted the excavation initially identified all of the materials removed from the site as belonging to a medium to large unidentified mammal. Subsequently, the Dana Adobe Nipomo Amigos consulted with an osteologist to confirm that all materials in its possession were non-human. In the process, eight fragments were identified as one adult human, over the age of 20, and probably a female, while a ninth fragment was identified as likely of human origin. No known individuals were identified. No associated funerary objects are present.

Archeological evidence shows that the geographical area where the site is located has seen aboriginal activity for over 11,000 years, as evidenced by the recovery of a fluted point within the viewshed. In addition, ethnographic evidence identifies the Chumash as having occupied the area. Based on evidence provided by postmortem damage, these human remains predate the 1839–1840 construction of the Dana Adobe.

Determinations Made by the Dana Adobe Nipomo Amigos

Officials of the Dana Adobe Nipomo Amigos have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Donna L. Gillette, Ph.D., NAGPRA Collections Manager, Dana Adobe Nipomo Amigos, 671 South Oakglen Avenue, Nipomo, CA 93444, telephone (805) 929–5679, email *dana@danaadobe.org,* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, may proceed.

The Dana Adobe Nipomo Amigos is responsible for notifying the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, and the yak tityu tityu Northern Chumash Tribe, that this notice has been published.

Dated: January 27, 2017

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03620 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22599; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Museum of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Robert S. Peabody Museum of Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Robert S. Peabody Museum of Archaeology at the address in this notice by March 27, 2017.

ADDRESSES: Ryan Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, (978) 749–4490, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Robert S. Peabody Museum of Archaeology, Phillips Academy. The human remains and associated funerary objects were removed from Pecos Pueblo, San Miguel County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Pueblo of Jemez, New Mexico.

History and Description of the Remains

In 1915, human remains representing, at minimum, one individual were removed from a burial at Pecos Pueblo in San Miguel County, NM during excavations conducted by Alfred Vincent Kidder under the auspices of the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology). The individual is a fetus or infant wrapped in cloth. No known individuals were identified. The two associated funerary objects are the cotton textile wrapping and knit cordage with tassels, including three copper sequins and other small metal wires on one tassel. A conservation report on file indicates that the cloth is a commercial cotton textile that looks like crepe. The accession and

catalog number for this group is 100633/69667; alternate numbers 16512 (the burial) and 3641 (associated knit cordage with tassels, including copper sequins) are associated with this individual as well.

Additional information on file indicates that this burial was situated within the ruins of the Spanish church at the Pecos Pueblo site. Archeologist Jesse L. Nusbaum conducted repairs and stabilization of the mission church ruins at Pecos in 1915. It is possible that this burial was recovered during that time. Kidder (see *Pecos, New Mexico: Archaeological Notes* 1958:282, 304–305) reports that a great many burials were present under the nave of the church, but that local feelings prevented extensive excavations until 1925, when 56 individuals were removed. The fourth church constructed at Pecos Pueblo was in use throughout the eighteenth century and until 1829, when Catholic worship moved to the nearby village of San Miguel del Vado. The burial likely dates to this time period.

In 1916, human remains representing, at minimum, one individual were removed from a burial at Pecos Pueblo in San Miguel County, NM, during excavations conducted by Alfred Vincent Kidder under the auspices of the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology). The human remains are represented by hair. No known individuals were identified. The one associated funerary object is leather wrapping, though general deterioration makes it impossible to distinguish between the hair and any leather wrapping that is still present. The accession ledgers indicate that the hair and wrapping were associated with Skeleton 471. The accession and catalog number for this group is 100633/67654; alternate catalog number 12378 is associated with this individual as well.

Copies of burial cards from the excavation describe the mode of burial as flexed, with the individual on his left side and his head to the north. A bone awl and two bone beads (not addressed in this Notice) were included with the burial, and fragments of at least two decayed corn cobs were noted in the grave. Michèle Morgan's 2010 edited volume *Pecos Pueblo Revisited: The Biological and Social Context* describes this individual as an adult male, 15 to 17 years old at age of death (page 180). The catalog number associated with the human remains is 59873. The skeletal remains and associated funerary objects (awl and bone beads) were addressed in the notices previously published by the Robert S. Peabody Museum of Archaeology and the Peabody Museum of Archaeology and Ethnology, Harvard University, and were repatriated to the Pueblo of Jemez in May 1999. Provenience information is given as 1000–E–150, depth from surface 48 inches, 14 inches above red clay. Catalog data indicates that this individual is associated with Kidder's Glaze 5 pottery, circa AD 1515 to 1700.

The majority of human remains, associated funerary objects, and unassociated funerary objects excavated by Alfred V. Kidder from Pecos Pueblo and allied sites between 1915 and 1929 were addressed in Notices of Inventory Completion, Corrections, and Notices of Intent to Repatriate Cultural Items published in the **Federal Register** (63 FR 54729–54730, October 13, 1998; 64 FR 18447, April 14, 1999; and 67 FR 36646, May 24, 2002) by the Robert S. Peabody Museum of Archaeology and the Peabody Museum of Archaeology and Ethnology, Harvard University (a separate institution with no formal connection to the Robert S. Peabody Museum of Archaeology). The fetus or infant burial (assigned accession and catalog number 100633/69667) was not addressed in earlier notices and was not repatriated. Associated shell and lignite pendants associated with the fetus or infant burial, however, were addressed in earlier notices and repatriated to the Pueblo of Jemez in May 1999. The excavators seem to have handled the hair and wrapping (assigned accession and catalog number 100633/67654) separately from the associated skeletal remains; the skeletal remains and associated funerary objects (awl and bone beads) were addressed in earlier notices and repatriated to the Pueblo of Jemez. The fetus or infant and the hair and wrappings have remained on loan to the Pecos National Historical Park in New Mexico along with other Pecos Pueblo collections held by the Robert S. Peabody Museum of Archaeology.

The chronology developed for Pecos Pueblo, based on ceramic types, indicates the site was occupied from ca. A.D. 1300 to 1700. Historic records document occupation at the site until 1838, when the last inhabitants left the Pueblo and went to the Pueblo of Jemez. In 1936, an Act of Congress recognized the Pueblo of Jemez as a ''consolidation'' and ''merger'' of the Pueblo of Pecos and the Pueblo of Jemez; this Act further recognized that all property, rights, titles, interests, and claims of both pueblos were consolidated under the Pueblo of Jemez, New Mexico.

Further evidence supporting a shared group identity between the Pecos and Jemez pueblos emerges in numerous aspects of present-day Jemez life. The 1992–1993 Pecos Ethnographic Project (unrelated to NAGPRA) states: ''[T]he cultural evidence of Pecos living traditions are (1) the official tribal government position of a Second Lieutenant/Pecos Governor; (2) the possession of the Pecos Pueblo cane of office; (3) the statue and annual feast day of Porcingula (Nuestra Senora de los Angeles) on August 2; (4) the Eagle Watchers' Society; (5) the migration of Pecos people in the early nineteenth century; (6) the knowledge of the Pecos language by a few select elders'' (see ''An Ethnographic Overview of Pecos National Historical Park'' by Frances Levine, Marilyn Norcini, and Morris Foster 1994:2–3).

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the three objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Pueblo of Jemez, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Ryan Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, (978) 749–4490, email *rwheeler@andover.edu* by March 27, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Pueblo of Jemez may proceed.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the Pueblo of Jemez, New Mexico that this notice has been published.

Dated: December 19, 2016.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–03622 Filed 2–23–17; 8:45 am]

BILLING CODE 4312–52–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 Document Cameras and Software for Use Therewith, DN 3198.* 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 Pathway Innovations and Technologies, Inc. on February 17, 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 document cameras and software for use therewith. The complaint names as respondents IPEVO, Inc. of Sunnyvale, CA; A Ver Information Inc. of Fremont, CA; and Lumens Integration, Inc. of Fremont, CA. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, 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. 3198'') 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

[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.*

Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued February 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–03561 Filed 2–23–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0099]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; ATF Adjunct Instructor Data Form—ATF Form 6140.3

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 25, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Gus Jakowitsch, Professional/Technical Training & Development Branch, either by mail at 99 New York Avenue NE., Washington, DC 20226 or by email at *Gustav.Jakowitsch@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection (*check justification or form 83): Extension of a currently approved collection.

2. *The Title of the Form/Collection:* ATF Adjunct Instructor Data Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 6140.3.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other (if applicable): None.

Abstract: The information collected on ATF F 6140.3 will provide ATF with sufficient data to uniquely identify individual instructors, validate instructor topical expertise prior to training, and defend an instructor's qualifications in court regarding topical expertise.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 20 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 10 hours, which is equal to (20 (# of respondents) × .5 (30 mins)).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03659 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0016]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Registration of Firearms Acquired by Certain Government Entities ATF F 10 (5320.10)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the [**Federal Register** 81 FR 89149, on December 9, 2016, allowing for a 60-day comment period].

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 27, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Gary Schaible, Office of Enforcement Programs and Services, National Firearms Act Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) either by mail at 99 New York Ave NE., Washington, DC 20226, by email at *nfaombcomments@atf.gov,* or by telephone at 202 648–7165. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Application for Registration of Firearms Acquired by Certain Government Entities.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 10 (5320.10).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other: None.

Abstract: The ATF Form 10 (5320.10) is used to allow State and local government agencies to register otherwise unregistrable National Firearms Act (NFA). The NFA requires the registration of certain firearms under Federal Law. The Form 10 registration, which is for official use only by the agency, allows State and local agencies to retain and use firearms which otherwise would have to be destroyed and comply with the NFA.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,507 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 753.5 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03656 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0097]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Supplemental Information on Water Quality Considerations (ATF F 5000.30)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 81 FR 87592, on December 5, 2016, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 27, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Shawn Stevens, Federal Explosives Licensing Center either by mail at 244 Needy Road, Martinsburg, WV 25405, or by telephone at 304–616–4421. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension, without change, of a currently approved collection.

(2) *The Title of the Form/Collection:* Supplemental Information on Water Quality Considerations

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: (ATF F 5000.30).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: The data provided by the applicant on ATF F 5000.30, Supplemental Information on Water Quality Considerations, allows the ATF to identify waste product(s) generated as a result of explosives operations, the

disposal of these products into navigable waters, and if there is any adverse impact on the environment. The information may be disclosed to other Federal, State, and local law enforcement and regulatory personnel, in order to verify information on the form and aid in the enforcement of environmental laws.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 680 respondents will utilize the form, and it will take each respondent 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 340 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03654 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0104]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Application for Alternate Means of Identification of Firearm(s) (Marking Variance) (ATF Form 3311.4)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 81 FR 86013, on November 29, 2016, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 27, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Mark Pawielski, Firearm & Ammunition Technology Division either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Mark.Pawielski@atf.gov,* or by telephone at 304 616 4304 Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Application for Alternate Means of Identification of Firearm(s) (Marking Variance).

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 3311.4.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Federal Government.

Abstract: The ATF Form 3311.4 provides a uniform mean for industry members with a valid Federal importer or manufacturer license, to request firearms marking variance.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,064 respondents will utilize the form, and it will take each respondent 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 1,032 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03652 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0028]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Inventories, Licensed Explosives Importers, Manufacturers, Dealers, and Permittees

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 25, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Anita Scheddel, Program Analyst, Explosives Industry Programs Branch, either by mail 99 New York Ave. NE., Washington, DC 20226, by email at *Anita.Scheddel@atf.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection (*check justification or form 83): Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Inventories, Licensed Explosives Importers, Manufacturers, Dealers, and Permittees.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: The records show the explosive material inventories of those persons engaged in various activities within the explosive industry and are used by the government as initial figures from which an audit trail can be developed during the course of a compliance inspection or criminal investigation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 9,916 respondents will respond twice to provide inventory for this collection, and it will take each respondent approximately 1 hour to complete each inventory.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 19, 832 hours, which is equal to (9,916 * 2 (# of responses) * 1 (hour to provide each inventory).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03651 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0056]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Special Agent Medical Preplacement (ATF F 2300.10)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** 81 FR 83281, on November 21, 2016, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 27, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Danielle Thompson Murray, Special Agent/ Industry Operations Investigator Recruitment, Diversity and Hiring Division, either by mail at Bureau of Alcohol, Tobacco and Firearms, 99 New York Ave. NE., Washington, DC 20226, or by telephone at 202–648–9098. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Special Agent Medical Preplacement.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF F 2300.10.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Federal Government.

Abstract: The ATF F 2300.10 Special Agent Medical Preplacement form is used by special agents and explosives enforcement officers who are applying for a specific criminal investigator or explosives enforcement officer position with ATF. This position has specific medical standards and physical requirements. The information on the form is used to determine medical suitability for the position.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 120 respondents will utilize the form, and it will take each respondent approximately 45 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 90 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03653 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0032]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Records of Acquisition and Disposition, Collectors of Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the [**Federal Register** 81 FR 90385, on December 14, 2016, allowing for a 60-day comment period].

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 27, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any other additional information, please contact Rinell Lawrence, Firearms Industry Program Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), either by mail at 99 New York Ave. NE., Washington, DC 20226, by email at *fipb-informationcollection@atf.gov,* or by telephone at 202–648–7190. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *The Title of the Form/Collection:* Records of Acquisition and Disposition, Collectors of Firearms.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The recordkeeping requirement for this collection is primarily to facilitate ATF's authority to inquire into the disposition of any firearm during the course of a criminal investigation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 56,928 respondents will report once annually for this collection, and it will take each respondent approximately 3 hours to complete a report.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 173,630 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03657 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0090]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection; National Firearms Act (NFA)—Special Occupational Taxes (SOT), (ATF Form 5630.5R, ATF Form 5630.5RC, and ATF Form 5630.7)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 25, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Gary Schaible, Office of Enforcement Programs and Services, National Firearms Act Division, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) either by mail at 99 New York Ave. NE., Washington, DC 20226, by email at *nfaombcomments@atf.gov,* or by telephone at 202 648–7165.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection (check justification or form 83):* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* National Firearms Act (NFA)—Special Occupational Taxes (SOT).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5630.5R, ATF Form 5630.5RC, and ATF Form 5630.7.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other (if applicable): None.

Abstract: ATF F 5630.7, NFA Special Tax Registration and Return National Firearms Act is completed and returned by businesses that are subject to Special Occupational Taxes under the National Firearms Act for either initial tax payment or business information changes. This form serves as both a return and a business registration. ATF F 5630.5R, NFA Special Tax Renewal Registration and Return and ATF F 5630.5RC, NFA Special Tax Location Registration Listing are preprinted forms sent to taxpayers for Special Occupation Taxes under the National Firearms Act. Taxpayers validate/correct the information and send the forms back with payment for the applicable tax year.

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 6,000 taxpayers will complete forms ATF F 5630.5R and ATF F 5630.5RC in approximately 20 minutes (10 minutes for each form). It is also estimated that 350 new taxpayers will complete ATF F 5630.7 in its entirety in approximately 15 minutes. The combined total number of respondents for this information collection is 6,350, while the combined total response time is 35 minutes.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with ATF F 5630.5R and ATF F 5630.5RC is 2,000 hours. The total burden for ATF F 5630.7 is 88 hours. Therefore the estimated total public burden associated with this information collection is 2,088 hours which is equal to (6000 (# of respondents for ATF F 5630.5R and ATF F 5630.5RC) * .3333 (20 mins) + 350 (# of respondents for ATF F 5630.7) * .25 (15 mins).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: February 21, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–03655 Filed 2–23–17; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Access to Employee Exposure and Medical Records

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Access to Employee Exposure and Medical Records'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 27, 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=201611-1218-003* (this link will only become active on the

day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–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: 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 Access to Employee Exposure and Medical Records information collection requirements codified in regulations 29 CFR 1910.1020 that require an Occupational Safety and Health Act (OSH Act) covered employer to preserve and to provide access to records associated with workers' exposure to toxic chemicals and harmful physical agents. OSH Act sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0065.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 12, 2016 (81 FR 62766).

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 1218–0065. 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: Access to Employee Exposure and Medical Records.

OMB Control Number: 1218–0065.

Affected Public: Individuals or Households; Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 740,615.

Total Estimated Number of Responses: 6,437,597.

Total Estimated Annual Time Burden: 717,221 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 17, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–03669 Filed 2–23–17; 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; Student Data

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Student Data,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 27, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-1218-002* (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

Student Data (Form OSHA–182) information collection. The Occupational Safety and Health Act of 1970 (OSH Act) authorizes the OSHA to conduct education and training courses. *See* 29 U.S.C. 670. These courses must educate an adequate number of qualified personnel to fulfill OSH Act purposes; provide personnel with short-term training; inform students of the importance and proper use of safety and health equipment; and train employers and workers to recognize, to avoid, and to prevent unsafe and unhealthful working conditions. The OSHA Training Institute provides basic, intermediate, and advanced training and education in occupational safety and health for Federal and State compliance officers, OSHA professionals and technical-support personnel, employers, workers, organizations representing workers and employers, educators who develop curricula and teach occupational safety and health courses, and representatives of professional safety and health groups.

A student attending OSHA Training Institute courses completes Form OSHA–182 on the first day of class. The Form collects information under five major categories: course information, personal data, employer data, emergency contacts, and student groups. The OSHA uses information provided on the Student Data Form to contact a designated person in case of an emergency, to prepare certain OSH Act-required reports, tuition receipts, to evaluate training output, and to make decisions regarding program/course revisions, budget support, and tuition costs. OSH Act section 21 authorizes this information collection. *See* 29 U.S.C. 670.

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 1218–0172.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 29, 2016 (81 FR 67010).

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 1218–0172. 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: Student Data.

OMB Control Number: 1218–0172.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 5,000.

Total Estimated Number of Responses: 5,000.

Total Estimated Annual Time Burden: 400 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 17, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–03665 Filed 2–23–17; 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; Occupational Safety and Health Administration Conflict of Interest and Disclosure

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Occupational Safety and Health Administration Conflict of Interest and Disclosure,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 27, 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=201611-1218-009* (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: 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 OSHA Conflict of Interest and Disclosure, Forms OSHA–80.1 and OSHA 80.1, information collection. The OSHA uses the forms to determine whether a conflict of interest exists for a potential panel member when important scientific information is peer reviewed by qualified specialists before public dissemination by the OSHA. PRA section 2 and Consolidated Appropriations Act, 2001 section 515(1), authorize this information collection. *See* 44 U.S.C. 3506(e) and Pub. Law 106–554 section 515(l).

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 1218–0255.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 29, 2016 (81 FR 67004).

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 1218–0255. 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: Occupational Safety and Health Administration Conflict of Interest and Disclosure.

OMB Control Number: 1218–0255.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 36.

Total Estimated Number of Responses: 36.

Total Estimated Annual Time Burden: 27 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 17, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–03666 Filed 2–23–17; 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; Aerial Lifts Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Aerial Lifts 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). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 27, 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=* 201612–1218–002 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 INFORMATIONCONTACT: 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 Aerial Lifts Standard information collection requirements specified in regulations 29 CFR 1926.453. More specifically, the information collection requirement in the Aerial Lifts Standard is a certification provision found in paragraph (a)(2). This provision requires an Occupational Safety and Health Act (OSH Act) covered employer subject to the Standard who modifies an aerial lift for a use not intended by the lift manufacturer (*i.e.,* a ''field modified aerial lift'') to obtain from that manufacturer, or an equivalent entity (such as a nationally-recognized laboratory), a written certificate stating that: (1) The modification conforms to applicable ANSI A92.2–1969 and OSHA Aerial Lifts Standard provisions and (2) the modified aerial lift is at least as safe as it was before modification. OSH Act sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0216.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 29, 2016 (81 FR 67006).

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 1218–0216. 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: Aerial Lifts Standard.

OMB Control Number: 1218–0216.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 10.

Total Estimated Number of Responses: 10.

Total Estimated Annual Time Burden: 1 hour.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 17, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–03668 Filed 2–23–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Data Users Advisory Committee; Request for Nominations

AGENCY: Bureau of Labor Statistics (BLS), Department of Labor.

ACTION: Request for nominations to the BLS Data Users Advisory Committee.

SUMMARY: The BLS is soliciting new members for its Data Users Advisory Committee (DUAC). The current membership expires on January 15, 2018. The DUAC provides advice to the Bureau of Labor Statistics from the points of view of data users from various sectors of the U.S. economy, including the labor, business, research, academic, and government communities, on matters related to the analysis, dissemination, and use of the Bureau's statistics, on its published reports, and on gaps between or the need for new Bureau statistics. The Committee will consist of 20 members and will be chosen from a cross-section of individuals who represent a balance of expertise across a broad range of BLS program areas, including employment and unemployment statistics, occupational safety and health statistics, compensation measures, price indexes, and productivity measures; or other areas related to the subject matter of BLS programs. BLS invites persons interested in serving on the DUAC to submit their names for consideration for committee membership.

DATES: Nominations for the DUAC membership should be postmarked by March 3, 2017.

ADDRESSES: Nominations for the DUAC membership should be sent to: Acting Commissioner William Wiatrowski, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE., Room 4040, Washington, DC 20212.

FOR FURTHER INFORMATION CONTACT: Kathy Mele, Deputy Associate Commissioner, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE. Office of Publications and Special Studies, Room 2850, Washington, DC 20212. Telephone: (202)691–6102. This is not a toll free number.

SUPPLEMENTARY INFORMATION: BLS intends to renew membership in the DUAC for another three years. The BLS operates over two dozen surveys that measure employment and unemployment, compensation, worker safety, productivity, and consumer and producer price movements. BLS provides a wealth of economic data and analyses to support public and private decision making. The DUAC was established to provide advice to the Commissioner of Labor Statistics on the priorities of data users, suggestions concerning the addition of new programs, changes in emphasis of existing programs or cessation of obsolete programs, and advice on potential innovations in data analysis, dissemination, and presentation.

Nominations: BLS is looking for committed DUAC members who have a strong interest in, and familiarity with, BLS data. The Agency is looking for nominees who use and have a comprehensive understanding of economic statistics. The U.S. Bureau of Labor Statistics is committed to bringing greater diversity of thought, perspective, and experience to its advisory committees. Nominees from all races, gender, age, and disabilities are encouraged to apply. Interested persons may nominate themselves or may submit the name of another person who they believe to be interested in and qualified to serve on the DUAC. Nominations may also be submitted by organizations. Nominations should include the name, address, and telephone number of the candidate. Each nomination should include a summary of the candidate's training or experience relating to BLS data specifically, or economic statistics more generally. BLS will conduct a basic background check of candidates before their appointment to the DUAC. The background check will involve accessing publicly available, Internet based sources.

Authority: This notice was prepared in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended,5 U.S.C. App. 2, the Secretary of Labor has determined that the Bureau of Labor Statistics Data Users Advisory Committee is in the public interest in connection with the performance of duties

imposed upon the Commissioner of Labor Statistics by 29 U.S.C. 1 and 2. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Signed at Washington, DC, this 6th day of February 2017.

Kimberley D. Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2017–03630 Filed 2–23–17; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2010–0040]

Concrete and Masonry Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Concrete and Masonry Construction.

DATES: Comments must be submitted (postmarked, sent, or received) by April 25, 2017.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method you must submit a copy of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2010–0040, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3653, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2010–0040) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The warning signs/barriers required by paragraph 1926.701(c)(2) reduce exposure of non-essential workers to the hazards of post-tensioning operations, principally a failed rope or wire striking a worker and causing serious injury. The requirements for lockout and tag ejection systems and other hazardous equipment (*e.g.,* compressors, mixers, screens or pumps used for concrete and masonry construction) specified by paragraphs 1926.702(a)(2), (j)(1), and (j)(2) warn equipment operators not to activate their equipment if another worker enters the equipment to perform a task (*e.g.,* cleaning, inspecting, maintaining, repairing), thereby preventing injury or death.

Construction contractors and workers use the drawings, plans, and designs required by paragraph 1926.703(a)(2) to provide specific instructions on how to construct, erect, brace, maintain, and remove shores and formwork if they pour concrete at the job site. Paragraph 1926.705(b) requires employers to mark the rated capacity of jacks and lifting units. This requirement prevents overloading and subsequent collapse of jacks and lifting units, as well as their loads, thereby sparing exposed workers from serious injury or death.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements specified in the Concrete and Masonry Construction Standard. The Agency is requesting to retain its current burden hours of 12,771 burden hours.

Type of Review: Extension of a currently approved collection.

Title: Concrete and Masonry Construction Standard (29 CFR part 1926, subpart Q).

OMB Control Number: 1218–0095.

Affected Public: Business or other for-profits.

Number of Respondents: 798,160.

Frequency of Responses: On occasion.

Total Responses: 159,632.

Average Time per Response: Five minutes (.08 hour) to post or place warning signs, locks, or tags.

Estimated Total Burden Hours: 12,771.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2010–0040). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link.

Contact the OSHA Docket Office for information about materials not available from the Web site and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on January 27, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–03710 Filed 2–23–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17–010)]

NASA Advisory Council; Ad Hoc Task Force on STEM Education; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Ad Hoc Task Force on Science, Technology, Engineering and Mathematics (STEM) of the NASA Advisory Council (NAC). This Task Force reports to the NAC.

DATES: Monday, March 13, 2017, 9:30 a.m.–3:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 3H42 (MIC 3A), 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Beverly Girten, Executive Secretary, NAC Ad Hoc Task Force on STEM Education, NASA Headquarters, Washington, DC 20546, (202) 358–0212, or *beverly.e.girten@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public to the capacity of the room. This meeting will also be available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 844–467–6272 or toll access number 720–259–6462, and then the numeric participant passcode: 329152 followed by the # sign. To join via WebEx, the link is *https://nasa.webex.com/,* the meeting number is 991 306 157 and the password is March132017! (Password is case sensitive.) NOTE: If dialing in, please ''mute'' your telephone. The agenda for the meeting will include the following:

—Opening Remarks by Chair

—Leadership Transition

—NASA Education For You

—Business Service Assessment and Lean Six Sigma Updates

—Formulation of Recommendations and Findings

—Other Related Topics

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with driver's licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the ''List of the Acceptable Documents'' on Form I–9]. Non-compliant states/territories are: Maine, Minnesota, Missouri, Montana, and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting by contacting Dr. Beverly Girten via email at *beverly.e.girten@nasa.gov* or by telephone at (202) 358–0212. It is imperative that the meeting be held on this date to accommodate the

scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017–03667 Filed 2–23–17; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0056]

Emergency Planning For Research and Test Reactors and Other Non-Power Production and Utilization Facilities

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–2004, ''Emergency Planning for Research and Test Reactors and Other Non-Power Production and Utilization Facilities.'' This DG is proposed Revision 2 of Regulatory Guide (RG) 2.6, ''Emergency Planning for Research and Test Reactors.'' The NRC proposes to revise the RG by updating it to approve the use of the most current version of the American National Standards Institute (ANSI)/American Nuclear Society (ANS) standard ANSI/ANS–15.16–2015, ''Emergency Planning for Research Reactors.'' The proposed revision provides licensees and applicants with a method that the NRC staff considers acceptable for use in complying with the regulations on the content of emergency plans for research and test reactors and other non-power production and utilization facilities.

DATES: Submit comments by April 25, 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:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0056. 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.
- *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 obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Geoffrey Wertz, Office of Nuclear Reactor Regulation, telephone: 301–415–0893, email: *Geoffrey.Wertz@nrc.gov;* or Mark Orr, Office of Nuclear Regulatory Research, telephone: 301–415–6003, email: *Mark.Orr@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–2017–0056 when contacting the NRC about the availability of information regarding this action. You may obtain publically-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–2017–0056.
- *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–2004 is available in ADAMS under Accession No. ML16035A476. The regulatory analysis for this DG is available in ADAMS under Accession No. ML16035A477.
- *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–2017–0056 in 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 enters 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 issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled ''Emergency Planning for Research and Test Reactors and Other Non-Power Production and Utilization Facilities,'' is proposed Revision 2 of RG 2.6, ''Emergency Planning for Research and Test Reactors.'' The DG is temporarily identified by its task number, DG–2004. This proposed revision addresses new issues identified since the guide was last revised in March 1983. This revision endorses the latest version of the consensus standard, ANSI/ANS–15.16–2015, ''Emergency Planning for Research Reactors'' (Ref. 9) (ANSI/ANS–15.16 or the standard). The scope was expanded to address non-power facilities according to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), other than research and test reactors. Other changes to RG 2.6

include editorial changes, and the current program guidance for RGs.

Copies of ANSI/ANS–15.16–2015 may be purchased from the American Nuclear Society (ANS) Web site (*http://www.new.ans.org/store/*); or by writing to: American Nuclear Society, 555 North Kensington Avenue, La Grange Park, Illinois 60526, U.S.A., telephone: 1–800–323–3044. Revising this regulatory guide to adopt, in whole or in part, a consensus standard is consistent with the NRC policy of evaluating the latest versions of national consensus standards to determine their suitability for endorsement by regulatory guides. This approach also complies with the NRC's Management Directive (MD) 6.5, ''NRC Participation in the Development and Use of Consensus Standards'' (ADAMS Accession No. ML16193A497), and is in accordance with Public Law 104–113, ''National Technology Transfer and Advancement Act of 1995.''

III. Backfitting

The regulatory positions held in this DG demonstrate the method that the NRC staff finds acceptable for an applicant or holder of a license under 10 CFR part 50 for a research and test reactor and other non-power production or utilization facility to meet the applicable emergency preparedness requirements.

The issuance of the guidance in this DG would not constitute ''backfitting,'' as that term is defined in 10 CFR 50.109, ''Backfitting,'' because non-power production and utilization facility licensees are not included within the scope of entities protected by 10 CFR 50.109.

Dated at Rockville, Maryland, this 17th 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. 2017–03601 Filed 2–23–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0057]

Physical Inventories and Material Balances at Fuel Cycle Facilities

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- 5056, ''Physical Inventories and Material Balances at Fuel Cycle Facilities.'' This new regulatory guide (RG) would provide implementing guidance for material control and accounting (MC&A) requirements in NRC regulations related to the performance, evaluation, and reporting of physical inventories of special nuclear material, and material balances at fuel cycle facilities. Guidance on these requirements was previously provided in RG 5.13, ''Conduct of Nuclear Material Physical Inventories,'' and RG 5.33, ''Statistical Evaluation of Material Unaccounted For,'' that were issued in 1973 and 1974, respectively. Both RG 5.13 and RG 5.33 would be withdrawn concurrent with issuance of DG–5056 in final form.

DATES: Submit comments by April 25, 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–2017–0057. 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.
- *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: Glenn Tuttle, Office of Nuclear Material Safety and Safeguards, 301–415–7230, email: *Glenn.Tuttle@nrc.gov,* or Mekonen Bayssie, Office of Nuclear Regulatory Research, 301–415–1699, email: *Mekonen.Bayssie@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–2017–0057 when contacting the NRC about the availability of information regarding this action. You may obtain publically-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–2017–0057.
- *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–5056 is available in ADAMS under Accession No. ML15268A458.
- *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–2017–0057 in 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 enters 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 ''Physical Inventories and Material Balances at Fuel Cycle Facilities,'' is a proposed new guide, temporarily identified by its task number, DG–5056. This new RG would provide guidance for meeting the nuclear material control and accounting (MC&A) requirements in part 74 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Material Control and Accounting of Special Nuclear Material,'' that cover these topics. The DG–5056 updates guidance previously provided by:

- RG 5.13, ''Conduct of Nuclear Material Physical Inventories,'' published in November 1973; and
- RG 5.33, ''Statistical Evaluation of Material Unaccounted For'' published in June 1974.

Due to several rulemakings that occurred from 1985 to 2002, which significantly amended the MC&A requirements, the above regulatory guides are now outdated as they no longer cite the correct sections of the regulations. Accordingly, RG 5.13 and RG 5.33 will be withdrawn concurrent with any later issuance of DG–5056 in final form, as DG–5056 would provide the correct citations to the 10 CFR part 74 regulations.

The NRC's guidance on the MC&A requirements pertaining to the performance, evaluation, and reporting of physical inventories and material balances at fuel cycle facilities is also provided in the following NUREGs that were issued in conjunction with the 1985–2002, MC&A rulemakings:

- NUREG–1280, ''Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment,'' applicable to facilities using formula quantities of strategic SNM.
- NUREG–1065, ''Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Facilities,'' applicable to fuel fabrication facilities using low-enriched uranium.
- NUREG/CR–5734, ''Recommendations to the NRC on Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Enrichment Facilities,'' applicable to uranium enrichment plants.

This DG–5056 incorporates guidance from these NUREGs that relates to physical inventories and material balances for SNM. In addition to providing guidance on these topics, the NUREGs listed above cover other MC&A requirements as well. Accordingly, these NUREGs would not be withdrawn when DG–5056 is issued in final form.

III. Backfitting and Issue Finality

Issuance of DG–5056 in final form would not constitute backfitting as defined in 10 CFR 70.76 or violate the issue finality provisions of part 52 for several reasons. First, many of the provisions in the guidance are only updated to reflect the codification of several MC&A provisions in part 74 from part 70, and do not represent substantive changes. Second, DG–5056 would incorporate relevant guidance from NUREG–1280, NUREG–1065, and NUREG/CR–5734 and associated rulemakings without making substantive changes to those positions; these rulemakings and guidance considered the backfitting implications of any new positions, as appropriate, upon their issuance. Finally, as discussed in the ''Implementation'' section of DG–5056, applicants and licensees may voluntarily use its guidance to demonstrate compliance with the part 74 MC&A regulations pertaining to the performance, evaluation, and reporting of physical inventories and material balances. Alternate methods of demonstrating such compliance may be deemed acceptable if they provide sufficient basis and information for the NRC staff to verify that the proposed alternative demonstrates compliance with the relevant NRC regulations.

Accordingly, the issuance of this guidance in final form would not constitute a ''new'' or ''different'' staff position within the definition of ''backfitting'' in 10 CFR 70.76 or the issue finality provisions in part 52.

Dated at Rockville, Maryland, this 17th 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. 2017–03600 Filed 2–23–17; 8:45 am]

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 (44 U.S.C. Chapter 35).

DATES: Submit comments on or before April 25, 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:* Onboarding.

OMB Control Number: 0420–xxxx.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: Peace Corps Volunteers.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. Number of respondents	5000.
b. Frequency of response ..	one time.
c. Completion time	60 minutes.
d. Annual burden hours	5000 hours.

General Description of Collection: The Peace Corps uses the Onboarding Portal to collect essential administrative information from invitees for use during volunteer service, including information such as emergency contacts, legal history updates, direct deposit instructions, and life insurance designations. The information is used by the Peace Corps to establish specific

services for invitees for the purposes of supporting the volunteer during service.

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 21, 2017.

Denora Miller,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017–03640 Filed 2–23–17; 8:45 am]

BILLING CODE 6051–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding 4 Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. *Title and purpose of information collection:* Placement Service; OMB 3220–0057. Section 12(i) of the Railroad Unemployment Insurance Act (RUIA), authorizes the RRB to establish, maintain, and operate free employment offices to provide claimants for unemployment benefits with job placement opportunities. Section 704(d) of the Regional Railroad Reorganization Act of 1973, as amended, and as extended by the Consolidated Omnibus Budget Reconciliation Act of 1985, required the RRB to maintain and distribute a list of railroad job vacancies, by class and craft, based on information furnished by rail carriers to the RRB. Although the requirement under the law expired effective August 13, 1987, the RRB has continued to obtain this information in keeping with its employment service responsibilities under Section 12(k) of the RUIA. Application procedures for the job placement program are prescribed in 20 CFR 325. The procedures pertaining to the RRB's obtaining and distributing job vacancy reports furnished by rail carriers are described in 20 CFR 346.1.

The RRB currently utilizes four forms to obtain information needed to carry out its job placement responsibilities. Form ES–2, *Central Register Notification,* is used by the RRB to obtain information needed to update a computerized central register of separated and furloughed railroad employees available for employment in the railroad industry. Forms ES–21, *Referral to State Employment Service,* and ES–21c, *Report of State Employment Service Office,* are used by the RRB to provide placement assistance for unemployed railroad employees through arrangements with State Employment Service offices. Form UI–35, Field Office Record of Claimant Interview, is used primarily by the RRB to conduct in-person interviews of claimants for unemployment benefits.

Completion of these forms is required to obtain or maintain a benefit. In addition, the RRB also collects Railroad Job Vacancies information received voluntarily from railroad employers.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (81 FR 89521 on December 12, 2016) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Placement Service.

OMB Control Number: 3220–0057.

Form(s) submitted: ES–2, ES–21, ES–21c, UI–35 and Job Vacancies Report.

Type of request: Extension without change of a currently approved collection.

Affected public: Private Sector, Businesses or other for-profits; Individuals or Households; State, Local, and Tribal Governments.

Abstract: Under the RUIA, the Railroad Retirement Board provides job placement assistance for unemployed railroad workers. The collection obtains information from job applicants, railroad employers, and State Employment Service offices for use in placement, for providing referrals for job openings, reports of referral results and for verifying and monitoring claimant eligibility.

Changes proposed: The RRB proposes no revisions to the forms in the collection.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
ES–2	3,750	.25	16
ES–21	80	.68	0.9
ES–21c	25	1.50	0.6
UI–35 in person	6,300	7.00	735
UI–35 by mail	700	10.50	123
Job Vacancies	470	10.00	78
Total	11,325		953

2. *Title and Purpose of information collection:* Certification Regarding Rights to Unemployment Benefits; OMB 3220–0079

Under Section 4 of the Railroad Unemployment Insurance Act (RUIA), an employee who leaves work voluntarily is disqualified for unemployment benefits unless the employee left work for good cause and is not qualified for unemployment benefits under any other law. RRB Form

UI–45, Claimant's Statement—Voluntary Leaving of Work, is used by the RRB to obtain the claimant's statement when the claimant, the claimant's employer, or another source indicates that the claimant has voluntarily left work.

Completion of Form UI–45 is required to obtain or retain benefits. One response is received from each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (81 FR 89522 on December 12, 2016) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Certification Regarding Rights to Unemployment Benefits.

OMB Control Number: 3220–0079.

Form(s) submitted: UI–45.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: In administering the disqualification for the voluntary leaving of work provision of Section 4 of the Railroad Unemployment Insurance Act, the Railroad Retirement Board investigates an unemployment claim that indicates the claimant left voluntarily. The certification obtains information needed to determine if the leaving was for good cause.

Changes proposed: The RRB proposes no changes to Form UI–45.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
UI–45	200	15	50

3. *Title and Purpose of information collection:* Self-Employment and Substantial Service Questionnaire; OMB 3220–0138.

Section 2 of the Railroad Retirement Act (RRA) provides for payment of annuities to qualified employees and their spouses. In order to receive an age and service annuity, Section 2(e)(3) states that an applicant must stop all railroad work and give up any rights to return to such work. However, applicants are not required to stop nonrailroad work or self-employment.

The RRB considers some work claimed as ''self-employment'' to actually be employment for an employer. Whether the RRB classifies a particular activity as self-employment or as work for an employer depends upon the circumstances of each case. These circumstances are prescribed in 20 CFR 216.

Under the 1988 amendments to the RRA, an applicant is no longer required to stop work for a ''Last Pre-Retirement Nonrailroad Employer'' (LPE). However, Section 2(f)(6) of the RRA requires that a portion of the employee's Tier II benefit and supplemental annuity be deducted for earnings from the ''LPE.''

The ''LPE'' is defined as the last person, company, or institution with whom the employee or spouse applicant was employed concurrently with, or after, the applicant's last railroad employment and before their annuity beginning date. If a spouse never worked for a railroad, the LPE is the last person for whom he or she worked.

The RRB utilizes Form AA–4, *Self-Employment and Substantial Service Questionnaire,* to obtain information needed to determine if the work the applicant claims is self-employment is really self-employment or work for an LPE or railroad service. If the work is self-employment, the questionnaire identifies any month in which the applicant did not perform substantial service. Completion is voluntary. However, failure to complete the form could result in the nonpayment of benefits. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (81 FR 89522 on December 12, 2016) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Self-Employment and Substantial Service Questionnaire.

OMB Control Number: 3220–0138.

Form(s) submitted: AA–4.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Section 2 of the Railroad Retirement Act (RRA) provides for payment of annuities to qualified employees and their spouses. Work for a Last Pre-Retirement Nonrailroad Employer (LPE), and work in self-employment affect payment in different ways. This collection obtains information to determine whether claimed self-employment is really self-employment, and not work for a railroad or LPE.

Changes proposed: The RRB proposes no changes to Form AA–4.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–4 (With assistance)	570	40	380
AA–4 (Without assistance)	30	70	35
Total	600	.....	415

4. *Title and purpose of information collection:* Withholding Certificate for Railroad Retirement Monthly Annuity Payments; OMB 3220–0149.

The Internal Revenue Code requires that all payers of tax liable private pensions to U.S. citizens or residents: (1) Notify each recipient at least concurrent with initial withholding that the payer is, in fact, withholding benefits for tax liability and that the recipient has the option of electing not to have the payer withhold, or to withhold at a specific rate; (2) withhold benefits for tax purposes (in the absence of the recipient's election not to withhold benefits); and (3) notify all beneficiaries, at least annually, that they have the option to change their withholding status or elect not to have benefits withheld.

The RRB provides Form RRB–W4P, Withholding Certificate for Railroad

Retirement Payments, to its annuitants to exercise their withholding options.

Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (81 FR 89998 on December 13, 2016) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Withholding Certificate for Railroad Retirement Monthly Annuity Payments.

OMB Control Number: 3220–0149.

Form(s) submitted: RRB W–4P.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Public Law 98–76, railroad retirement beneficiaries' Tier II, dual vested and supplemental benefits are subject to income tax under private pension rules. Under Public Law 99–514, the non-social security equivalent benefit portion of Tier I is also taxable under private pension rules. The collection obtains the information needed by the Railroad Retirement Board to implement the income tax withholding provisions.

Changes proposed: The RRB proposes no changes to Form RRB W–4P.

The burden estimate for the ICR is as follows:

Estimated annual number of respondents: 25,000.

Total annual responses: 25,000.

Total annual reporting hours: 1.

5. *Title and Purpose of information collection:* Earnings Information Request; OMB 3220–0184 Under Section 2 of the Railroad Retirement Act, an annuity is not payable, or is reduced for any month(s) in which the beneficiary works for a railroad or earns more than prescribed amounts. The provisions relating to the reduction or non-payment of annuities by reason of work are prescribed in 20 CFR 230.

The RRB utilizes Form G–19–F, *Earnings Information Request,* to obtain earnings information that either had not been previously reported or erroneously reported by a beneficiary.

Currently the claimant is asked to enter the date they stopped working, if applicable. If a respondent fails to complete the form, the RRB may be unable to pay them benefits. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (81 FR 89998 on December 13, 2016) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Earnings Information Request.

OMB Control Number: 3220–0184.

Form(s) submitted: G–19–F.

Type of request: Revision of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2 of the Railroad Retirement Act, an annuity is not payable, or is reduced for any month(s) in which the beneficiary works for a railroad or earns more than prescribed amounts. The collection obtains earnings information not previously or erroneously reported by a beneficiary.

Changes proposed: The RRB proposes the implementation of an Internet-based equivalent Form G–19F. It will be available for downloading from the RRB's Web site at *www.rrb.gov*. It will collect the same information as the approved version but will be fillable and printable online. No other changes are proposed.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–19–F	900	8	120

6. *Title and Purpose of information collection: Designation of Contact Officials;* 3220–0200. Coordination between railroad employers and the RRB is essential to properly administer the payment of benefits under the Railroad Retirement Act (RRA) and the Railroad Unemployment Insurance Act (RUIA). In order to enhance timely coordination activity, the RRB utilizes Form G–117A, Designation of Contact Officials. Form G–117A is used by railroad employers to designate employees who are to act as point of contact with the RRB on a variety of RRA and RUIA-related matters.

Completion is voluntary. One response is requested from each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (81 FR 89522 on December 12, 2016) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Designation of Contact Officials.

OMB Control Number: 3220–0200.

Form(s) submitted: G–117A.

Type of request: Extension without change of a currently approved collection.

Affected public: Private Sector; Businesses or other for profits.

Abstract: The Railroad Retirement Board (RRB) requests that railroad employers designate employees to act as liaison with the RRB on a variety of Railroad Retirement Act and Railroad Unemployment Insurance Act matters.

Changes proposed: The RRB proposes no revisions to Form G–117A.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–117A	100	15	25

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*.

Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email

address: *OIRA_Submission@omb.eop.gov*.

Brian D. Foster,

Clearance Officer.

[FR Doc. 2017–03578 Filed 2–23–17; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80064; File No. SR–Phlx–2017–15]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend PIXL pricing

February 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 8, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the 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 proposes to amend the Exchange's Pricing Schedule at Section I, entitled ''Rebates and Fees for Adding and Removing Liquidity in SPY,'' and Section IV, Part A entitled ''PIXL Pricing'' to amend pricing related to PIXL[3] executions.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule at Section I, entitled ''Rebates and Fees for Adding and Removing Liquidity in SPY,'' to amend PIXL Executions in Standard and Poor's Depositary Receipts/SPDRs (''SPY'').[4] The Exchange also proposes to amend PIXL Pricing in Section IV, Part A, entitled ''PIXL Pricing'' for all other Multiply-Listed options symbols.[5]

Proposed Amendments to Section I: Rebates and Fees for Adding and Removing Liquidity in SPY

Section I of the Pricing Schedule contains pricing for PIXL Executions in SPY. Today, with respect to PIXL executions in SPY, the Exchange assesses an Initiating Order fee of $0.05 per contract. Today, the Initiating Order Fee for Professional,[6] Firm,[7] Broker-Dealer,[8] Specialist[9] and Market Maker[10] orders that are contra to a Customer[11] PIXL Order are reduced to $0.00 if the Customer PIXL Order is greater than 399 contracts. Further, when the PIXL Order is contra to the Initiating Order, a Customer PIXL Order is assessed $0.00 per contract and all other non-Customer market participants are assessed a $0.38 per contract fee when contra to an Initiating Order. When the PIXL Order is contra to other than the Initiating Order, the PIXL Order is assessed $0.00 per contract, unless the order is a Customer, in which case the Customer will receive a rebate of $0.38 per contract. All other Non-Customer contra parties to the PIXL Order, other than the Initiating Order, are assessed a Fee for Removing Liquidity of $0.42 per contract or will receive the Rebate for Adding Liquidity. The aforementioned applies to pricing in SPY.

The Exchange proposes to continue to assess an Initiating Order fee of $0.05 per contract for SPY Orders within PIXL. The Exchange proposes to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order, which are currently reduced to $0.00 if the Customer PIXL Order is greater than 399 contracts. The Exchange is replacing the incentive which reduces the Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order, provided the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] PIXL℠ is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. A member or member organization may electronically submit for execution an order it represents as agent on behalf of a public customer, broker-dealer, or any other entity (''PIXL Order'') against principal interest or against any other order (except as provided in Rule 1080(n)(i)(E)) it represents as agent (''Initiating Order''), provided it submits the PIXL order for electronic execution into the PIXL Auction pursuant to Rule 1080. *See* Exchange Rule 1080(n).

[4] Options overlying Standard and Poor's Depositary Receipts/SPDRs (''SPY'') are based on the SPDR exchange-traded fund (''ETF''), which is designed to track the performance of the S&P 500 Index.

[5] The Exchange initially filed the proposed pricing changes on February 2 [sic], 2017 (SR–Phlx–2017–10). On February 8, 2017, the Exchange withdrew that filing and submitted this filing. The Commission notes that the Exchange filed SR–PHXL–2017–10 on February 1, 2017.

[6] The term ''Professional'' applies to transactions for the accounts of Professionals, as defined in Exchange Rule 1000(b)(14).

[7] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

[8] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[9] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)).

[10] The term ''Market Maker'' includes Registered Options Traders (''ROT''). *See* Exchange Rule 1014(b)(i) and (ii). A ROT includes a Streaming Quote Trader or ''SQT,'' a Remote Streaming Quote Trader or ''RSQT'' and a Non-SQT, which by definition is neither a SQT nor a RSQT. A ROT is defined in Exchange Rule 1014(b) as a regular member of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. An SQT is defined in Exchange Rule 1014(b)(ii)(A) as an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An RSQT is defined in Exchange Rule in 1014(b)(ii)(B) as an ROT that is a member affiliated with an RSQTO with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A Remote Streaming Quote Trader Organization or ''RSQTO,'' which may also be referred to as a Remote Market Making Organization (''RMO''), is a member organization in good standing that satisfies the RSQTO readiness requirements in Rule 507(a). RSQTs may also be referred to as Remote Market Markers (''RMMs'').

[11] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

Customer PIXL Order is greater than 399 contracts, with another incentive to attract more liquidity for SPY PIXL Orders.

The Exchange proposes to offer Phlx members or member organizations that qualify for Section B, Customer Rebate Tiers [12] 2 through 6 or qualify for the Monthly Firm Fee Cap [13] a rebate of $0.10 per contract for all SPY Complex PIXL Orders greater than 499 contracts, provided the member or member organization executes an average of 2,500 contracts per day of SPY Complex PIXL Orders in a month. The Exchange desires to incentivize members or member organizations to transact a greater number of SPY Complex PIXL Orders while also incentivizing members or member organizations to submit Customer order flow on Phlx.

The Exchange also proposes to amend its SPY PIXL pricing so that when the PIXL Order is contra to other than the Initiating Order, the PIXL Order will continue to be assessed $0.00 per contract, unless the order is a Customer, in which case the Customer will receive an increased rebate of $0.40 per contract (an increase from $0.38 per contract). The Exchange also proposes to amend the SPY PIXL pricing so that all other Non-Customer contra parties to the PIXL Order, other than the Initiating Order, will be assessed an increased Fee for Removing Liquidity of $0.50 per contract (an increase from $0.42 per contract) or will receive the Rebate for Adding Liquidity.[14] The Exchange is increasing the Fee for Removing Liquidity because it seeks to offer an increase rebate to attract additional SPY PIXL Orders.

The Exchange proposes that when the PIXL Order is contra to a Specialist or Market Maker quote, which was established at the initiation of a PIXL auction, the Customer PIXL Order will not be eligible for a rebate. The Exchange believes that this proposal will encourage Specialists and Market Makers to quote their best price at the initiation of a PIXL auction to obtain the rebate.

Proposed Amendments to Section IV, Part A: PIXL Pricing

Today, the PIXL pricing in all Multiply-Listed symbols except SPY is as described below. The Exchange assesses an Initiating Order Fee of $0.07 per contract. If the member or member organization qualifies for the Tier 4 or 5 Customer Rebate in Section B the member or member organization will be assessed $0.05 per contract. Today, if the member or member organization executes equal to or greater than 3.00% of National Customer Volume in Multiply-Listed equity and ETF Options Classes (excluding SPY Options) in a given month, the member or member organization will be assessed $0.00 per contract for Complex PIXL Orders.

Today, any member or member organization under Common Ownership with another member or member organization that qualifies for a Customer Rebate Tier 4 or 5 in Section B, or executes equal to or greater than 3.00% of National Customer Volume in Multiply-Listed equity and ETF Options Classes (excluding SPY Options) in a given month will receive one of the PIXL Initiating Order discounts as described above. Today, the Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order will be reduced to $0.00 if the Customer PIXL Order is greater than 399 contracts.

The Exchange proposes to continue to assess an Initiating Order Fee of $0.07 per contract. The Exchange proposes that if the member or member organization qualifies for the Tier 3, 4 or 5 Customer Rebate in Section B the member or member organization will be assessed $0.05 per contract. The Tier 3 qualifier is being added to provide another means to qualify for the lower fee. If the member or member organization executes equal to or greater than 3.00% of National Customer Volume in Multiply-Listed equity and ETF Options Classes (excluding SPY Options) in a given month, the member or member organization will continue to be assessed $0.00 per contract for Complex PIXL Orders. Any member or member organization under Common Ownership with another member or member organization that qualifies for a Customer Rebate Tier 4 or 5 in Section B, or executes equal to or greater than 3.00% of National Customer Volume in Multiply-Listed equity and ETF Options Classes (excluding SPY Options) in a given month will continue to receive one of the PIXL Initiating Order discounts as described above.

The Exchange proposes to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order if the Customer PIXL Order is greater than 399 contracts. Instead, the Exchange proposes to offer another incentive to attract more liquidity for Complex PIXL Orders similar to proposed SPY PIXL pricing. The Exchange proposes to offer Phlx members and member organizations that qualify for Section B, Customer Rebate Tiers 2 through 6 [15] or qualify for the Monthly Firm Fee Cap [16] a rebate of $0.10 per contract for all Complex PIXL Orders (excluding SPY Options) greater than 499 contracts, provided the member or member organization executes an average of 2,500 contracts per day of Complex SPY PIXL Orders in a month. The Exchange desires to incentivize members and member organizations to transact a greater number of SPY Complex PIXL Orders while also incentivizing members and member organizations to submit Customer order flow on Phlx to obtain the $0.10 rebate on all Complex PIXL Orders (excluding SPY Options).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[18] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair

[12] Section B of the Pricing Schedule contains Customer Rebate Tiers which are calculated by totaling Customer volume in Multiply Listed Options (including SPY) that are electronically-delivered and executed, except volume associated with electronic QCC Orders, as defined in Exchange Rule 1080(o). Rebates are paid on Customer Rebate Tiers according to certain categories. Members and member organizations under Common Ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Affiliated Entities may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. *See* Section B of the Pricing Schedule.

[13] Firms are subject to a maximum fee of $75,000 (''Monthly Firm Fee Cap''). Firm Floor Option Transaction Charges and QCC Transaction Fees in Section II of the Pricing Schedule, in the aggregate, for one billing month may not exceed the Monthly Firm Fee Cap per member organization when such members are trading in their own proprietary account. All dividend, merger, and short stock interest strategy executions, as defined in Section II, will be excluded from the Monthly Firm Fee Cap. Reversal and conversion, jelly roll and box spread strategy executions, as defined in Section II, will be included in the Monthly Firm Fee Cap. QCC Transaction Fees are included in the calculation of the Monthly Firm Fee Cap. Member organizations must notify the Exchange in writing of all accounts in which the member is not trading in its own proprietary account. The Exchange will not make adjustments to billing invoices where transactions are commingled in accounts which are not subject to the Monthly Firm Fee Cap.

[14] The Rebates for Adding Liquidity for Simple Orders are in Part A and for Complex Orders in Part B.

[15] *See* note 12 above.

[16] *See* note 13 above.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(4) and (5).

discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [19]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [20] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[21] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [22]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [23] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Proposed Amendments to Section I: Rebates and Fees for Adding and Removing Liquidity in SPY

The Exchange's proposal to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer SPY PIXL Order if the Customer SPY PIXL Order is greater than 399 contracts and instead offer Phlx members or member organizations that qualify for Section B, Customer Rebate Tiers [24] 2 through 6 or qualify for the Monthly Firm Fee Cap [25] a rebate of $0.10 per contract for all SPY Complex PIXL Orders greater than 499 contracts, provided the member or member organization executes an average of 2,500 contracts per day of SPY Complex PIXL Orders in a month is reasonable. The proposed rebate will incentivize members and member organizations to transact a greater number of SPY Complex PIXL Orders will also incentivizing members and member organizations to submit Customer order flow on Phlx. All members and member organizations are eligible for this rebate which may be obtained by either sending in the requisite amount of Customer order, thereby benefitting all participants with order flow with which to interact or benefitting members and member organizations that have $75,000 in transaction fees for the month, which contributed to the Exchange's revenue. The Exchange desires to incentivize members and member organizations to transact a greater amount of Complex SPY Orders as compared to Simple SPY Orders. The quantity of orders is being increased to receive the rebate, which order flow benefits all participants through order interaction.

The Exchange's proposal to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer SPY PIXL Order if the Customer SPY PIXL Order is greater than 399 contracts and instead offer Phlx members and member organizations that qualify for Section B, Customer Rebate Tiers 2 through 6 or qualify for the Monthly Firm Fee Cap a rebate of $0.10 per contract for all SPY Complex PIXL Orders greater than 499 contracts, provided the member or member organization executes an average of 2,500 contracts per day of SPY Complex PIXL Orders in a month is equitable and not unfairly discriminatory. All members and member organizations are eligible for the proposed rebate, provided they met the requisite qualifications. Members and member organizations would be uniformly paid the new rebate. No member or member organization will be eligible to eliminate the Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer SPY PIXL Order if the Customer SPY PIXL Order is greater than 399 contracts.

The Exchange's proposal to amend its SPY PIXL pricing so that when the PIXL Order is contra to other than the Initiating Order, the PIXL Order will continue to be assessed $0.00 per contract, unless the order is a Customer, in which case the Customer will receive an increased rebate of $0.40 per contract is reasonable. The Exchange is increasing this rebate from $0.38 per contract to incentivize members and member organizations to transact a greater number of SPY PIXL Orders to earn the increased rebate.

The Exchange's proposal to amend its SPY PIXL pricing so that when the PIXL Order is contra to other than the Initiating Order, the PIXL Order will continue to be assessed $0.00 per contract, unless the order is a Customer, in which case the Customer will receive an increased rebate of $0.40 per contract is equitable and not unfairly discriminatory because the Exchange will uniformly pay this rebate.

The Exchange's proposal to amend the SPY PIXL pricing so that all other Non-Customer contra parties to the PIXL Order, other than the Initiating Order, will be assessed an increased Fee for Removing Liquidity of $0.50 per contract or will receive the Rebate for Adding Liquidity is reasonable.[26] The Exchange is increasing the fee from $0.42 to $0.50 per contract so that it may offer members and member organizations increased SPY Complex PIXL rebates as proposed herein.

The Exchange's proposal to amend the SPY PIXL pricing so that all other Non-Customer contra parties to the PIXL Order, other than the Initiating Order, will be assessed an increased Fee for Removing Liquidity of $0.50 per contract or will receive the Rebate for Adding Liquidity is equitable and not unfairly discriminatory because the Exchange will uniformly assess the increased Fee for Removing Liquidity to all applicable members and member organizations.

The Exchange's proposal to not offer a rebate when the PIXL Order is contra to a Specialist or Market Maker quote, which was established at the initiation of a PIXL auction, the Customer PIXL Order is reasonable. The Exchange believes that not paying a rebate to the PIXL Order in this case is reasonable because the Exchange will be paying Specialists and Market Makers the

[19] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[20] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[21] *See NetCoalition,* at 534–535.

[22] *Id.* at 537.

[23] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[24] *See* note 12 above.

[25] *See* note 13 above.

[26] The Rebates for Adding Liquidity for Simple Orders are in Part A and for Complex Orders in Part B.

Rebate for Adding Liquidity[27] instead. Also, this proposal continues to encourage Specialists and Market Makers to quote their best price at the initiation of a PIXL auction to obtain the rebate.

The Exchange's proposal to not offer a rebate when the PIXL Order is contra to a Specialist or Market Maker quote, which was established at the initiation of a PIXL auction, the Customer PIXL Order is equitable and not unfairly discriminatory. The Exchange will uniformly not offer a rebate to any member or member organizations when the PIXL Order is contra to a Specialist or Market Maker quote, which was established at the initiation of a PIXL auction.

Proposed Amendments to Section IV, Part A: PIXL Pricing

The Exchange's proposal that if the member or member organization qualifies for the Tier 3, 4 or 5 Customer Rebate in Section B the member or member organization will be assessed $0.05 per contract, instead of the $0.07 per contract Initiating Order fee is reasonable because the Exchange is offering members and member organizations a greater opportunity to qualify for the lower fee by adding Tier 3 as a qualifier.

The Exchange's proposal that if the member or member organization qualifies for the Tier 3, 4 or 5 Customer Rebate in Section B the member or member organization will be assessed $0.05 per contract, instead of the $0.07 per contract Initiating Order fee is equitable and not unfairly discriminatory because the Exchange will assess the fee in a uniform manner to all applicable members and member organizations.

The Exchange's proposal to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order if the Customer PIXL Order is greater than 399 contracts and instead replace this offer with a rebate to attract more liquidity for Complex SPY PIXL Orders similar to proposed SPY PIXL pricing is reasonable. The proposed rebate will incentivize members and member organizations to transact a greater number of Complex SPY PIXL Orders will also incentivizing members and member organizations to submit Customer order flow on Phlx. All members and member organizations are eligible for this rebate, which applies to all Complex PIXL Orders excluding SPY Options,[28] which may be obtained by either sending in the requisite amount of Customer orders, thereby benefitting all participants with order flow with which to interact, or benefitting members and member organizations that have paid $75,000 in transaction fees for the month, which contributed to the Exchange's revenue. The Exchange desires to incentivize members and member organizations to transact a greater amount of Complex SPY PIXL Orders. The quantity of orders required to be transacted to earn the rebate (2,500 Complex SPY PIXL Orders) will result in a greater amount of order flow to the Exchange, which benefits all participants through order interaction.

The Exchange's proposal to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order if the Customer PIXL Order is greater than 399 contracts and instead replace this offer with a rebate to attract more liquidity for PIXL SPY Complex Orders similar to proposed SPY PIXL pricing is equitable and not unfairly discriminatory. All members and member organizations are eligible for the proposed rebate, provide they met the requisite qualifications. Members and member organizations would be uniformly paid the rebate, provided they qualify. No member will be eligible to eliminate the Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order if the Customer PIXL Order is greater than 399 contracts.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, 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, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

In terms of intra-market competition, the Exchange believes that its proposed rebates and fees continue to remain competitive in SPY and Multiply Listed Options. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

Proposed Amendments to Section I: Rebates and Fees for Adding and Removing Liquidity in SPY

The Exchange's proposal to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer SPY PIXL Order if the Customer SPY PIXL Order is greater than 399 contracts and instead offer Phlx members and member organizations that qualify for Section B, Customer Rebate Tiers 2 through 6 or qualify for the Monthly Firm Fee Cap a rebate of $0.10 per contract for all SPY Complex PIXL Orders greater than 499 contracts, provided the member or member organization executes an average of 2,500 contracts per day of SPY Complex PIXL Orders in a month does not impose an undue burden on intra-market competition. All members and member organizations are eligible for the proposed rebate, provide they met the requisite qualifications. Members and member organizations would be uniformly paid the new rebate. No member or member organization will be eligible to eliminate the Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer SPY PIXL Order if the Customer SPY PIXL Order is greater than 399 contracts.

The Exchange's proposal to amend its SPY PIXL pricing so that when the PIXL

[27] *Id.*

[28] The Exchange is offering a rebate for Complex SPY PIXL Orders in Section I.

Order is contra to other than the Initiating Order, the PIXL Order will continue to be assessed $0.00 per contract, unless the order is a Customer, in which case the Customer will receive an increased rebate of $0.40 per contract does not impose an undue burden on intra-market competition because the Exchange will uniformly pay this rebate.

The Exchange's proposal to amend the SPY PIXL pricing so that all other Non-Customer contra parties to the PIXL Order, other than the Initiating Order, will be assessed an increased Fee for Removing Liquidity of $0.50 per contract or will receive the Rebate for Adding Liquidity does not impose an undue burden on intra-market competition because the Exchange will uniformly assess the increased Fee for Removing Liquidity to all applicable members and member organizations.

The Exchange's proposal to not offer a rebate when the PIXL Order is contra to a Specialist or Market Maker quote, which was established at the initiation of a PIXL auction, the Customer PIXL Order does not impose an undue burden on intra-market competition. The Exchange will uniformly not offer a rebate to any member or member organization when the PIXL Order is contra to a Specialist or Market Maker quote, which was established at the initiation of a PIXL auction.

Proposed Amendments to Section IV, Part A: PIXL Pricing

The Exchange's proposal that if the member or member organization qualifies for the Tier 3, 4 or 5 Customer Rebate in Section B the member or member organization will be assessed $0.05 per contract, instead of the $0.07 per contract Initiating Order fee does not impose an undue burden on intra-market competition because the Exchange will assess the fee in a uniform manner to all applicable members and member organizations.

The Exchange's proposal to no longer offer the ability to not be assessed an Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order if the Customer PIXL Order is greater than 399 contracts and instead replace this offer with a rebate to attract more liquidity for PIXL SPY Complex Orders similar to proposed SPY PIXL pricing does not impose an undue burden on intra-market competition. All members and member organizations are eligible for the proposed rebate, provide they met the requisite qualifications. Members and member organizations would be uniformly paid the rebate, provided they qualify. No member or member organization will be eligible to eliminate the Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order if the Customer PIXL Order is greater than 399 contracts.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[29] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–15 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–Phlx–2017–15. 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–Phlx–2017–15 and should be submitted on or before March 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03576 Filed 2–23–17; 8:45 am]

BILLING CODE 8011–01–P

[29] 15 U.S.C. 78s(b)(3)(A)(ii).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80062; File No. SR–MIAX–2017–05]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule To Clarify Its Fees Relating to the MIAX Express Network Interconnect (''MENI'')

February 17, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 13, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to provide a definition of the MIAX Express Network Interconnect (''MENI'') and that any Member [3] or non-Member using the MENI to access the Exchange's System [4] and the automated trading system of MIAX PEARL, LLC (''MIAX PEARL''), the Exchange's affiliate (the ''MIAX PEARL System'') will only be assessed one network connectivity fee per such connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX PEARL accessed via such connection, as more fully described below. [5]

The Exchange provides to Members and non-Members a network infrastructure pursuant to which such Members and non-Members establish connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange. The Exchange refers to this network infrastructure as the MIAX Express Network Interconnect, or the MENI. The MENI consists of the low latency and ultra-low latency (''ULL'') connectivity options set forth in the Exchange's Fee Schedule. The MENI also provides members and non-members of MIAX PEARL network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of MIAX PEARL. Further, for Members and non-Members of the Exchange that wish to establish connectivity to both the Exchange and MIAX PEARL, the MENI can be configured to provide such Members and non-Members of the Exchange network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of both the Exchange and MIAX PEARL, via a single, shared connection.

Accordingly, the Exchange is proposing to clarify that, when a Member or non-Member of the Exchange establishes network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of both the Exchange and MIAX PEARL, via a single, shared connection, for purposes of: (i) Section 4) of the Exchange's Fee Schedule, the Member or non-Member will only be assessed one Network Connectivity Testing and Certification Fee per connection tested, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection, and (ii) Section 5) of the Exchange's Fee Schedule, the Member or non-Member will only be assessed one Network Connectivity Fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.

In particular, regarding Network Connectivity Testing and Certification, new users of the Exchange's System (and existing users of the System that seek to change connectivity options) require testing and certification prior to actual use in the production environment, and are assessed fees for such testing and certification as are specified in the Exchange's Fee Schedule. Accordingly, the Exchange now proposes to amend Section 4)c) of the Fee Schedule to provide that Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX PEARL via a single, shared connection will only be assessed one Network Connectivity Testing and Certification Fee per connection tested, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection. Further, the Exchange similarly proposes to amend Section 4)d) of the Fee Schedule to provide that non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX PEARL via a single, shared connection will only be assessed one Network Connectivity Testing and Certification Fee per connection tested, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.

Regarding System Network Connectivity Fees, Members and non-Members of the Exchange are assessed fees for connectivity to the Exchange as is set forth in the Fee Schedule, depending on the connection size (*e.g.,* 1 Gigabit, 10 Gigabit, 10 Gigabit ULL) and facility site (*e.g.,* primary/secondary facility, disaster recovery facility). Accordingly, the Exchange now proposes to amend Section 5)a) of the Fee Schedule to provide that Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX PEARL via a single, shared connection will only be assessed one Monthly Member Network Connectivity Fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection. Further, the Exchange similarly proposes to amend Section 5)b) of the Fee Schedule to provide that non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX PEARL via a single, shared connection will only be assessed one Monthly Non-Member Network Connectivity Fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.

The proposed rule change is intended to provide greater transparency to Members and non-Members of the Exchange regarding how network connectivity testing and certification fees and network connectivity fees will

[3] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[5] The Exchange notes that MIAX PEARL has filed with the Commission a proposed rule change to adopt similar clarifying rules in connection with the establishment of its proposed fee schedule. *See* SR–PEARL–2017–10 filed on February 13, 2017 at *www.miaxoptions.com.*

be assessed by the Exchange when Members and non-Members establish network connectivity to the Exchange and MIAX PEARL via a single, shared network connection by explicitly stating that each such connection will only be charged once per connection. The Exchange believes that clarifying regarding how network connectivity testing and certification fees and network connectivity fees will be assessed by the Exchange will benefit all market participants by assisting them in the decision-making process to connect to the Exchange and further their readiness to use the MIAX PEARL System.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [6] in general, and furthers the objectives of Sections 6(b)(4) of the Act,[7] in that it is an equitable allocation of reasonable fees and other charges among Exchange Members and other persons using its facilities, and Section 6(b)(5) of the Act,[8] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change furthers the objectives of Section 6(b)(4) of the Act [9] because it will apply equally to all Exchange participants who test and/or use a single, shared connection to access the Exchange and MIAX PEARL. The Exchange believes that assessing all Exchange participants only one connectivity fee for each single, shared connection to both the Exchange and MIAX PEARL is reasonable, equitable and not unfairly discriminatory because it makes the fees consistent between the Exchange and MIAX PEARL for use of the MENI to access both exchanges.

The proposed rule change is consistent with Section 6(b)(5) of the Act,[10] in that it is designed to protect investors and the public interest and to promote just and equitable principles of trade by providing greater transparency to Members and non-Members of the Exchange regarding how network connectivity testing and certification fees and network connectivity fees will be assessed by the Exchange when Members and non-Members establish network connectivity to the Exchange and MIAX PEARL via a single, shared network connection by explicitly stating that each such connection will only be charged once per connection.

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 changes would increase both intermarket and intramarket competition by defining the assessments of such network connectivity testing and certification fees and network connectivity fees for all users of the Exchange, thereby creating greater clarity around the Exchange's assessment of such fees for participants that wish to begin using MIAX PEARL's System through its existing MIAX Options' network connection and to continue using the Exchange's facilities through the same shared connection, thereby enabling a potential user of both systems to assess the competitive nature of the fees. This should benefit all market participants and improve competition on the Exchange.

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 to the Exchange. The Exchange believes that the proposal will enhance competition, because market participants will have more clarity surrounding how they will be assessed the network connectivity testing and certification fees and network connectivity fees if they desire to connect to both the MIAX Options and MIAX PEARL through the MENI and will also understand that they will not be double charged for these network fees for using the same, shared connections to both exchanges.

B. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[11] and Rule 19b–4(f)(2) [12] 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 No. SR–MIAX–2017–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–MIAX–2017–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public

[6] 15 U.S.C. 78f(b).
[7] 15 U.S.C. 78f(b)(4).
[8] 15 U.S.C. 78f(b)(5).
[9] 15 U.S.C. 78f(b)(4).
[10] 15 U.S.C. 78f(b)(5).
[11] 15 U.S.C. 78s(b)(3)(A)(ii).
[12] 17 CFR 240.19b–4(f)(2).

Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–MIAX–2017–05, and should be submitted on or before March 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03575 Filed 2–23–17; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80060; File No. SR–CBOE–2016–091]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change Related to a Change to the Trading Symbol for P.M.-Settled Options on the Standard & Poor's 500 Index

February 17, 2017.

I. Introduction

On December 16, 2016, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change amending CBOE's rules related to P.M.-settled options on the Standard & Poor's 500 Index (''S&P 500 Index''). The proposed rule change was published for comment in the **Federal Register** on January 5, 2017.[3] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

CBOE proposes to move P.M.-settled S&P 500 Index options expiring on the third-Friday of the month (''third-Friday''), currently listed in a separate class and trading under the symbol ''SPXPM'', to the Hybrid 3.0 S&P 500 Index options class. In connection with the move, the Exchange proposes changing the trading symbol for these options from ''SPXPM'' to ''SPXW.''

The Exchange currently lists A.M.-settled[4] and P.M.-settled[5] S&P 500 Index options that have standard third-Friday expirations. Third-Friday A.M.-settled S&P 500 Index options trade under the symbol ''SPX'' on the Exchange's Hybrid 3.0 platform.[6] Third-Friday P.M.-settled S&P 500 Index options trade on the Hybrid Trading System in a separate options class under the symbol ''SPXPM''.[7]

In addition, the Hybrid 3.0 options class also includes nonstandard P.M.-settled S&P 500 Index options trading under the symbol ''SPXW,'' which may expire on Mondays, Wednesdays, Fridays (other than the third-Friday-of-the-month) (*i.e.,* nonstandard weekly expirations pursuant to Rule 24.9(e)), and the last trading day of the month.[8] Although SPXW options are included in the Hybrid 3.0 class, they trade on the Hybrid Trading System.[9]

In its filing, the Exchange noted that a gap exists currently in Friday expirations for SPXW as a user of SPXW options cannot roll an existing SPXW position that expires on a first or second Friday of a month into a SPXW position that expires on a third-Friday, because the latter is part of the separate SPXPM class.[10] Moving SPXPM into the SPX class under symbol SPXW will remove this gap and allow market participants to maintain exposure to SPXW Friday expirations throughout the month if they so choose. The Exchange also noted that offering access to all P.M.-settled S&P 500 Index options in a single class with expirations every Friday of the month will provide market participants with greater flexibility in submitting complex orders using S&P 500 index options.[11]

In its filing, the Exchange noted its belief that moving SPXPM into the SPX options class under the symbol SPXW should not adversely impact market participants.[12] Specifically, the Exchange noted that it expects a smooth transition of the SPXPM series to the SPXW symbol because SPXPM and SPXW options both trade on the Hybrid Trading System[13] and the Exchange's rules and systems treat SPXPM and SPXW the same in many respects.[14]

Pilot Reports

SPXPM options currently are approved for listing and trading on a pilot basis.[15] The Exchange represents that the pilot will continue under the same terms that established the pilot.[16]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act[17] and the rules and regulations thereunder applicable to a national securities exchange.[18] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[19] which requires, among other things, that the rules of a national securities exchange be designed 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 represents that trading P.M.-settled third-Friday expirations as part of the S&P 500 Index options class under the SPXW symbol, rather than as a separate class under the SPXPM symbol, will help remove impediments to and perfect the mechanism of a free and open market by providing market participants with access to a single class

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79712 (December 29, 2016), 82 FR 1383 (January 5, 2017) (''Notice'').

[4] *See* Rule 24.9(a)(4)(i) (A.M.-settled index options).

[5] *See* Rule 24.9.14 (authorizing the Exchange to list P.M.-settled S&P 500 options for a specified pilot period).

[6] *See* Rule 8.3(c)(iii).

[7] *See* Rule 8.3(c)(i) (identifying P.M.-settled third-Friday S&P 500 options as a Tier AA Hybrid Options Class).

[8] *See* Rule 24.9(e).

[9] *See* Rule 8.14.01.

[10] *See* Notice, *supra* note 3, at 1384.

[11] *See id.*

[12] *See id.*

[13] *See* Rules 8.3(c)(i) (identifying P.M.-settled third-Friday S&P Index options as a Tier AA Hybrid Options Class) and 8.14.01 (allowing the Exchange to authorize a group of series of a class for trading on the Hybrid Trading System).

[14] *See* Notice, *supra* note 3, at 1384–85 (discussing areas where trading parameters for SPXPM and SPXW are the same, such as the minimum increment for bids and offers, and where they differ, such as the appointment costs).

[15] *See* Rule 24.9.14 and Securities Exchange Act Release No. 68457 (December 18, 2012), 77 FR 76135 (December 26, 2012) (SR–CBOE–2012–120).

[16] *See* Notice, *supra* note 3, at 1385. As part of the pilot, the Exchange submits quarterly reports and annual reports that analyze the market impact and trading patterns of third-Friday P.M.-settled S&P 500 options. The Exchange will modify the reports to provide the same data and analysis for third-Friday P.M.-settled S&P 500 Index options trading under symbol SPXW that it currently submits for third-Friday P.M.-settled S&P 500 Index options trading under symbol SPXPM. *See id.*

[17] 15 U.S.C. 78f.

[18] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78f(b)(5).

of P.M.-settled S&P 500 Index options with expirations every Friday of the month.[20] The Commission believes that the proposal can thus benefit investors by providing them with additional trading flexibility for both simple and complex orders.

Further, the Exchange represents that there are minimal differences in the trading parameters of the two options classes.[21] Although the appointment costs for SPXPM and SPX are different, the Exchange represents that market makers should not be adversely impacted by this proposal because all market-makers currently appointed in SPXPM also are appointed in SPX, which confers the right to trade SPXW options.[22] The Commission believes that, to the extent the trading parameters of the two classes are substantively similar, the Exchange's proposal to move SPXPM options into the SPX options class does not raise novel issues.

Finally, SPXPM options currently are listed on a pilot basis. As part of the pilot, the Exchange has been required to submit to the Commission quarterly reports and annual reports that analyze the market impact and trading patterns of third-Friday P.M.-settled S&P 500 options. The Exchange represents that it will continue to provide this data in exactly the same scope and format.[23] The Commission believes that the continued pilot and reports will allow the Exchange and the Commission to monitor for and assess any potential adverse market impact caused by these P.M.-settled options.

Based on the Exchange's representations discussed above, and for the reasons noted above, the Commission believes that the proposal to move SPXPM options into the SPX options class is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[24], that the proposed rule change (SR–CBOE–2016–091) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03573 Filed 2–23–17; 8:45 am]

BILLING CODE 8011–01–P

[20] *See* Notice, *supra* note 3, at 1386.

[21] *See id.* at 1384–85.

[22] *See id.* at 1385.

[23] *See id.*

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80059; File No. SR–NYSEArca–2017–16]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rules 6.62, 6.73 and Make a Conforming Change to Rule 6.47A

February 17, 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 February 10, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 to amend Rule 6.62 to eliminate Price Improving Orders and Quotes, and amend Rule 6.73 to eliminate the electronic and open outcry bidding and offering requirements associated with a Price Improving Order or Quote, and make a conforming change to Rule 6.47A. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.62 to eliminate Price Improving Orders and Quotes, and amend Rule 6.73 to eliminate the electronic and open outcry bidding and offering requirements associated with a Price Improving Order or Quote, and make a conforming change to Rule 6.47A. The Exchange proposes to eliminate these order types in order to streamline its rules and reduce complexity among its order type offerings.[4]

Elimination of Price Improving Orders and Quotes

The Exchange proposes to eliminate, and thus delete from its rules, Price Improving Orders and Quotes, as defined in Rule 6.62(s).

A Price Improving Order or Price Improving Quote is an order or quote to buy or sell an option at a specified price at an increment smaller than the minimum price variation in the security. Price Improving Orders and Quotes may be entered in increments as small as one cent. Because the Exchange has not implemented this functionality, the Exchange believes it is appropriate to delete the functionality from its rules.[5]

To reflect this elimination, the Exchange proposes to delete all references to Price Improving Orders and Quotes in Rule 6.62(s), and to the electronic and open outcry bidding and offering requirements associated with a Price Improving Order or Quote in the second introductory paragraph of Rule 6.73 and Rules 6.73(a), 6.73(b) and 6.73(c), and to delete in the Commentary to Rule 6.47A references to Rule 6.62(s) and 6.73, as follows:[6]

[4] *See e.g.,* Mary Jo White, Chair, Securities and Exchange Commission, Speech at the Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available at *www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwJiw*) (''I am asking the exchanges to conduct a comprehensive review of their order types and how they operate in practice. As part of this review, I expect that the exchanges will consider appropriate rule changes to help clarify the nature of their order types and how they interact with each other, and how they support fair, orderly, and efficient markets.'' *Id.*)

[5] Though originally adopted as a competitive response to another options market introducing price improving orders, the Exchange never implemented this functionality for a variety of reasons, including technology and because most options volume was concentrated in Penny Pilot issues where price improving orders would be of little or no value.

[6] *See* Securities Exchange Act Release No. 58079 (July 2, 2008), 73 FR 39365 (July 9, 2009) (SR–

• Delete Rule 6.62(s), which defines Price Improving Orders and Quotes;

• delete the second introductory paragraph of Rule 6.73, which describes which options may be designated for penny price improvement;

• delete Rule 6.73(a), which describes the electronic submission process in connection with a Price Improving Order or Quote;

• delete Rule 6.73(b), which describes the open outcry submission process in connection with a Price Improving Order or Quote;

• delete Rule 6.73(c), which describes the requirement to electronically ''sweep'' any penny pricing interest in the Exchange's System; and

• delete in the Commentary to Rule 6.47A references to Rules 6.62(s) and 6.73.[7]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[8] of the Act, in general, and furthers the objectives of Section 6(b)(5),[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

Specifically, the Exchange believes that eliminating Price Improving Orders and Quotes would remove impediments to and perfect a national market system by simplifying the functionality and complexity of its order types. The Exchange believes that eliminating these order types would be consistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from the removal of complex functionality. The Exchange also believes that eliminating Price Improving Orders and Quotes would benefit investors and add transparency and clarity to the Exchange's rules because the functionality of those order types was not implemented and therefore is not available. The Exchange further believes that deleting a corresponding reference in Exchange rules to deleted order types, and the associated bidding and offering process in connection with a deleted order type, also removes impediments to and perfects the mechanism of a free and open market by ensuring that members, regulators and the public can more easily navigate the Exchange's rulebook and better understand the order types available for trading on the Exchange. Removing an obsolete cross reference also furthers the goal of transparency and adds clarity to the Exchange's rules.

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 not designed to address any competitive issue but would rather eliminate complex functionality and references to functionality that is not available, thereby reducing confusion and making the Exchange's rules easier to understand and navigate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–16 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–16. 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

NYSEArca–2008–69) (notice of filing and immediate effectiveness of proposed rule change to permit use of a new order type known as Price Improving Orders and Quotes).

[7] An affiliated Exchange recently eliminated Price Improving Orders and Quotes. *See* Securities Exchange Act Release No. 34–79875 (January 30, 2017), 82 FR 9256 (February 3, 2017) (SR–NYSEMKT–2017–03) (notice of filing and immediate effectiveness of proposed rule change amending rules).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] 15 U.S.C. 78s(b)(2)(B).

Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–16 and should be submitted on or before March 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03572 Filed 2–23–17; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80061; File No. SR–PEARL–2017–10]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish the MIAX PEARL Fee Schedule

February 17, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 13, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to establish the MIAX PEARL Fee Schedule (the ''Fee Schedule'') by adopting rebates and fees applicable to participants trading options on and/or using services provided by MIAX PEARL.

MIAX PEARL commenced operations as a national securities exchange registered under Section 6 of the Act[3] on February 6, 2017.[4] The Exchange proposes to establish its Fee Schedule. The Exchange initially filed the proposal on February 3, 2017 (SR–PEARL–2017–08). That filing has been withdrawn and replaced with the current filing (SR–PEARL–2017–10).

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl,* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish transaction rebates and fees, regulatory fees, and certain non-transaction fees applicable to market participants trading options on and/or using services provided by the Exchange. These rebates and fees will apply to all market participants trading options on and/or using services provided by MIAX PEARL.

Definitions

The Exchange has included a Definitions section at the beginning of the Fee Schedule. The purpose of the Definitions section is to streamline the Fee Schedule by placing many of the defined terms used in the Fee Schedule in one location at the beginning of the Fee Schedule. Many of the defined terms are also defined in Exchange Rules, particularly in Exchange Rule 100. Any defined terms that are also defined or otherwise explained in Exchange Rules contain a cross reference to the relevant Exchange Rule. The Exchange notes that other exchanges have Definitions sections in their respective fee schedule,[5] and the Exchange believes that including a Definitions section in the front of the Exchange's Fee Schedule makes the Fee Schedule more user-friendly.

i. Transaction Rebates/Fees

The proposed Fee Schedule sets forth transaction rebates and fees for all options traded on the Exchange in amounts that vary depending upon certain factors, including the type of market participant for whom the transaction is executed (*e.g.* Market Maker or Priority Customer) and the amount of volume executed by the Member, as described more fully below.

Exchange Add/Remove Tiered Rebates/Fees

In general, the Exchange proposes that Add/Remove Tiered Rebates/Fees applicable to all market participants will be based upon the total monthly volume executed by the Member[6] on MIAX PEARL in the relevant origin type (not including Excluded Contracts)[7] expressed as a percentage of total consolidated volume (''TCV''). TCV, which is defined in the Definitions section of the Fee Schedule, means total consolidated volume calculated as the total national volume in those classes listed on MIAX PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an ''Exchange System Disruption'' (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] *See* Securities Exchange Act Release No. 79543 (December 13, 2016), 81 FR 92901 (December 20, 2016) (File No. 10–227) (order approving application of MIAX PEARL, LLC for registration as a national securities exchange).

[5] *See* Exchange Act Release Nos. 70200 (August 14, 2013), 78 FR 51242 (August 20, 2013) (SR–Topaz–2013–10); 76453 (November 17, 2015), 80 FR 72999 (November 23, 2015) (SR–EDGX–2015–56).

[6] ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] ''Excluded Contracts'' means any contracts routed to an away market for execution.

multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term ''Exchange System Disruption'' and its meaning have no applicability outside of the Fee Schedule, as it's used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule.

In addition, the per contract transaction rebates and fees shall be applied retroactively to all eligible volume once the threshold tier (''Tier'') has been reached by the Member. The Exchange additionally proposes to aggregate the volume of Members and their Affiliates.[8] Members that place resting liquidity, *i.e.,* orders on the MIAX PEARL System, will be paid the specified ''maker'' rebate (each a ''Maker'') and Members that execute against resting liquidity will be assessed the specified ''taker'' fee (each a ''Taker''). For opening transactions and ABBO uncrossing transactions, interest from Priority Customer origin types shall be treated as a Maker, and interest from all origin types other than Priority Customers shall be treated as a Taker. Finally, Members shall be assessed lower transaction fees and smaller rebates for order executions in standard option classes in the Penny Pilot Program[9] (''Penny classes'') than for order executions in standard option classes which are not in the Penny Pilot Program (''Non-Penny classes''), for which Members will be assessed a higher transaction fees and larger rebates.

The Add/Remove Tiered Rebates/Fees proposed by the Exchange are similar in structure to and in the range of the transaction rebates and fees charged by BATS BZX Options Exchange (''BATS'') to its market participants.[10] The Exchange notes, however, that while the proposed transaction rebate and fee structure is similar to that of BATS, it is not identical since the Exchange proposes to use TCV as the denominator in determining the volume for each Tier and BATS instead uses OCC Clearing Volume (''OCV'') as its denominator in the volume for each of its tiers. OCV is the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an exchange system disruption and on any day with a scheduled early market close. TCV encompasses volume from all clearing types [C,F,M], whereas OCV encompasses only Customer cleared volume. A further distinction is the fact that the Exchange proposes to use actual, total monthly volume as the numerator in determining the volume for each Tier and BATS instead uses an average of daily volume (''ADV'') as its numerator in the volume for each of its tiers. Additionally, BATS includes in the volume calculations for certain of its tiers applicable to its market participants the volume by such Member on BATS' equities market. Unlike BATS, the Exchange does not presently offer any such comparable arrangement.[11]

The Exchange's transaction rebates and fees structure is also similar to that of ISE Gemini, LLC (''Gemini'').[12] Gemini has adopted a maker-taker tiered fee structure based upon volume that is also further delineated by whether the transaction is in Penny and SPY classes or Non-Penny classes. Similar to the structure proposed by the Exchange, the highest tier threshold attained by a Gemini member applies retroactively in a given month to all eligible traded contracts and applies to all eligible market participants. All eligible volume from affiliated members is aggregated in determining applicable tiers, provided there is at least 75% common ownership between the members as reflected on each member's Form BD, Schedule A. Non-Priority Customer orders are charged the taker fee for trades executed during the opening rotation and Priority Customer orders executed during the opening rotation receive the applicable maker rebate based on the tier achieved.

A. Orders for Priority Customers

Transaction rebates/fees applicable to all orders submitted by a Member for the account of a Priority Customer[13] will be assessed according to the following table:

Origin	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
Priority Customer	1	0.00%–0.05%	($0.25)	$0.49	($0.85)	$0.87
	2	Above 0.05%–0.35%	(0.40)	0.49	(1.05)	0.86
	3	Above 0.35%–0.50%	(0.50)	0.48	(1.05)	0.85
	4	Above 0.50%–0.75%	(0.53)	0.48	(1.05)	0.84
	5	Above 0.75%	(0.54)	0.48	(1.05)	0.84

Transactions on behalf of a BATS ''Customer'' are similar to transactions by a Member on behalf of the Exchange's origin type ''Priority Customer''.[14] The rebates and fees proposed by the Exchange for Priority Customer transactions are also similar to those assessed in select tiers by BATS for transactions on behalf of its Customers. For example, for a BATS member adding liquidity in a Penny Pilot class on behalf of the account of a

[8] ''Affiliate'' means an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A.

[9] *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).

[10] *See* Bats BZX Options Fee Schedule, Transaction Fees, at *http://www.bats.com/us/options/membership/fee_schedule/bzx/.*

[11] *Id.*

[12] *See* ISE Gemini, LLC Fee Schedule, Section I. Regular Order Fees and Rebates, at *http://www.ise.com/assets/gemini/documents/OptionsExchange/legal/fee/Gemini_Fee_Schedule.pdf.*

[13] ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100, including Interpretations and Policies .01.

[14] *See supra* note 10.

Customer, BATS pays a rebate of (i) $0.25 for ADV and below of less than 0.05% of average OCV; (ii) $0.40 for ADV equal to or greater than 0.05% of average OCV; (iii) $0.48 for ADV equal to or greater than 0.40% of average OCV; and (iv) $0.50 for ADV equal to or greater than 1.30% of average OCV. Additionally, for a BATS member taking liquidity in a Penny Pilot class on behalf of the account of a Customer, BATS assesses a fee of (i) $0.49 for a member that has an average daily added volume in Customer orders less than 0.50% of average OCV; and (ii) $0.48 for a member that has an average daily added volume in Customer orders equal to or greater than 0.50% of average OCV and has on BZX Equities an average daily added volume equal to or greater than 0.50% of average TCV.[15]

B. Orders for Market Makers

Transaction rebates/fees applicable to all Market Makers [16] will be assessed according to the following table:

Origin	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
All MIAX PEARL Market Makers.	1	0.00%–0.10%	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.10%–0.50%	(0.40)	0.48	(0.60)	1.03
	3	Above 0.50%–0.75%	(0.45)	0.47	(0.65)	1.02
	4	Above 0.75%	(0.48)	0.47	(0.70)	1.02

The Market Maker rebates and fees proposed by the Exchange are similar in structure to the transaction rebates and fees charged by BATS to its market makers. For example, for a market maker adding liquidity in a Penny Pilot class, BATS pays a rebate of (i) $0.35 for ADV (and below) of less than 0.40% of average OCV; (ii) $0.40 for volume equal to or greater than 0.40% of average OCV; and (iii) $0.42 if the member has an average daily added volume in market maker and/or away market maker orders equal to or greater than 1.30% of average OCV and has average daily volume equal to or greater than 2.60% of average OCV. For a market maker adding liquidity in a Non-Penny class, BATS pays a rebate of (i) $0.42 for volume less than 0.40% of OCV; (ii) $0.45 for volume equal to or greater than 0.40% of average OCV; (iii) $0.52 for volume equal to or greater than 1.30% of average OCV; and (iv) $0.65 if the member has an average daily added volume in market maker orders in Non-Penny classes equal to or greater than 0.10% of average OCV and has average daily added volume in non-Priority Customer orders equal to or greater than 3.00% of average OCV.[17]

Additionally, for a market maker taking liquidity in a Penny Pilot class, BATS assesses a fee of (i) $0.50 for average daily added volume of less than 1.30% of average OCV; (ii) $0.47 for average daily added volume of equal to or greater than 1.30% of average OCV; and (iii) $0.44 for average daily added volume of equal to or greater than 1.70% of average OCV.[18]

C. Orders for all Other Market Participants

Transaction rebates/fees applicable to all orders submitted by a Member for the account of non-Priority Customers, Firms, Broker-Dealers and non-MIAX Pearl Market Makers will be assessed according to the following table:

Origins	Tier	Volume criteria	Per contract rebates/fees for penny classes		Per contract rebates/fees for non-penny classes	
			Maker	Taker	Maker	Taker
Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers.	1	0.00%–0.10%	($0.25)	$0.50	($0.30)	$1.05
	2	Above 0.10%–0.50%	(0.40)	0.49	(0.60)	1.04
	3	Above 0.50%–0.75%	(0.45)	0.48	(0.65)	1.04
	4	Above 0.75%	(0.48)	0.48	(0.70)	1.04

The Add/Remove Tiered Rebates and Fees assessable to these market participants who are not Priority Customers and who are not MIAX PEARL Market Makers proposed by the Exchange are also similar in structure to and in the range of the transaction rebates and fees charged by BATS for transactions for the accounts of similar market participants. The Exchange notes, however, that BATS has three separate groupings for these other market participants,[19] whereas the Exchange is proposing to have one combined grouping for such participants. For example, for transactions on behalf of firms or broker-dealers adding liquidity in a Penny Pilot class, BATS pays a rebate of (i) $0.36 for members with an average daily added volume in away market maker/firm/broker-dealer/joint back office orders less than .50% of average OCV, and has an average daily volume of less than .40% of average OCV; (ii) $0.46 for members with an average daily added volume in away market maker/firm/broker-dealer/joint back office orders equal to or greater than 1.05% of average OCV, and has an average daily volume equal to or greater than 1.95% of average OCV; and (iii) $0.43 for members with an average daily volume

[15] *Id.*

[16] ''Market Maker'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange. *See* Exchange Rule 100.

[17] *See supra* note 10.

[18] *Id.*

[19] BATS has a separate grouping for (1) Professionals, (2) Firm/BD/JBO, and (3) Away Market Maker. *See supra* note 10.

equal to or greater than 0.50% of average OCV, and has an average daily added volume in away market maker/firm/broker-dealer/joint back office orders equal to or greater than 0.40% of average OCV.[20]

Additionally, for transactions on behalf of professionals, firm, broker-dealer or away market maker taking liquidity in a Penny Pilot class, BATS assesses a fee of (i) $0.50 for average daily added volume of less than 1.30% of average OCV; (ii) $0.47 for average daily added volume of equal to or greater than 1.30% of average OCV; and (iii) $0.44 for average daily added volume of equal to or greater than 1.70% of average OCV.[21]

Routing Fees

MIAX PEARL proposes to assess Routing Fees in order to recoup costs incurred by MIAX PEARL when routing orders to various away markets. The amount of the applicable fee, if any, is based upon (i) the origin type of the order, (ii) whether or not it is an order for an option in a Penny or Non-Penny class (or other explicitly identified classes) and (iii) to which away market it is being routed, according to the following table:[22]

Description	Fees
Routed, Priority Customer, Penny Pilot, to: AMEX, BOX, CBOE, EDGX, MERCURY, MIAX OPTIONS, PHLX (except SPY), BX	$0.15
Routed, Priority Customer, Penny Pilot, to: ARCA, BATS, C2, GEMINI, ISE, NOM, PHLX (SPY only)	0.65
Routed, Priority Customer, Non-Penny Pilot, to: AMEX, BOX, CBOE, EDGX, ISE, MERCURY, MIAX OPTIONS, PHLX, BX	0.15
Routed, Priority Customer, Non-Penny Pilot, to: ARCA, BATS, C2, GEMINI, NOM	0.97
Routed, Public Customer that is not a Priority Customer, Penny Pilot, to: AMEX, ARCA, BATS, BOX, CBOE, C2, EDGX, GEMINI, ISE, MERCURY, MIAX OPTIONS, NOM, PHLX, BX	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Pilot, to: AMEX	0.65
Routed, Public Customer that is not a Priority Customer, Non-Penny Pilot, to: ARCA, BATS, C2, GEMINI, MERCURY, BX	1.20
Routed (Public Customer that is not a Priority Customer), Non-Penny Pilot, to: BOX, CBOE, EDGX, ISE, MIAX OPTIONS, NOM, PHLX	0.97

In analyzing its fees, the Exchange took into account clearing costs,[23] administrative, regulatory, and technical costs associated with routing orders to an away market. The Exchange uses unaffiliated routing brokers to route orders to the away markets; the costs associated with the use of these services are included in the Routing Fees specified in the Fee Schedule. This Routing Fees structure is comparable to the structures in place at other exchanges, such as BATS.[24] The BATS BZX fee schedule has exchange groupings, whereby several exchanges are grouped into the same category, dependent on the order's origin type and whether it is a Penny or Non-Penny Pilot class. For example, BATS fee code RQ covers routed customer orders in Non-Penny classes to ARCA, C2, ISE, ISE Gemini, MIAX PEARL or NOM, with a single fee of $0.70 per contract. The Exchange is proposing a similar structure, however its structure is more granular and thus contains more exchange groupings. The Exchange is proposing to have 8 different exchange groupings, based on the exchange, order type, and option class. The Exchange believes that having more groupings will offer the Exchange greater precision in covering its costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) to execute that corresponding contract at that corresponding exchange. For example, to execute a Priority Customer order in a Penny Pilot symbol (other than SPY) at AMEX costs the Exchange approximately $0.15 a contract. Since this is also the approximate cost to execute that same order at BOX, the Exchange is able to group AMEX and BOX together in the same grouping. This same logic and structure applies to all of the groupings in the Routing Fees table. Other exchanges, like the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX Options''), have routing fee structures that simply pass onto the Member the actual charge assessed by the away market where the order is executed plus a fixed fee surcharge (which in the case of MIAX Options is $0.10).[25] However, in the Exchange's experience, this structure of simply passing on the actual charge plus a mark-up can be administratively burdensome, particularly when multiple, third-party, unaffiliated routing broker-dealers are used to route and execute the orders at the away market. This is because the routing broker-dealers have different billing policies and practices, and it often can take several hours per month reconciling trades and bills at the end of each month. By utilizing the structure proposed by the Exchange, the Exchange will know immediately the cost of the execution and it can eliminate the administratively burdensome month end reconciliation process, as well as provide more certainty and transparency for execution costs to its Members for the execution of orders that are routed to away markets.

ii. Regulatory Fees

Sales Value Fee

The Sales Value Fee[26] is proposed to be assessed by the Exchange to each Member for sales on the Exchange with respect to which the Exchange is obligated to pay a fee to the Commission pursuant to Section 31 of the Exchange Act. The Sales Value Fee is equal to the Section 31 fee rate multiplied by the Member's aggregate dollar amount of covered sales resulting from options transactions occurring on the Exchange during any computational period. The Section 31 fee rate is set annually by the United States Securities and Exchange Commission (''Commission''). To the extent there may be any excess monies collected under this rule, the Exchange may retain those monies to help fund general operating expenses. The sales transactions to which the fee applies are sales of options (other than options on a security index) and the sales of securities resulting from the exercise of physical-delivery options. The fee is collected indirectly from Members

[20] *See supra* note 10.

[21] *Id.*

[22] This is similar to the methodologies utilized by BATS in assessing Routing Fees. *See* Bats Fee Schedule under ''Fee Codes and Associated Fees''.

[23] The OCC amended its clearing fee from $0.01 per contract side to $0.02 per contract side. *See* Securities Exchange Act Release No. 71769 (March 21, 2014), 79 FR 17214 (March 27, 2014) (SR–OCC–2014–05).

[24] *See supra* note 10.

[25] *See* MIAX Options Fee Schedule, Section (1) Transaction Fees at *http://www.miaxoptions.com/sites/default/files/pagefiles/MIAX_Options_Fee_Schedule_02012017.pdf.*

[26] *See* Exchange Rule 1207.

through their clearing firms by the OCC on behalf of MIAX PEARL with respect to option sales and options exercises. The Sales Value fee proposed by the Exchange is identical to the fee assessed by other exchanges, including the Exchange's affiliate MIAX Options.

Web CRD[27] Fees

Financial Industry Regulatory Authority (''FINRA''), through the Web CRD℠ registration system for the registration of associated persons of Electronic Exchange Member and Market Maker organizations that are not also FINRA members, collects from those MIAX PEARL Members general registration fees and fingerprint processing fees. The Fee Schedule sets forth both the Web CRD Fees FINRA is currently charging and the Web CRD Fees it will begin charging February 6, 2017. The Web CRD fees proposed by the Exchange are similar to those assessed by other exchanges and identical to the same fees assessed by MIAX Options.

iii. Non-Transaction Fees

The Exchange proposes to establish certain non-transaction fees, including membership, testing, system connectivity and market data fees, applicable to Members and non-Members using services provided by MIAX PEARL.

Membership Fees

MIAX PEARL proposes to assess Membership fees for Applications and Trading Permits.

A. Application for MIAX PEARL Membership

A one-time application fee based upon the applicant's status as either an Electronic Exchange Member (''EEM'') or as a Market Maker will be assessed by MIAX PEARL. The Exchange proposes to assess the one-time application fee on the earlier of (i) the date the applicant is certified in the Exchange's membership system or (ii) once an application for MIAX PEARL membership is finally denied. MIAX PEARL proposes that the one-time application fee for membership will be waived for a period of time, which the Exchange has defined in the Fee Schedule as the Waiver Period,[28] for both EEMs and Market Makers. MIAX PEARL believes that this will provide incentive for potential applicants to submit early applications, which should result in increasing potential order flow and liquidity as MIAX PEARL begins trading. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to expire the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

B. Trading Permits

MIAX PEARL proposes to issue Trading Permits that confer the ability to transact on MIAX PEARL. Trading Permits will be issued to EEMs and Market Makers. Members receiving Trading Permits during a particular calendar month will be assessed monthly Trading Permit Fees as shall be set forth in the Fee Schedule. The Exchange notes that the Exchange's affiliate, MIAX Options, charges trading permit fees as well, and the Exchange's proposed structure for its Trading Permit fees is based on the structure of MIAX Options, particularly as it relates to EEMs. As it relates to Market Makers, MIAX Options charges its market makers based on the number of options classes to which the market maker is appointed. Since the market making structure on the Exchange is not identical to the market making structure on MIAX Options, the Exchange may propose to charge its Market Makers in a different manner than is charged at MIAX Options. The monthly Trading Permit Fees assessable to EEMs and Market Makers are being waived by the Exchange for the Waiver Period. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to terminate the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

Testing and Certification Fees

A. API Testing and Certification Fee

Members

MIAX PEARL proposes to assess an Application Programming Interface (''API'') testing and certification fee on all Members depending upon the type of interface being tested. An API makes it possible for Member software to communicate with MIAX PEARL software applications, and is subject to Member testing with, and certification by, MIAX PEARL. The Exchange proposes to offer four types of interfaces: (i) the Financial Information Exchange (''FIX'') Port, which allows Members to electronically send orders in all products traded on the Exchange; (ii) the MIAX Express Network (''MEO'') Port, which allows EEMs and Market Makers to submit electronic orders to the Exchange; (iii) the Clearing Trade Drop (''CTD'') Port, which provides real-time trade clearing information to the participants to a trade on MIAX PEARL and to the participants' respective clearing firms; and (iv) FIX Drop Copy (''FXD'') Port, which provides a copy of real-time trade execution, correction and cancellation information through a FIX Port to any number of FIX Ports designated by an EEM to receive such messages. API Testing and Certification Fees will be assessed (i) initially per API per interface in the month the Member has been credentialed to use one or more ports in the production environment for the tested API, and (ii) each time a Member initiates a change to its system that requires testing and certification. API Testing and Certification Fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification. The fees represent costs incurred by the Exchange as it works with each Member for testing and certifying that the Member's software systems communicate properly with MIAX PEARL's interfaces. MIAX PEARL has set a one-time fee so that MIAX PEARL Members will know the full cost for the service prior to beginning to use

[27] FINRA operates the Web Central Registration Depository (CRD®), the central licensing and registration system for the U.S. securities industry and its regulators. It contains the registration records of more than 6,800 registered broker-dealers and the qualification, employment, and disclosure histories of more than 660,000 active registered individuals.

[28] ''Waiver Period'' means, for each applicable fee, the period of time from the initial effective date of the MIAX PEARL Fee Schedule until such time that the Exchange has an effective fee filing establishing the applicable fee. The Exchange will issue a Regulatory Circular announcing the establishment of an applicable fee that was subject to a Waiver Period at least fifteen (15) days prior to the termination of the Waiver Period and effective date of any such applicable fee.

such services and thereby be more cost effective to the Members.

In order to provide an incentive to prospective Members to apply early for membership and to engage in API testing and certification such that they will be able to trade options on MIAX PEARL as soon as possible, API Testing and Certification fees assessable to Members will be waived by the Exchange for all interfaces for the Waiver Period. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to terminate the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

Non-Members

MIAX PEARL proposes to assess a one-time API Testing and Certification fee per interface on third-party vendors, Service Bureaus and other non-Members whose software interfaces with MIAX PEARL software. As with Members, an API makes it possible for the software of third-party vendors, Service Bureaus and other non-Members to communicate with MIAX PEARL software applications, and is subject to testing with, and certification by, MIAX PEARL. API Testing and Certification Fees will be assessed (i) initially per API per interface in the month the non-Member has been credentialed to use one or more ports in the production environment for the tested API, and (ii) each time a non-Member initiates a change to its system that requires testing and certification. API Testing and Certification Fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification.

Other exchanges, including NASDAQ PHLX, LLC and NASDAQ Stock Market, charge a fee for similar services to Members and non-Members.[29] In order to provide an incentive to non-Members to engage in early API testing and certification such that they will be able to utilize the services of MIAX PEARL as soon as possible, API Testing and Certification fees assessable to non-Members will be waived by the Exchange for all interfaces for the Waiver Period. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to terminate the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

B. Member Network Testing and Certification Fee

As described below under ''System Connectivity Fees'', MIAX PEARL will establish electronic communication connections with Members and proposes to assess Members a Testing and Certification Fee of $1,000.00 per Member per one (1) Gigabit (''Gb'') connection, $4,000.00 per Member per ten (10) Gb connection and $4,000.00 per Member per ten (10) Gb ultra-low-latency (''ULL'') connection. Member Network Connectivity Testing and Certification Fees will be assessed (i) initially per connection in the month the Member has been credentialed to use any API or Market Data feeds in the production environment utilizing the tested network connection, and (ii) each time a Member initiates a change to its system that requires network connectivity testing and certification. Network Connectivity Testing and Certification Fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification. Member Network Connectivity Testing and Certification Fees will not be assessed for testing and certification of connectivity to the Exchange's Disaster Recovery Facility.

These proposed fee amounts are identical to the fees currently assessed for the same services at MIAX Options. The Exchange notes that the MENI, which is defined in the Definitions section of the Fee Schedule, is a network infrastructure which provides Members and non-Members network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facility of the Exchange. The MENI consists of the low latency and ultra-low latency (''ULL'') connectivity options set forth in the Exchange's Fee Schedule. The MENI can also be configured to provide network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facility of the Exchange's affiliate, MIAX Options, via a single, shared connection. Accordingly, Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX Options via a single, shared connection will only be assessed one Network Connectivity Testing and Certification Fee per connection tested, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.[30]

C. Non-Member Network Testing and Certification Fee

MIAX PEARL will establish electronic connections with and proposes to assess Service Bureaus, Extranet Providers and other non-Members a Testing and Certification Fee of $1,200.00 per non-Member per one (1) Gigabit (''Gb'') connection, $4,200.00 per non-Member per ten (10) Gb connection and $4,200.00 per non-Member per ten (10) Gb ultra-low-latency (''ULL'') connection.

Non-Member Network Connectivity Testing and Certification Fees will be assessed (i) initially per connection in the month the non-Member has been credentialed to use any API or Market Data feeds in the production environment utilizing the tested network connection, and (ii) each time a non-Member initiates a change to its system that requires network connectivity testing and certification. Network Connectivity Testing and Certification Fees will not be assessed in situations where the Exchange initiates a mandatory change to the Exchange's system that requires testing and certification. Non-Member Network Connectivity Testing and Certification

[29] *See* NASDAQ PHLX LLC (''PHLX'') Pricing Schedule, Chapter VII, Section E at *http://nasdaqphlx.cchwallstreet.com/NASDAQPHLXTools/PlatformViewer.asp?selectednode=chp_1_4_1&manual=%2Fnasdaqomxphlx%2Fphlx%2Fphlx-rulesbrd%2F*; *see also* NASDAQ Stock Market Options Pricing, Chapter XV, Section 13 at *http://nasdaq.cchwallstreet.com/NASDAQTools/PlatformViewer.asp?selectednode=chp_1_1_15&manual=%2Fnasdaq%2Fmain%2Fnasdaq-optionsrules%2F.*

[30] The Exchange notes that MIAX Options has filed with the Commission a proposed rule change to adopt similar clarifying rules in connection with the launch of trading on MIAX PEARL. See SR–MIAX–2017–05 filed on February 13, 2017 at *http://www.miaxoptions.com/rule-filings.*

Fees will not be assessed for testing and certification of connectivity to the Exchange's Disaster Recovery Facility.

These proposed fee amounts are identical to the fees currently assessed for the same services at MIAX Options. As with Member subscribers, the MENI can also be configured to provide network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facility of the Exchange's affiliate, MIAX Options, via a single, shared connection. Accordingly, non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX Options via a single, shared connection will only be assessed one Network Connectivity Testing and Certification Fee per connection tested, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.[31] The Member and non-Member Network Testing and Certification fees represent installation and support costs incurred by the Exchange as it works with each Member and non-Member to make sure there are appropriate electronic connections with MIAX PEARL. Other exchanges, including MIAX Options, charge fees for similar services to Members and non-Members.[32] The Exchange proposes to assess a higher Network testing and certification fee to non-Members than to Members similar to how MIAX Options assesses such fees to its Members and non-Members. The higher fee charged to non-Members reflects the greater amount of time spent by MIAX PEARL employees testing and certifying non-Members. It has been MIAX PEARL's experience that Member network connectivity testing takes less time than non-Member network connectivity testing because Members have more experience testing these systems with exchanges as generally fewer questions and issues arise during the testing and certification process.

System Connectivity Fees

MIAX PEARL proposes to assess fees to Members and non-Members for electronic connections between those entities and MIAX PEARL. The connectivity fees are generally based upon the amount of bandwidth that will be used by the Member or non-Member. MIAX PEARL currently offers fiber optic connectivity with a bandwidth of (i) one (1) Gb; (ii) ten (10) Gb; and (iii) ten (10) Gb ULL, which connects the user to MIAX PEARL using an ultra-low latency switch, which provides faster processing of messages sent to it in comparison to the switch used for the other types of connectivity. The Exchange offers connectivity to its Primary, Secondary and Disaster Recovery Facilities through the 1 Gb and 10 Gb connections and offers connectivity to its Primary and Secondary Facilities through the 10 Gb ULL connection.

A. Member Network Connectivity Fee

MIAX PEARL proposes to assess a monthly Member Network Connectivity fee of (i) $1,100 per one (1) Gb connection to the Exchange's Primary and Secondary Facilities; (ii) $500.00 per one (1) Gb connection to the Exchange's Disaster Recovery Facility; (iii) $5,500.00 per ten (10) Gb connection to the Exchange's Primary and Secondary Facilities; (iv) $2,500.00 per ten (10) Gb connection to the Exchange's Disaster Recovery Facility; and (v) $8,500 per ten (10) Gb ULL connection to the Exchange's Primary and Secondary Facilities. MIAX PEARL charges a higher fee for the 10 Gb and 10 Gb ULL connections due the higher costs of the bandwidths and the low latency switch in the case of the 10 Gb ULL connection. MIAX PEARL's monthly Member Network Connectivity fees are identical to those charged by MIAX Options and are comparable to the monthly fees charged for similar connectivity at Chicago Board Options Exchange, Incorporated (''CBOE''), which are (i) $750 for a 1 Gb connection, (ii) $4,000 for a 10 Gb connection and (iii) $250 for 1 Gb connection to CBOE's Disaster Recovery facility,[33] and at PHLX, which are (i) $1,000 for a 1 Gb connection, and (ii) $5,000 for a ten (10) Gb connection.[34]

Monthly Member Network Connectivity fees for connectivity with the Primary/Secondary Facility will be assessed in any month the Member is credentialed to use any of the MIAX PEARL APIs or Market Data feeds in the production environment and will be pro-rated when a Member makes a change to the connectivity (by adding or deleting connections) with such pro-rated fees based on the number of trading days that the Member has been credentialed to utilize any of the MIAX PEARL APIs or Market Data feeds in the production environment through such connection, divided by the total number of trading days in such month multiplied by the applicable monthly rate. Monthly Member Network Connectivity fees for connectivity with the Disaster Recovery Facility will be assessed in each month during which the Member has established connectivity with the Disaster Recovery Facility.

The Exchange notes that the MENI can be configured to provide network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facility of the Exchange's affiliate, MIAX Options, via a single, shared connection. Accordingly, Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX Options via a single, shared connection will only be assessed one Member Network Connectivity Fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.[35]

B. Non-Member Network Connectivity Fee

MIAX PEARL proposes to assess a monthly non-Member Network Connectivity fee of (i) $1,100 per one (1) Gb connection to the Exchange's Primary and Secondary Facilities; (ii) $500.00 per one (1) Gb connection to the Exchange's Disaster Recovery Facility; (iii) $5,500.00 per ten (10) Gb connection to the Exchange's Primary and Secondary Facilities; (iv) $2,500.00 per ten (10) Gb connection to the Exchange's Disaster Recovery Facility; and (v) $8,500 per ten (10) Gb ULL connection to the Exchange's Primary and Secondary Facilities. MIAX PEARL charges a higher fee for the 10 Gb and 10 Gb ULL connections due the higher costs of the bandwidths and the low latency switch in the case of the 10 Gb ULL connection. MIAX PEARL's monthly non-Member Network Connectivity fees are identical to those charged by MIAX Options and are comparable to the monthly fees charged for similar connectivity at CBOE, which are (i) $750 for a 1 Gb connection, (ii) $4,000 for a 10 Gb connection and (iii) $250 for 1 Gb connection to CBOE's Disaster Recovery facility [36]and at PHLX, which are (i) $1,000 for a 1 Gb connection, and (ii) $5,000 for a ten (10) Gb connection.[37]

[31] *Id.*

[32] *See supra* note 29. The fees proposed by the Exchange are also identical to those assessed by MIAX Options for the same services.

[33] *See* CBOE Fee Schedule, CBOE Command Connectivity Charges at *http://www.cboe.com/publish/feeschedule/CBOEFeeSchedule.pdf.*

[34] *See* PHLX Fee Schedule, Section XI Direct Connectivity to Phlx.

[35] *See supra* note 30.

[36] *See supra* note 33.

[37] *See supra* note 34.

Monthly non-Member Network Connectivity fees for connectivity with the Primary/Secondary Facility will be assessed in each month the non-Member has been credentialed to use any of the MIAX PEARL APIs or Market Data feeds via the network connection in the production environment and will be pro-rated when a non-Member makes a change to the connectivity (by adding or deleting connections) with such pro-rated fees based on the number of trading days that the non-Member has been credentialed to utilize any one of the two MIAX Exchanges' APIs or Market Data feeds in the production environment through such connection, divided by the total number of trading days in such month multiplied by the applicable monthly rate. Monthly Non-Member Network Connectivity fees for connectivity with the Disaster Recovery Facility will be assessed in each month during which the non-Member has established connectivity with the Disaster Recovery Facility.

As with Members, the MENI can be configured to provide network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facility of the Exchange's affiliate, MIAX Options, via a single, shared connection. Accordingly, non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems, and disaster recovery facilities of the Exchange and MIAX Options via a single, shared connection will only be assessed one non-Member Network Connectivity Fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection.[38]

C. Pass-Through of External Connectivity Fees

MIAX PEARL proposes to assess External Connectivity fees to Members and non-Members that establish connections with MIAX PEARL through a third-party. Fees charged to MIAX PEARL by third-party external vendors on behalf of a Member or non-Member connecting to MIAX PEARL (including cross-connects), will be passed through to the Member or non-Member. External Connectivity fees include one-time set-up fees and monthly charges charged to MIAX PEARL by a third-party.

The purpose of the External Connectivity fee is to recoup costs incurred by MIAX PEARL in establishing connectivity with external vendors acting on behalf of a Member or non-Member. MIAX PEARL will only pass-through the actual costs it is charged by the third-party external vendors. Other exchanges, including MIAX Options, charge a fee for similar services to Members and non-Members.

D. Port Fees

Once network connectivity is established, MIAX PEARL proposes to assess fees for access and services used by Members and non-Members via connections known as ''Port''. MIAX PEARL provides four (4) Port types, including (i) the FIX Port, which allows Members to electronically send orders in all products traded on the Exchange; (ii) the MEO Port, which allows EEMs and Market Makers to submit electronic orders to the Exchange; (iii) the CTD Port, which provides real-time trade clearing information to the participants to a trade on MIAX PEARL and to the participants' respective clearing firms; and (iv) FXD Port, which provides a copy of real-time trade execution, correction and cancellation information through a FIX Port to any number of FIX Ports designated by an EEM to receive such messages.

MIAX PEARL will assess monthly Port Fees on Members and non-Members in each month the market participant is credentialed to use a Port in the production environment and based upon the number of credentialed Ports that a user is entitled to use. MIAX PEARL has Primary and Secondary Facilities and a Disaster Recovery Facility. Each type of Port provides access to all three facilities for a single fee. The Exchange notes that, unless otherwise specifically set forth in the Fee Schedule, the Port Fees include the information communicated through the Port. That is, unless otherwise specifically set forth in the Fee Schedule, there is no additional charge for the information that is communicated through the Port apart from what the user is assessed for each Port.

The Exchange will offer different options of MEO Ports depending on the services required by the Member or non-Member, including a Full Service MEO Port—Bulk,[39] a Full Service MEO Port—Single[40] and a Limited Service MEO Port.[41] A Member or non-Member may be allocated two (2) Full-Service MEO Ports of either type per Matching Engine and up to eight (8) Limited Service MEO Ports per Matching Engine. The two (2) Full-Service MEO Ports that may be allocated per Matching Engine to a Member or non-Member may consist of: (a) Two (2) Full Service MEO Ports—Bulk; or (b) two (2) Full Service MEO Ports—Single. Below is the table of Port Fees that appears in the Fee Schedule.

Type of port	Monthly port fees includes connectivity to the Primary, Secondary and Disaster Recovery data centers
FIX Port	Fee waived for the Waiver Period.
Full Service MEO Port—Bulk.	Fee waived for the Waiver Period.
Full Service MEO Port—Single.	Fee waived for the Waiver Period.
Limited Service MEO Port.	Fee waived for the Waiver Period.
CTD Port	Fee waived for the Waiver Period.
FXD Port	Fee waived for the Waiver Period.

Other exchanges, including MIAX Options, charge a fee for similar services to Members and non-Members. The Exchange's proposed structure for its Port Fees is based on the structure of MIAX Options, subject to a few differences as discussed below. First, the Exchange is not currently proposing to have tiered pricing for FIX Ports, as does MIAX Options. If the Exchange determines to adopt a tiered pricing structure in the future, the Exchange will submit a proposed rule change with the Commission to establish such a structure. Second, the Exchange is proposing to have two types of Full Service MEO Port Fees (Bulk and Single), whereas MIAX Options only has one type of full service port fee (MEI Port Fee). Further, MIAX Options charges for its MEI port fees based on the options class assignments, as measured by the national volume. Since the market making structure on the Exchange is not identical to the market making structure on MIAX Options, the Exchange may propose to assess its MEO Port Fees in a different manner than is assessed by MIAX Options for its MEI Port Fees. Finally, the amount of the CTD Port Fee assessed by MIAX Options is based on the transacted volume of the MIAX Options member. The Exchange is proposing to structure its CDT Port Fee as a monthly fixed amount, not tied to transacted volume of the Member. This fixed fee structure is the same structure in place at Nasdaq

[38] *See supra* note 30.

[39] ''Full Service MEO Port—Bulk'' means an MEO port that supports all MEO input message types and binary bulk order entry.

[40] ''Full Service MEO Port—Single'' means an MEO port that supports all MEO input message types and binary order entry on a single order-by-order basis, but not bulk orders.

[41] ''Limited Service MEO Port'' means an MEO port that supports all MEO input message types, but does not support bulk order entry and only supports limited order types, as specified by the Exchange via Regulatory Circular.

PHLX with respect to CTD port fees.[42] In order to provide an incentive to Members and non-Members to connect to MIAX PEARL through the Ports such that they will be able to utilize the services of MIAX PEARL as soon as possible, all Port fees assessable to Port users will be waived by the Exchange for the Waiver Period for such fees. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to terminate the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

E. MPID Fees

MIAX PEARL proposes to assess monthly Member Participant Identifier (''MPID'') fees on Members based upon the type of MPID. Type of MPID will be either FIX MPID, using the FIX Port interface, or MEO MPID, using the MEO Port interface. MIAX PEARL intends to assess MPID fees in order to cover the administrative costs it incurs in assigning and managing these identifiers for each Member.

Other exchanges, including MIAX Options, charge a fee for similar services to Members, however there are the following differences between the structure proposed by the Exchange and the structure at MIAX Options, as discussed below. First, as discussed above, the Exchange is proposing to distinguish between MPIDs associated with FIX and MPIDs associated with MEO, and thus both types of MPIDs will respectively have their own associated fee amount. MIAX Options does not make that distinction, and thus has only one type of MPID fee. The Exchange has determined to make this distinction (between FIX MPIDs and MEO MPIDs) due to the difference in market structure between the Exchange and MIAX Options, as the Exchange believes that its maker-taker, price time market structure makes it appropriate to for having a dual MPID fee structure, given the expected trading behavior of Members over the respective interface and the Exchange's costs associated with maintaining each type of interface. Further, MIAX Options only assesses MPID fees on EEMs, whereas the Exchange proposes to assess MPID fees on all Members. Again, the Exchange has determined to make this distinction (assessing MPID fees on all Members versus only on EEMs) because it believes that its maker-taker, price time market structure makes it appropriate for assessing all Members based on expected trading behavior of Members on the Exchange and the Exchange's costs associated with maintaining each type of interface. Second, the Exchange is not currently proposing to have tiered pricing for MPIDs, as does MIAX Options. The Exchange has determined to make this distinction (not offering tiered pricing versus offering tiered pricing) because it believes that its maker-taker, price time market structure will result in Members needing fewer MPIDs, therefore lessening the need for a tiered pricing structure. If the Exchange determines to adopt a tiered pricing structure in the future, the Exchange will submit a proposed rule change with the Commission to establish such a structure. In order to provide an incentive to Members to start trading on MIAX PEARL as soon as possible, all MPID fees assessable to Members will be waived by the Exchange for the Waiver Period for such fees. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to terminate the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

F. Technical Support Request Fee

MIAX PEARL proposes to assess a technical support request fee to both Members and non-Members that request MIAX PEARL technical support at any of the MIAX PEARL data centers. MIAX PEARL proposes that such fee will be $200 per hour for such technical support. The purpose of the proposed fee is to permit users to request the use of Exchange's on-site data center personnel as technical support as a convenience to the users to test or otherwise assess the user's connectivity to the Exchange. Other exchanges, including MIAX Options, charge a fee for similar services to Members and non-Members.

Market Data Fees

The Exchange proposes to assess fees for its market data products, MIAX PEARL Top of Market (''ToM'') and MIAX PEARL Liquidity Feed (''PLF''). The Exchange notes that it has separately filed with the Commission a proposed rule change to establish the ToM and PLF products (the ''Market Data Product Filing'').[43] More information about the ToM and PLF products can be found in the Market Data Product Filing. To summarize, ToM provides market participants with a direct data feed that includes the Exchange's best bid and offer, with aggregate size, and last sale information, based on displayable order and quoting interest on the Exchange. The ToM data feed includes data that is identical to the data sent to the processor for the Options Price Reporting Authority (''OPRA''). ToM will also contain a feature that provides the number of Priority Customer contracts that are included in the size associated with the Exchange's best bid and offer.

PLF is a real-time full order book data feed that provides information for orders on the MIAX PEARL order book. PLF will provide real-time information to enable users to keep track of the simple order book for all symbols listed on MIAX PEARL. PLF will provide the following real-time data to its users with respect to each order for the entire order book: Origin, limit price, side, size, and time-in-force (*e.g.,* day, GTC). It is a compilation of data for orders residing on the Exchange's order book for options traded on the Exchange that the Exchange provides through a real-time multi-cast data feed. The Exchange believes the PLF is a valuable tool that subscribers can use to gain comprehensive insight into the limit order book in a particular option.

The Exchange proposes to charge monthly fees to Distributors of the ToM and/or PLF market data products. MIAX PEARL will assess market data fees applicable to the market data products on Internal and External Distributors in each month the Distributor is credentialed to use the applicable market data product in the production environment. A ''Distributor'' of MIAX PEARL data is any entity that receives a feed or file of data either directly from

[42] *See* Phlx Fee Schedule, Section VII Other Member Fees B. Port Fees.

[43] *See* Securities Exchange Act Release No. 79913 (February 1, 2017) (SR–PEARL–2017–01) Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Establish MIAX PEARL Top of Market (''ToM'') and MIAX PEARL Liquidity Feed (''PLF'') Data Products.

MIAX PEARL or indirectly through another entity and then distributes it either internally (within that entity) or externally (outside that entity). All Distributors are required to execute a MIAX PEARL Distributor Agreement. Market data fees for ToM and PLF will be reduced for new Distributors for the first month during which they subscribe to the applicable market data product, based on the number of trading days that have been held during the month prior to the date on which they have been credentialed to use the applicable market data product in the production environment. Such new Distributors will be assessed a pro-rata percentage of the fees described above, which is the percentage of the number of trading days remaining in the affected calendar month as of the date on which they have been credentialed to use the applicable market data product in the production environment, divided by the total number of trading days in the affected calendar month.

Other exchanges, including MIAX Options, charge fees for market data products to Members and non-Members. In order to provide an incentive to Members and non-Members to receive the market data feeds as soon as possible, all market data fees assessable to Distributors for ToM and PLF will be waived by the Exchange for the Waiver Period for such fees. The Exchange will submit a rule filing to the Commission to establish the fee amount and any related requirements, and provide notice to terminate the applicable Waiver Period. Even though the Exchange is proposing to waive this particular fee during the Waiver Period, the Exchange believes that is appropriate to provide market participants with the overall structure of the fee by outlining the structure on the Fee Schedule without setting forth a specific fee amount, so that there is general awareness that the Exchange intends to assess such a fee in the future, should the Waiver Period terminate and the Exchange establish an applicable fee.

The Exchange does not propose to adopt any other fees at this time. The Exchange expects to adopt additional fees after the terminations of applicable Waiver Periods as determined by the Exchange, which shall be at a later date. The Exchange will submit rule filings with the Commission prior to any such fees becoming effective.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [44] in general, and furthers the objectives of Section 6(b)(4) of the Act [45] in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

i. Transaction Fees

Add/Remove Tiered Transaction Rebates/Fees

The Exchange believes the rebates and fees proposed for transactions on MIAX PEARL are reasonable, equitable and not unfairly discriminatory. MIAX PEARL operates within a highly competitive market in which market participants can readily send order flow to several other competing venues if, among other things, they deem fees at a particular venue to be unreasonable or excessive. The proposed fee structure is intended to attract order flow to MIAX PEARL by offering market participants incentives to submit their orders to MIAX PEARL.

Volume-based pricing models such as those proposed on the Exchange have been widely adopted by options exchanges and are equitable and not unfairly discriminatory because they are open to all Members and provide additional benefits or discounts that are reasonably related to the value of an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes.

The Exchange's proposal to offer a rebate to Makers that provide liquidity in Penny and Non-Penny classes is also equitable and not unfairly discriminatory under the Act. The Exchange believes that the proposed maker-taker model is an important competitive tool for exchanges and directly or indirectly can provide better prices for investors. The proposed fee structure may incentivize the MIAX PEARL Bid and Offer (''MBBO'') because the rebate payable to Makers effectively subsidizes, and thus encourages, the posting of liquidity. The Exchange believes that the Maker rebate will also provide MIAX PEARL Market Makers with greater incentive to either match or improve upon the best price displayed on MIAX PEARL, all to the benefit of investors and the public in the form of improved execution prices. MIAX PEARL believes the proposed Add/Remove Tiered transaction rebates and fees assessed to Market Makers are reasonable because they are comparable to transaction fees charged by other options exchanges.

The Exchange believes that its proposed Add/Remove Tiered transaction rebates and fees are equitable and not unfairly discriminatory because they are available to all Market Makers and are reasonably related to the value to the Exchange that comes with higher market quality and higher levels of liquidity in the price and volume discovery processes. Such increased liquidity at the Exchange should allow it to spread its administrative and infrastructure costs over a greater number of transactions leading to lower costs per transaction.

The Exchange believes it is equitable and not unfairly discriminatory for MIAX PEARL Market Makers to be assessed generally lower fees than other professional market participants (referred to as non-Priority Customers, Non-Member Broker-Dealers, non-MIAX PEARL Market Makers and Firms in the Fee Schedule). Market Makers have obligations that other professional market participants do not. In particular, they must maintain continuous two-sided markets in the classes in which they are registered to trade, and must meet certain minimum quoting requirements. Therefore, the Exchange believes it is appropriate that Market Makers be assessed lower Add/Remove Tiered transaction fees since they have the potential to provide greater volumes of liquidity to the market.

The Exchange believes the proposed Add/Remove Tiered rebates and fees assessed on Priority Customers are reasonable, equitable, and not unfairly discriminatory because they are, as detailed in the Purpose section above, comparable to fees that Priority Customers are assessed at other competing exchanges.[46] The Exchange believes charging lower fees and providing higher rebates to Priority Customer orders attracts that order flow to the Exchange and thereby creates liquidity to the benefit of all market participants who trade on the Exchange.

[44] 15 U.S.C. 78f(b).

[45] 15 U.S.C. 78f(b)(4) and (5).

[46] *See supra* notes 10 and 12.

Further, the Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees to Priority Customer orders than to non-Priority Customer orders. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants on the Exchange whose behavior is substantially similar to that of market professionals, including non-Priority Customers, non-MIAX PEARL Market Makers, Firm, and Broker-Dealers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers.

Routing Fees

The Exchange believes that the proposed Routing Fees are reasonable, equitable and not unfairly discriminatory because they seek to recoup costs that are incurred by the Exchange when routing Public Customer orders to away markets on behalf of Members. Each destination market's transaction charge varies and there is a cost incurred by the Exchange when routing orders to away markets. The costs to the Exchange include clearing costs, administrative, regulatory and technical costs associated with routing options. The Exchange believes that the proposed Routing Fees would enable the Exchange to recover the costs it incurs to route orders to away markets in addition to transaction fees assessed to market participants for the execution of Public Customer orders by the away market. The Exchange is proposing to have 8 different exchange groupings, based on the exchange, order type, and option class. The Exchange believes that having more groupings will offer the Exchange greater precision in covering its costs associated with routing orders to away markets. The per-contract transaction fee amount associated with each grouping closely approximates the Exchange's all-in cost (plus an additional, non-material amount) to execute that corresponding contract at that corresponding exchange. For example, to execute a Priority Customer order in a Penny Pilot symbol (other than SPY) at AMEX costs the Exchange approximately $0.15 a contract. Since this is also the approximate cost to execute that same order at BOX, the Exchange is able to group AMEX and BOX together in the same grouping. This same logic and structure applies to all of the groupings in the Routing Fees table. Other exchanges, like the Exchange's affiliate, Miami International Securities Exchange, LLC (''MIAX Options''), have routing fee structures that simply pass onto the Member the actual charge assessed by the away market where the order is executed plus a fixed fee surcharge (which in the case of MIAX Options is $0.10). However, in the Exchange's experience, this structure of simply passing on the actual charge plus a mark-up can be administratively burdensome, particularly when multiple, third-party, unaffiliated routing broker-dealers are used to route and execute the orders at the away market. By utilizing the structure proposed by the Exchange, the Exchange will know immediately the cost of the execution and it can eliminate the administratively burdensome month end reconciliation process, as well as provide more certainty and transparency for execution costs to its Members for the execution of orders that are routed to away markets.

In addition, the Exchange believes that it is equitable and not unfairly discriminatory to assess lower routing fees to Priority Customer orders than to non-Priority Customer orders. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to non-Priority Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers. Further, the routing fees for Priority Customer orders are based on the fees charged by the away market for the execution of such orders, therefore it is reasonable and appropriate for the routing fees to be lower than the routing fees for non-Priority Customer orders, as this is fee construct at the away markets.

ii. Regulatory Fees

Sales Value Fee

The assessment by the Exchange of the proposed Sales Value Fee is reasonable, equitable and not unfairly discriminatory since it allows the Exchange to offset the cost it incurs in payment to the Commission of a transaction fee that is designed to recover the costs related to the government's supervision and regulation of the securities markets and securities professionals. The amount of the fee is the same amount assessed to the Exchange pursuant to Section 31 of the Exchange Act. The Exchange believes it is reasonable to recover the actual costs associated with the payment of Section 31 fees and other exchanges, including MIAX Options, charge the same fee to their market participants.

Web CRD Fees

The Exchange believes it is reasonable, equitable and not unfairly discriminatory for the proposed FINRA fees to be included on the Fee Schedule because these fees are not being assessed or set by MIAX PEARL, but by FINRA, and will be assessed to broker-dealers that register associated persons through FINRA's Web CRD system, and other exchanges, including MIAX Options, charge the same fees to their market participants.

iii. Non-Transaction Fees

Membership Fees

The Exchange believes that the assessment of one-time Membership Application fees is reasonable, equitable and not unfairly discriminatory. As described in the Purpose section, the one-time application fees are charged by other options exchanges, including MIAX Options, and are designed to recover costs associated with the processing of such applications. MIAX PEARL believes it is reasonable and equitable to waive the fee to applicants who apply for membership during the Waiver Period since the waiver of such fees provides incentives to interested applicants to apply early for MIAX PEARL membership. This in turn provides MIAX PEARL with potential order flow and liquidity providers as it begins operations. The waiver will apply equally to all applicants during the Waiver Period for the membership application fee.

Trading Permit Fees

The Exchange believes that the assessment of Trading Permit fees is reasonable, equitable and not unfairly discriminatory. The assessment of Trading Permit fees is done by the Exchange's affiliate, MIAX Options, and is commonly done by other exchanges as described in the Purpose section above. MIAX PEARL believes it is reasonable and equitable to waive the fee to Members during the Waiver Period since the waiver of such fees provides incentives to interested Members to apply early for trading permits. This in turn provides MIAX PEARL with potential order flow and liquidity providers as it begins operations. The waiver of the Trading Permit fees will apply equally to all Members during the Waiver Period.

API and Network Testing and Certification Fees

MIAX PEARL believes that the assessment of API and Network Testing and Certification fees is a reasonable allocation of its costs and expenses among its Members and other persons using its facilities since it is recovering the costs associated with providing such infrastructure testing and certification services. Other exchanges, including MIAX Options, charge a fee for similar services to Members and non-Members.

MIAX PEARL believes it is reasonable and equitable to waive the API Testing and Certification fee assessable to Members and non-Members during the Waiver Period since the waiver of such fees provides incentives to interested Members and non-Members to test their APIs early. Determining system operability with the Exchange's system early will in turn provide MIAX PEARL with potential order flow and liquidity providers as it begins operations. The waiver of API Testing and Certification fees will apply equally to all Members and non-Members during the Waiver Period.

Additionally, MIAX PEARL believes it is reasonable, equitable and not unfairly discriminatory to assess different Network Testing and Certification fees to Members and non-Members. The higher fee charged to non-Members reflects the greater amount of time spent by MIAX PEARL employees testing and certifying non-Members. It has been MIAX PEARL's experience that Member testing takes less time than non-Member testing because Members have more experience testing these systems with exchanges; generally fewer questions and issues arise during the testing and certification process.

System Connectivity Fees

The Exchange believes that the proposed System Connectivity Fees constitute an equitable allocation of fees, and are not unfairly discriminatory, because they allow the Exchange to recover costs associated with offering access through the network connections and access and services through the Ports, responding to customer requests, configuring MIAX PEARL systems, programming API user specifications and administering the various services. Access to the MIAX PEARL market will be offered on fair and non-discriminatory terms. The proposed System Connectivity Fees are also expected to offset the costs MIAX PEARL incurs in maintaining, and implementing ongoing improvements to the trading systems, including connectivity costs, costs incurred on gateway software and hardware enhancements and resources dedicated to gateway development, quality assurance, and technology support. The Exchange believes that its proposed fees are reasonable in that they are competitive with those charged by other exchanges and are identical to those charged by MIAX Options for the same connectivity.

MIAX PEARL believes it is reasonable, equitable and not unfairly discriminatory to pass-through External Connectivity fees to Members and non-Members that establish connections with MIAX PEARL through a third-party. MIAX PEARL will only pass-through the actual costs it is charged by third-party external vendors. MIAX PEARL believes it is reasonable and equitable to recover costs charged it on behalf of a Member or non-Member that establishes connections with MIAX PEARL through a third party. Other exchanges, including MIAX Options, charge a fee for similar services to Members and non-Members.

MIAX PEARL believes it is reasonable, equitable and not unfairly discriminatory to assess Port fees on both Members and non-Members who use such services. In particular, the Exchange believes that it is reasonable, equitable and not unfairly discriminatory to assess Port fees on Members since the Ports enable Members to submit orders and to receive information regarding transactions. Specifically, the FIX Port and the various MEO Ports enable Members to submit orders electronically to the Exchange for processing. The Exchange believes that its proposed fees are reasonable in that other exchanges offer similar ports with similar services and charge fees for the use of such ports, including MIAX Options.

MIAX PEARL believes it is reasonable and equitable to waive the Port fees assessable to Members and non-Members during the Waiver Period since the waiver of such fees provides incentives to Members and non-Members to connect to the Ports early. Determining connectivity and system operability with the Exchange's system early will in turn provide MIAX PEARL with potential order flow and liquidity providers as it begins operations. The waiver of Port fees will apply equally to all Members and non-Members during the Waiver Period.

The Exchange believes that its fees for MPIDs are reasonable, equitable and not unfairly discriminatory in that they apply to all Members using either FIX or MEO equally and allow the Exchange to recover operational and administrative costs in assigning and maintaining such services. The Exchange believes that its proposed fees are reasonable in that other exchanges charge fees for similar services, including MIAX Options, subject to the differences discussed above, which the Exchange believes are reasonable given the different market structure between the Exchange and MIAX Options.

MIAX PEARL believes it is reasonable and equitable to waive the MPID fee to Members during the Waiver Period since the waiver of such fees provides incentives to Members to apply early. This in turn provides MIAX PEARL with potential order flow and liquidity providers as it begins operations. The waiver of the MPID fees will apply equally to all Members during the Waiver Period.

The Exchange believes that the proposed Technical Support fee is fair, equitable and not unreasonably discriminatory, because it is assessed equally to all Members and Non-Members who request technical support. Furthermore, Members and Non-Members are not required to use the service but instead it is offered as a convenience to all Members and Non-Members. The proposed fee is reasonably designed because it will permit both Members and Non-Members to request the use of the Exchange's on-site data center personnel as technical support and as a convenience in order to test or otherwise assess the User's connectivity to the Exchange and the fee is within the range of the fee charged by other exchanges for similar services and is identical to the same fee assessed by MIAX Options.

Market Data Fees

The Exchange believes that its proposal to assess market data fees is consistent with the provisions of Section 6(b)(4) of the Act in that it provides an equitable allocation of reasonable fees among distributors of ToM and PLF, because all Distributors in each of the respective category of Distributor (*i.e.,* Internal and External) will be assessed the same fees as other Distributors in their category for the applicable market data product.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data:

''[E]fficiency is promoted when broker-dealers who do not need the data beyond the

prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.'' [47]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. If the free market should determine whether proprietary data is sold to broker-dealers at all, it follows that the price at which such data is sold should be set by the market as well.

In July, 2010, Congress adopted H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act''), which amended Section 19 of the Act. Among other things, Section 916 of the Dodd-Frank Act amended paragraph (A) of Section 19(b)(3) of the Act by inserting the phrase ''on any person, whether or not the person is a member of the self-regulatory organization'' after ''due, fee or other charge imposed by the self-regulatory organization.'' As a result, all SRO rule proposals establishing or changing dues, fees or other charges are immediately effective upon filing regardless of whether such dues, fees or other charges are imposed on members of the SRO, non-members, or both. Section 916 further amended paragraph (C) of Section 19(b)(3) of the Act to read, in pertinent part, ''At any time within the 60-day period beginning on the date of filing of such a proposed rule change in accordance with the provisions of paragraph (1) [of Section 19(b)], the Commission summarily may temporarily suspend the change in the rules of the self-regulatory organization made thereby, 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 this title. If the Commission takes such action, the Commission shall institute proceedings under paragraph (2)(B) [of Section 19(b)] to determine whether the proposed rule should be approved or disapproved.''

The Exchange believes that these amendments to Section 19 of the Act reflect Congress's intent to allow the Commission to rely upon the forces of competition to ensure that fees for market data are reasonable and equitably allocated. Although Section 19(b) had formerly authorized immediate effectiveness for a ''due, fee or other charge imposed by the self-regulatory organization,'' the Commission adopted a policy and subsequently a rule stating that fees for data and other products available to persons that are not members of the self-regulatory organization must be approved by the Commission after first being published for comment. At the time, the Commission supported the adoption of the policy and the rule by pointing out that unlike members, whose representation in self-regulatory organization governance was mandated by the Act, non-members should be given the opportunity to comment on fees before being required to pay them, and that the Commission should specifically approve all such fees. MIAX PEARL believes that the amendment to Section 19 reflects Congress's conclusion that the evolution of self-regulatory organization governance and competitive market structure have rendered the Commission's prior policy on non-member fees obsolete. Specifically, many exchanges have evolved from member-owned, not-for-profit corporations into for-profit, investor-owned corporations (or subsidiaries of investor-owned corporations). Accordingly, exchanges no longer have narrow incentives to manage their affairs for the exclusive benefit of their members, but rather have incentives to maximize the appeal of their products to all customers, whether members or non-members, so as to broaden distribution and grow revenues. Moreover, the Exchange believes that the change also reflects an endorsement of the Commission's determinations that reliance on competitive markets is an appropriate means to ensure equitable and reasonable prices. Simply put, the change reflects a presumption that all fee changes should be permitted to take effect immediately, since the level of all fees are constrained by competitive forces. The Exchange therefore believes that the assessment of fees for the use of ToM and PLF is proper for non-member Distributors.

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoaliton* v. *SEC,* No. 09–1042 (D.C. Cir. 2010), although reviewing a Commission decision made prior to the effective date of the Dodd-Frank Act, upheld the Commission's reliance upon competitive markets to set reasonable and equitably allocated fees for market data:

''In fact, the legislative history indicates that the Congress intended that the market system 'evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed' and that the SEC wield its regulatory power 'in those situations where competition may not be sufficient,' such as in the creation of a 'consolidated transactional reporting system.' '' [48]

The court's conclusions about Congressional intent are therefore reinforced by the Dodd-Frank Act amendments, which create a presumption that exchange fees, including market data fees, may take effect immediately, without prior Commission approval, and that the Commission should take action to suspend a fee change and institute a proceeding to determine whether the fee change should be approved or disapproved only where the Commission has concerns that the change may not be consistent with the Act.

MIAX PEARL believes that the assessment of the proposed market data fees for ToM and PF is fair and equitable in accordance with Section 6(b)(4) of the Act, and not unreasonably discriminatory in accordance with Section 6(b)(5) of the Act. As described above, market data fees are assessed by other exchanges, including MIAX Options.

Moreover, the decision as to whether or not to subscribe to ToM or PLF is entirely optional to all parties. Potential subscribers are not required to purchase the ToM or PLF market data feed, and MIAX PEARL is not required to make the ToM or PLF market data feed available. Subscribers can discontinue their use at any time and for any reason, including due to their assessment of the reasonableness of fees charged. The allocation of fees among subscribers is fair and reasonable because, if the market deems the proposed fees to be unfair or inequitable, firms can diminish or discontinue their use of this data.

MIAX PEARL believes it is reasonable and equitable to waive the market data fees to Distributors during the Waiver Period since the waiver of such fees provides incentives to interested Distributors to receive the data feeds early. This in turn provides MIAX PEARL with potential order flow and liquidity providers as it begins operations. The waiver of the market data fees will apply equally to all Distributors during the Waiver Period.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must

[47] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[48] *NetCoaltion,* at 15 (quoting H.R. Rep. No. 94–229, at 92 (1975), as reprinted in 1975 U.S.C.C.A.N. 321, 323).

establish fees that are competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fees in the MIAX PEARL Fee Schedule appropriately reflect this competitive environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX PEARL does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Unilateral action by MIAX PEARL in establishing rebates and fees for services provided to its Members and others using its facilities will not have an impact on competition. As a new entrant in the already highly competitive environment for equity options trading, MIAX PEARL does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Act. MIAX PEARL's proposed rebates and fees, as described herein, are comparable to rebates and fees charged by other options exchanges for the same or similar services, including those rebates and fees assessed by its affiliate, MIAX Options.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[49] and Rule 19b–4(f)(2)[50] 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–PEARL–2017–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2017–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2017–10 and should be submitted on or before March 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[51]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03574 Filed 2–23–17; 8:45 am]

BILLING CODE 8011–01–P

[49] 15 U.S.C. 78s(b)(3)(A)(ii).

[50] 17 CFR 240.19b–4(f)(2).

[51] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Commission will host the SEC–NYU Dialogue on Securities Markets—Securities Crowdfunding in the U.S. on Tuesday, February 28, 2017 beginning at 8:30 a.m., in the Auditorium, Room L–002.

The event will include welcome remarks by SEC Acting Chairman Michael Piwowar, concluding remarks by SEC Commissioner Kara Stein and panel discussions that Commissioners may attend. The panel discussions will explore the economic rationale and legal framework for securities crowdfunding, investor protection and capital formation in securities crowdfunding and empirical evidence and data on securities crowdfunding. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

For further information, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: February 21, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–03732 Filed 2–22–17; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before March 27, 2017.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and

Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Administration collects this information from lenders who participate in the secondary market program. The information is used to facilitate and administer secondary market transactions in accordance with 15 U.S.C. 634(f)3 and to monitor the program for compliance with 15 U.S.C. 639(h).

Solicitation of Public Comments

Title: Secondary Participation Guaranty Agreement.

Description of Respondents: Lenders who participate in the Secondary Market Program.

Form Number: SBA Forms 1086, 1502.

Estimated Annual Responses: 4,625.

Estimated Annual Hour Burden: 48,000.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–03663 Filed 2–23–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9894]

Advisory Committee on Historical Diplomatic Documentation—Notice of Closed and Open Meetings for 2017

SUMMARY: The Advisory Committee on Historical Diplomatic Documentation will meet on March 6, June 19, September 11, and December 11, 2017, in open session to discuss unclassified matters concerning declassification and transfer of Department of State records to the National Archives and Records Administration and the status of the *Foreign Relations* series.

The Committee will meet in open session from 11:00 a.m. until noon in SA–4D Conference Room, Department of State, 2300 E Street NW., Washington DC 20372 (Potomac Navy Hill Annex), on all four dates. RSVP should be sent as directed below:

- March 6, not later than February 27, 2017. Requests for reasonable accommodation should be made by February 21, 2017.
- June 19, not later than June 12, 2017. Requests for reasonable accommodation should be made by June 5, 2017.
- September 11, not later than September 5, 2017. Requests for reasonable accommodation should be made by August 28, 2017.
- December 11, not later than December 4, 2017. Requests for reasonable accommodation should be made by November 27, 2017.

Closed Sessions. The Committee's sessions in the afternoon of Monday, March 6, 2017; in the morning of Tuesday, March 7; in the afternoon of Monday, June 19, 2017; in the morning of Tuesday, June 20, 2017; in the afternoon of Monday, September 11, 2017; in the morning of Tuesday, September 12, 2017; in the afternoon of Monday, December 11, 2017; and in the morning of Tuesday, December 12, 2017, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions of agency declassification decisions concerning the *Foreign Relations* series and other declassification issues. These are matters properly classified and not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

RSVP Instructions. Prior notification and a valid government-issued photo ID (such as driver's license, passport, U.S. Government or military ID) are required for entrance into the Department of State building. Members of the public planning to attend the open meetings should RSVP, by the dates indicated above, to Julie Fort, Office of the Historian (202–955–0214/0215). When responding, please provide date of birth, valid government-issued photo identification number and type (such as driver's license number/state, passport number/country, or U.S. Government ID number/agency or military ID number/branch), and relevant telephone numbers. If you cannot provide one of the specified forms of ID, please consult with Julie Fort for acceptable alternative forms of picture identification.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *https://foia.state.gov/_docs/SORN/State-36.pdf,* for additional information.

Questions concerning the meeting should be directed to Dr. Stephen P. Randolph, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20372, telephone (202) 955–0215, (email *history@state.gov*).

Note that requests for reasonable accommodation received after the dates indicated in this notice will be considered, but might not be possible to fulfill.

Stephen P. Randolph,

Executive Secretary, Advisory Committee on Historical, Diplomatic Documentation.

[FR Doc. 2017–03648 Filed 2–23–17; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice 9895]

Advisory Committee on International Economic Policy Notice of Cancelation of Previously Scheduled Open Meeting

The meeting of the Advisory Committee on International Economic Policy (ACIEP) originally scheduled from 2:00 until 5:00 p.m., on Tuesday, February 28 in Washington DC at the State Department, 320 21st St NW has been canceled. It is expected that the next ACIEP meeting will be held at the State Department in June.

The ACIEP serves the U.S. government in a solely advisory capacity, and provides advice concerning topics in international economic policy. Further questions can be directed to Melike Yetken (*YetkenMA@State.gov*) Designated Federal Officer for the ACIEP.

Melike Yetken,

Senior Advisor for Corporate Responsibility, Department of State.

[FR Doc. 2017–03649 Filed 2–23–17; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2016–0025]

Public Comments and Hearing Regarding Request To Reinstate Action Taken in Connection With the European Union's Measures Concerning Meat and Meat Products

AGENCY: Office of the United States Trade Representative.

ACTION: Extension of date for submission of post-hearing rebuttal comments.

SUMMARY: The Office of the United States Trade Representative (USTR) published a document in the **Federal Register** on December 28, 2016 (81 FR 95724) requesting comments and scheduling a public hearing on a request to reinstate action taken in connection with European Union measures on meat and meat products. The date specified for the submission of rebuttal comments has been extended to March 8, 2017.

FOR FURTHER INFORMATION CONTACT: William L. Busis, Deputy Assistant U.S. Trade Representative for Monitoring and Enforcement and Chair of the Section 301 Committee, or Katherine Linton, Assistant General Counsel, at (202) 395–3150.

Extension of Date for Rebuttal Comments

1. ''*Dates*'' *Caption.*

In the **Federal Register** on December 28, 2016 (81 FR 95724), replace the third paragraph in the ''Dates'' caption with the following: March 8, 2017 at 11:59 p.m.: Deadline for submission of post-hearing rebuttal comments.

2. ''*Request for Public Comments and To Testify at the Hearing*'' *Caption.*

In the **Federal Register** on December 28, 2016 (81 FR at 95725), replace the last sentence of the fifth paragraph of the caption titled ''D. Request for Public Comments and To Testify at the Hearing'' with the following: The deadline for submission of post-hearing rebuttal comments is March 8, 2017 at 11:59 p.m.

3. ''*Requirements for Submissions*'' *Caption.*

In the **Federal Register** on December 28, 2016 (81 FR at 95726), replace the last sentence of the first paragraph of the caption titled ''E. Requirements for Submissions'' with the following: Rebuttal comments are due by 11:59 p.m. on March 8, 2017.

William L. Busis,

Chair, Section 301 Committee, Office of the United States Trade Representative.

[FR Doc. 2017–03602 Filed 2–23–17; 8:45 am]

BILLING CODE 3290–F7–P

DEPARTMENT OF TRANSPORTATION [4910–22–P]

Federal Highway Administration

Notice of Final Federal Agency Action on Interstate Highway 35 East (I–35E) From U.S. Highway 67 (US 67) to I–30 and US 67 From I–20 to I–35E, Dallas County, Texas

AGENCY: Texas Department of Transportation (TxDOT), Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by TxDOT and Federal Agencies.

SUMMARY: This notice announces actions taken by TxDOT and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014 and executed by FHWA and TxDOT. The actions relate to a proposed highway project, I–35E from US 67 to I–30 and US 67 from I–20 to I–35E, in Dallas County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 24, 2017. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, P.G., Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: (512) 416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m. (central time), Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: I–35E from US 67 to I–30 and US 67 from I–20 to I–35E, in Dallas County. The project consists of the conversion of the reversible high occupancy vehicles (HOVs) to non-toll reversible express lanes between Colorado Boulevard (Blvd.) and Reunion Blvd., full reconstruction of the section of I–35E between US 67 and Colorado Blvd. and the addition of general purpose lanes along US 67 between I–20 and I–35E. Non-tolled reversible express lanes would be implemented within the entire project limits. Sidewalks and bicycle accommodations would be implemented along those frontage roads and cross-streets proposed to be reconstructed.

The purpose of the project is to reduce traffic congestion, improve mobility, and meet current roadway design standards.

The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the final Environmental Assessment (EA) for the project, for which a Finding of No Significant Impact (FONSI) was issued on December 27, 2016, and in other documents in the TxDOT project file. The EA, FONSI, and other documents in the TxDOT project file are available by contacting TxDOT at the addresses provided above. The TxDOT EA and FONSI can be viewed and downloaded from the project Web site at *https://thesoutherngateway.org/stay-involved/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act, 42 U.S.C. 7401–7671(q).

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and

Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: February 14, 2017.

Michael T. Leary,

Director, Planning and Program Development, Federal Highway Administration.

[FR Doc. 2017–03489 Filed 2–23–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0002]

Controlled Substances and Alcohol Use and Testing: J.B. Hunt Transport, Inc., Schneider National Carriers, Inc., Werner Enterprises, Inc., Knight Transportation, Inc., Dupre Logistics, Inc. and Maveric Transportation, LLC Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; re-opening of comment period.

SUMMARY: FMCSA re-opens the public comment period for the Agency's January 19, 2017, notice announcing the application for exemption from J.B. Hunt Transport, Inc. (J.B. Hunt), Schneider National Carriers, Inc. (Schneider), Werner Enterprises, Inc. (Werner), Knight Transportation, Inc. (Knight), Dupre Logistics, Inc. (Dupree), and Maveric Transportation, LLC (Maverick) to allow hair analysis in lieu of urine testing for pre-employment controlled substances testing of commercial driver's license (CDL) holders. On January 23, 2017, the American Federation of Labor and Congress of Industrial Organizations' (AFL–CIO) Transportation Trades Department requested a 60-day extension of the comment period. On February 7, 2017, the International Brotherhood of Teamsters requested a 60-day extension of the comment period. The Agency re-opens and extends the deadline for the submission of public comments.

DATES: FMCSA re-opens and extends the comment period for the notice of application for exemption published on January 19, 2017. You must submit comments by April 25, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2017–0002 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received, without change, to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (614) 942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2017–0002), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2017–0002'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party, and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period before determining whether to grant this application.

II. Background

On January 19, 2017 (82 FR 6688), FMCSA published a notice of application for exemption from J.B. Hunt, Schneider, Werner, Knight, Dupre, and Maveric (Applicants). Applicants requested an exemption from 49 CFR 382.105 and 382.301 with specific authorization for obtaining and releasing hair test results to comply with 49 CFR 391.23, *Investigations and inquiries.* Under the exemption, Applicants would conduct pre-

employment tests using hair analysis only, rather than hair analysis in addition to urine testing, and individuals with negative test results would be permitted to perform safety-sensitive functions for the employer Applicants. Individuals testing positive would not be allowed to perform safety-sensitive functions until the driver completes the return-to-duty process under Subpart O of 49 CFR part 40. In addition, the Applicants would share the positive hair testing results with prospective employers in response to safety performance inquiries required by 49 CFR 391.23.

The Applicant carriers that would be covered by the exemption, if granted, already use hair analysis as a method for pre-employment controlled substances testing of drivers on a voluntary basis. However, they also conduct urine testing for drugs because it is the only screening method accepted under the Department's regulations. The Applicants view their use of multiple screening methods as an unnecessary and redundant financial burden. Also, the Applicants consider urine testing to be less effective in pre-employment screening for drugs than hair analysis.

A copy of the exemption application and all supporting documents submitted by the Applicants is available for review in the docket referenced at the beginning of this notice.

Requests for Extension of the Comment Period

On January 23, 2017, the AFL–CIO's Transportation Trades Department requested that the Agency provide a 60-day extension of the comment period. The International Brotherhood of Teamsters requested a 60-day extension of the comment period on February 7, 2017. A copy of each request is in the docket identified at the beginning of this notice.

FMCSA acknowledges the Transportation Trades Department's and the International Brotherhood of Teamsters' concerns. After reviewing the requests, FMCSA hereby grants a 60-day re-opening of the comment period to April 25, 2017, to provide all interested parties additional time to respond to the notice of application for exemption.

Issued on: February 21, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–03720 Filed 2–23–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability (NOFA) Inviting Applications for the Fiscal Year (FY) 2016 Funding Round of the Bank Enterprise Award Program (BEA Program)

Announcement Type: Announcement of funding opportunity.

Funding Opportunity Number: CDFI–2016–BEA.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.021.

Key Dates:

TABLE 1—FY 2016 BEA PROGRAM FUNDING ROUND—KEY DATES FOR APPLICANTS

Description	Deadline	Time (Eastern time—ET)	Contact information & submission method
SF–424 Mandatory (Application for Federal Assistance).	April 5, 2017	11:59 p.m. ET	Electronically via *Grants.gov*.
Last day to contact BEA Program Staff	April 17, 2017	5:00 p.m. ET	CDFI Fund Helpdesk: 202–653–0421 or BEA AMIS Service Request.[1]
Last day to contact Certification, Compliance Monitoring and Evaluation (CCME) staff.	April 17, 2017	5:00 p.m. ET	CCME Helpdesk: 202–653–0423 or Compliance and Reporting AMIS Service Request.[2]
Last day to contact IT Help Desk	April 19, 2017	5:00 p.m. ET	CDFI Fund Helpdesk: 202–653–0421 or IT AMIS Service Request.[3]
FY 2016 BEA Program Application	April 19, 2017	5:00 pm ET	Electronically via Awards Management Information System (AMIS).

[1] For questions regarding completion of the BEA Application materials, the preferred electronic method of contact with the BEA Program Office is to submit a Service Request (SR) within AMIS. For the SR, select "BEA Application" for the record type.

[2] For Compliance & Reporting related questions, the preferred electronic method of contact is to submit a Service Request (SR) within AMIS. For the SR, select "General Inquiry" for the record type, and select "BEA-Compliance & Reporting" for the type.

[3] For Information Technology support, the preferred method of contact is to submit a Service Request (SR) within AMIS. For the SR, select "General Inquiry" for the record type, and select "Cross Program-AMIS technical problem" for the type.

Executive Summary: This NOFA is issued in connection with the fiscal year (FY) 2016 funding round of the Bank Enterprise Award Program (BEA Program). The BEA Program is administered by the U.S. Department of the Treasury's Community Development Financial Institutions Fund (CDFI Fund). Through the BEA Program, the CDFI Fund awards formula-based grants to depository institutions that are insured by the Federal Deposit Insurance Corporation (FDIC) for increasing their levels of loans, investments, service activities, and technical assistance within Distressed Communities, and financial assistance to Community Development Financial Institutions (CDFIs) through equity investments, equity-like loans, grants, stock purchases, loans, deposits, and other forms of financial and technical assistance, during a specified period.

I. Program Description

A. *History:* The CDFI Fund was established by the Riegle Community Development Banking and Financial Institutions Act of 1994 to promote economic revitalization and community development through investment in and assistance to CDFIs. Since its creation in 1994, the CDFI Fund has awarded over $2 billion to CDFIs, community development organizations, and financial institutions through the Community Development Financial Institutions Program (CDFI Program), the Native American CDFI Assistance Program (NACA Program), the BEA Program, and the Capital Magnet Fund. In addition, the CDFI Fund has allocated $43 billion in tax credit allocation authority through the New Markets Tax Credit Program (NMTC Program) and has issued $1.1 billion in bond guarantees through the CDFI Bond Guarantee Program.

The BEA Program complements the community development activities of banks and thrifts (collectively referred

to as banks for purposes of this Notice) by providing financial incentives to expand investments in CDFIs and to increase lending, investment, and service activities within Distressed Communities. Providing monetary awards to banks for increasing their community development activities leverages the CDFI Fund's dollars and puts more capital to work in Distressed Communities throughout the nation.

B. *Authorizing Statutes and Regulations:* The BEA Program was authorized by the Bank Enterprise Award Act of 1991, as amended. The regulations governing the BEA Program can be found at 12 CFR part 1806 (Interim Rule). The Interim Rule provides the evaluation criteria and other requirements of the BEA Program. Detailed BEA Program requirements are also found in the application materials associated with this NOFA (the Application). The CDFI Fund encourages interested parties and Applicants to review the Interim Rule, this NOFA, the Application, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Requirements) for a complete understanding of the program. Capitalized terms in this NOFA are defined in the authorizing statute, the Interim Rule, this NOFA, the Application, and the Uniform Requirements. Details regarding Application content requirements are found in the Application and related materials. Application materials can be found on *Grants.gov* and the CDFI Fund's Web site at *www.cdfifund.gov/bea.*

C. *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR 200):* The Uniform Administrative Requirements codify financial, administrative, procurement, and program management standards that Federal award-making agencies and Recipients must follow. When evaluating award applications, awarding agencies must evaluate the risks to the program posed by each applicant, and each applicant's merits and eligibility. These requirements are designed to ensure that applicants for Federal assistance receive a fair and consistent review prior to an award decision. This review will assess items such as the Applicant's financial stability, quality of management systems, history of performance, and audit findings. In addition, the Uniform Requirements include guidance on audit requirements and other award requirements with which Recipients must comply.

D. *Priorities:* Through the BEA Program, the CDFI Fund specifies the following priorities:

1. *Estimated Award Amounts:* The award percentage used to derive the estimated award amount for Applicants that are CDFIs is three times greater than the award percentage used to derive the estimated award amount for Applicants that are not CDFIs;

2. *Priority Factors:* Priority Factors will be assigned based on Applicant's asset size, as described in Section V of this NOFA (''Application Review Information: Priority Factors''); and

3. *Priority of Awards:* The CDFI Fund will rank Applicants in each category of Qualified Activity according to the priorities described in Section V of this NOFA (''Application Review Information: Award Percentages, Award Amounts, Application Review Process, Selection Process, Programmatic Financial Risk, and Application Rejection: Selection Process'').

E. *Baseline Period and Assessment Period Dates:* A BEA Program Award is based on an Applicant's increase in Qualified Activities from the Baseline Period to the Assessment Period, as reported on an individual transaction basis in the Application. For the FY 2016 funding round, the Baseline Period is calendar year 2014 (January 1, 2014 through December 31, 2014), and the Assessment Period is calendar year 2015 (January 1, 2015 through December 31, 2015).

F. *Funding Limitations:* The CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the Applications submitted in response to this NOFA. The CDFI Fund also reserves the right to reallocate funds from the amount that is anticipated to be available through this NOFA to other CDFI Fund programs, or reallocate remaining funds to a future BEA Program funding round, particularly if the CDFI Fund determines that the number of awards made through this NOFA is fewer than projected.

II. Federal Award Information

A. *Funding Availability:* The CDFI Fund expects to award up to $19 million in FY 2016 BEA Program Awards in appropriated funds under this NOFA. The CDFI Fund reserves the right to award in excess of said funds under this NOFA, provided that the appropriated funds are available. The CDFI Fund reserves the right to impose a minimum or maximum award amount; however, under no circumstances will an award be higher than $1 million for any Recipient.

B. *Types of Awards:* BEA Program Awards are made in the form of grants.

C. *Anticipated Start Date and Period of Performance:* The CDFI Fund anticipates the period of performance for the FY 2016 Funding Round will begin in the Summer of calendar year 2017. Specifically, the period of performance begins with the Federal Award Date and will conclude at least one (1) full year after the Federal Award Date as further specified in the Award Agreement, during which the Recipient must meet the performance goals set forth in the Award Agreement.

D. *Eligible Activities:* Eligible Activities for the BEA Program are referred to as Qualified Activities and are defined in the Interim Rule to include CDFI Related Activities, Distressed Community Financing Activities, and Service Activities (12 CFR 1806.103). It is the explicit policy of the CDFI Fund that BEA Program Awards may not be used by Recipients to recover overhead or indirect costs. Each of the Qualified Activities will be eligible for an associated direct cost rate of up to 15 percent of the BEA Program Award.

CDFI Related Activities (12 CFR 1806.103) include Equity Investments, Equity-Like Loans, and CDFI Support Activities.

Distressed Community Financing Activities (12 CFR 1806.103) include Affordable Housing Loans, Affordable Housing Development Loans and related Project Investments; Education Loans; Commercial Real Estate Loans and related Project Investments; Home Improvement Loans; Small Business Loans and related Project Investments, and Small Dollar Consumer Loans.

Service Activities (12 CFR 1806.103) include Deposit Liabilities, Financial Services, Community Services, Targeted Financial Services, and Targeted Retail Savings/Investment Products.

When calculating BEA Program Award amounts, the CDFI Fund will only consider the amount of a Qualified Activity that has been fully disbursed or, in the case of a partially disbursed Qualified Activity, will only consider the amount that an Applicant reasonably expects to disburse for a Qualified Activity within 12 months from the end of the Assessment Period. Subject to the requirements outlined in Section VI of this NOFA, in the case of Commercial Real Estate Loans and related Project Investments, the total principal amount of the transaction must be $10 million or less to be considered a Qualified Activity. Notwithstanding the foregoing, the CDFI Fund, in its sole discretion, may consider transactions with a total principal value of over $10 million, subject to review.

An activity funded with prior BEA Program Award dollars, or funded to satisfy requirements of an Award Agreement from a prior award, shall not constitute a Qualified Activity for the purposes of calculating or receiving an award.

A Distressed Community must meet certain minimum geographic area and eligibility requirements, which are defined in the Interim Rule at 12 CFR 1806.103 and more fully described in 12 CFR 1806.401. Applicants should use the CDFI Fund's Information Mapping System (CIMS Mapping Tool) to determine whether a Baseline Period activity or Assessment Period activity is located in a qualified Distressed Community. The CIMS Mapping Tool can be accessed through AMIS or the CDFI Funds Web site at *https://www.cdfifund.gov/Pages/mapping-system.aspx.* The CIMS Mapping Tool contains step-by-step instructions on how to determine whether an activity is located in a qualified BEA Distressed Community. If you have any questions or problems with registering, please contact the CDFI Fund IT Help Desk by telephone at (202) 653–0300, by IT AMIS Service Request, or by email to *AMIS@cdfi.treas.gov.* Please note that a Distressed Community as defined by the BEA Program is not the same as an Investment Area as defined by the CDFI Program or a Low-Income Community as defined by the NMTC Program.

1. *Designation of Distressed Community by a CDFI Partner:* CDFI Partners that receive CDFI Support Activities from an Applicant must be integrally involved in a Distressed Community. CDFI Support Activities include loans, Technical Assistance, or deposits provided to a CDFI Partner. Applicants must provide evidence that each CDFI Partner that is the recipient of CDFI Support Activities is integrally involved in a Distressed Community, as noted in the Application. CDFI Partners that receive Equity Investments, Equity-Like Loans or grants are not required to demonstrate Integral Involvement. Additional information on Integral Involvement can be found in Section V of this NOFA.

2. *Distressed Community Determination by a BEA Applicant:* Applicants applying for a BEA Program Award for performing Distressed Community Financing Activities or Service Activities must verify that addresses of both Baseline Period and Assessment Period activities are in Distressed Communities when completing their Application.

A BEA Applicant shall determine an area is a Distressed Community by:

a. Selecting a census tract where the Qualified Activity occurred that meets the minimum area and eligibility requirements; or

b. selecting the census tract where the Qualified Activity occurred, plus one or more census tracts directly contiguous to where the Qualified Activity occurred that when considered in the aggregate, meet the minimum area and eligibility requirements set forth in this section.

E. *Award Agreement:* Each Recipient under this NOFA must sign an Award Agreement prior to disbursement by the CDFI Fund of the award proceeds. The Award Agreement contains the terms and conditions of the award. For further information, see Section VI of this NOFA.

III. Eligibility Information

A. *Eligible Applicants:* For the purposes of this NOFA, the following table sets forth the eligibility criteria to receive an award from the CDFI Fund.

TABLE 2—ELIGIBILITY REQUIREMENTS FOR APPLICANTS

Criteria	Description
Eligible Applicants	Eligible Applicants for the BEA Program must be Insured Depository Institutions, as defined in the Interim Rule. For the FY 2016 funding round, an Applicant must be FDIC-insured as of December 31, 2015 to be eligible for consideration for a BEA Program Award under this NOFA. The depository institution holding company of an Insured Depository Institution may not apply on behalf of an Insured Depository Institution. Applications received from depository institution holding companies will be disqualified.
CDFI Applicant	For the FY 2016 funding round, an eligible certified-CDFI Applicant is an Insured Depository Institution that was certified as a CDFI as of December 31, 2015 and that maintains its status as a certified CDFI at the time BEA Program Awards are announced under this NOFA. No CDFI Applicant may receive a FY 2016 BEA Program Award if it has: (1) An application pending for assistance under the FY 2016 round of the CDFI Program; (2) been awarded assistance from the CDFI Fund under the CDFI Program within the 12-month period prior to the Federal Award Date of the FY 2016 Award Agreement issued by the CDFI Program; or (3) ever received assistance under the CDFI Program for the same activities for which it is seeking a FY 2016 BEA Program Award. Please note that Applicants may apply for both a CDFI Program award and a BEA Program Award in FY 2016; however, receiving a FY 2016 CDFI Program award removes an Applicant from eligibility for a FY 2016 BEA Program Award.
Debarment/Do Not Pay Verification	The CDFI Fund will conduct a debarment check and will not consider an Application submitted by an Applicant if the Applicant is delinquent on any Federal debt. The Do Not Pay Business Center was developed to support Federal agencies in their efforts to reduce the number of improper payments made through programs funded by the Federal government. The Do Not Pay Business Center provides delinquency information to the CDFI Fund to assist with the debarment check.

B. *Prior Award Recipients:* The previous success of an Applicant in any of the CDFI Fund's programs will not be considered under this NOFA. Prior BEA Program Award Recipients and prior award recipients of other CDFI Fund programs are eligible to apply under this NOFA, except as noted in the following table:

TABLE 3—ELIGIBILITY REQUIREMENTS FOR APPLICANTS WHICH ARE PRIOR RECIPIENTS

Criteria	Description
Pending resolution of noncompliance.	If an Applicant that is a prior recipient or allocatee under any CDFI Fund program: (i) Has submitted reports to the CDFI Fund that demonstrate noncompliance with a previous assistance agreement, award agreement, allocation agreement, bond loan agreement, or agreement to guarantee and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its previous agreement, the CDFI Fund will consider the Applicant's Application under this NOFA pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance.
Default status	The CDFI Fund will not consider an Application submitted by an Applicant that is a prior CDFI Fund award recipient or allocatee under any CDFI Fund program if, as of the applicable Application deadline of this NOFA, the CDFI Fund has made a final determination that such Applicant is in default of a previously executed assistance agreement, award agreement, allocation agreement, bond loan agreement, or agreement to guarantee. Such entities will be ineligible to apply for an Award pursuant to this NOFA so long as the Applicant's prior award or allocation remains in default status or such other time period as specified by the CDFI Fund in writing.
Undisbursed funds	For the purposes of this section, the term ''undisbursed funds'' is defined as: (i) In the case of prior BEA Program Award(s), any balance of award funds equal to or greater than five percent of the total prior BEA Program Award(s) that remains undisbursed more than three years after the end of the calendar year in which the CDFI Fund signed an Award Agreement with the Recipient, or (ii) in the case of prior CDFI Program or other CDFI Fund program award(s), any balance of award funds equal to or greater than five percent of the total prior award(s) that remains undisbursed more than two years after the end of the calendar year in which the CDFI Fund signed the applicable assistance agreement with the Recipient. The term ''undisbursed funds'' does not include (i) tax credit allocation authority allocated through the NMTC Program; (ii) any award funds for which the CDFI Fund received a full and complete disbursement request from the Recipient as of the Application deadline of this NOFA; (iii) an award that does not have a fully executed award agreement; or (iv) any award funds for an award that has been terminated, expired, rescinded, or de-obligated by the CDFI Fund. The CDFI Fund will not consider an Application submitted by an Applicant that is a prior CDFI Fund award recipient under any CDFI Fund program if the Applicant has a balance of undisbursed funds under said prior award(s), as of the Application deadline of this NOFA. Further, an entity is not eligible to apply for an Award pursuant to this NOFA if an affiliate of the Applicant is a prior CDFI Fund award recipient under any CDFI Fund program, and has a balance of undisbursed funds under said prior award(s), as of the Application deadline of this NOFA. In the case where an affiliate of the Applicant is a prior CDFI Fund award recipient under any CDFI Fund program, and has a balance of undisbursed funds under said prior award(s), as of the Application deadline of this NOFA, the CDFI Fund will include the combined awards of the Applicant and such affiliate when calculating the amount of undisbursed funds.

C. *Contact the CDFI Fund:* Accordingly, Applicants that are prior recipients and/or allocatees under any CDFI Fund program are advised to: (i) Comply with requirements specified in an assistance agreement, award agreement, allocation agreement, bond loan agreement, or agreement to guarantee; and (ii) contact the CDFI Fund to ensure that all necessary actions are underway for the disbursement of any outstanding balance of a prior award(s). An Applicant that is unsure about the disbursement status of any prior award should contact the CDFI Fund by sending an email to *cdfihelp@cdfi.treas.gov.* All outstanding reports and compliance questions should be directed to the Certification, Compliance Monitoring, and Evaluation helpdesk by submitting a Compliance and Reporting AMIS Service Request or by telephone at (202) 653–0423. The CDFI Fund will respond to Applicants' reporting, compliance, or disbursement questions between the hours of 9:00 a.m. and 5:00 p.m. EST, starting on the date of the publication of this NOFA. The CDFI Fund will not respond to Applicants' reporting, compliance, or disbursement telephone calls or email inquiries that are received after 5:00 p.m. EST on April 17, 2017 until after the Application deadline. The CDFI Fund will respond to technical issues related to AMIS Accounts through 5:00 p.m. EST on April 19, 2017 via an IT AMIS Service Request, email at *AMIS@cdfi.treas.gov* or by telephone at (202) 653–0422.

D. *Cost sharing or matching fund requirements:* Not applicable.

IV. Application and Submission Information

A. *Address to Request an Application Package:* Application materials can be found on *Grants.gov* and the CDFI Fund's Web site at *www.cdfifund.gov/bea.* Applicants may request a paper version of any Application material by contacting the CDFI Fund Help Desk at *cdfihelp@cdfi.treas.gov.*

B. *Content and Form of Application Submission:* All Application materials must be prepared using the English language and calculations must be made in U.S. dollars. Applicants must submit all materials described in and required by the Application by the applicable deadlines. Detailed Application content requirements including instructions related to the submission of the Grant Application Package in *Grants.gov* and the FY 2016 BEA Program Application in AMIS, the CDFI Fund's web-based portal, are provided in detail in the Application Instructions. Once an Application is submitted, the Applicant will not be allowed to change any element of the Application. The CDFI Fund reserves the right to request and review other pertinent or public information that has not been specifically requested in this NOFA or the Application.

C. *Application Submission:* The CDFI Fund has a two-step submission process for BEA Applications that requires the submission of application documents in separate systems on different deadlines. The first step is the submission of the Grant Application Package which includes the SF–424 Mandatory Form, Application for Federal Assistance, in *Grants.gov.* The second step is to complete an FY 2016 BEA Program Application in AMIS. The deadline for

submitting the Grant Application Package in *Grants.gov* is 40 days after the publication of this NOFA. Applicants are encouraged to submit the Grant Application Package as early as possible to allow for sufficient time to resolve any submission issues. The CDFI Fund retrieves validated Grant Application Packages from *Grants.gov* on a daily basis and uses the DUNS number to match the SF–424 Mandatory with the correct AMIS account. Therefore, Applicants should make sure that the DUNS number included on the SF–424 Mandatory in the Grant Application Package matches the DUNS number in their AMIS account. Applicants are also highly encouraged to provide EIN, Authorized Representative and/or Contact Person information on the SF–424 Mandatory in the Grant Application Package that matches the information included in AMIS. Applicants are advised that it can take up to 48 hours for *Grants.gov* to validate a submitted Grant Application Package. The CDFI Fund will only retrieve validated Grant Application Packages from *Grants.gov* and it will take at least 24 hours from when CDFI Fund retrieves the validated Grant Application Package for it to appear in an Applicants AMIS account. Applicants can work on their FY 2016 BEA Program Application in AMIS at any time, however, they will not be able to submit the FY 2016 BEA Program Application in AMIS until the SF–424 Mandatory is available in AMIS, and associated, by the Applicant, with the FY 2016 BEA Program Application. Therefore, the CDFI Fund recommends that Applicants allow for at least 24 hours from the time that the Grant Application Package has been validated by *Grants.gov* before attempting to submit their FY 2016 BEA Program Application in AMIS. This will ensure that the required SF–424 Mandatory is available in AMIS.

D. *Dun & Bradstreet Universal Numbering System (DUNS):* Pursuant to the Uniform Administrative Requirements, each Applicant must provide, as part of its Application submission, a Dun and Bradstreet Universal Numbering System (DUNS) number. Applicants without a DUNS number will not be able to submit a Grant Application Package in *Grants.gov*. Applicants should allow sufficient time for Dun & Bradstreet to respond to inquiries and/or requests for DUNS numbers.

E. *System for Award Management (SAM):* An active SAM account is required to submit the required Grant Application Package in *Grants.gov*. Any entity applying for Federal grants or other forms of Federal financial assistance through *Grants.gov* must be registered in SAM in order to submit an Application. The SAM registration process can take several weeks to complete. Applicants that have previously completed the SAM registration process must verify that their SAM accounts are current and active. Applicants are required to maintain a current and active SAM account at all times during which it has an active Federal award or an Application under consideration for an award by a Federal awarding agency. The CDFI Fund will not consider any Applicant that fails to properly register or activate its SAM account and, as a result, is unable to submit its Application by the deadline. Applicants must contact SAM directly with questions related to SAM registration or account changes as the CDFI Fund does not administer or maintain this system. For more information about SAM, please visit *https://www.sam.gov.*

F. *Grants.gov:* Applicants must register with *Grants.gov* to submit a Grant Application Package. In order to register with *Grants.gov*, Applicants must have a DUNS number and be registered with *SAM.gov*. The CDFI Fund strongly encourages Applicants to start the *Grants.gov* registration process as soon as possible (refer to the following link: *http://www.grants.gov/web/grants/register.html*) as it may take several weeks to complete. An Applicant that has previously registered with *Grants.gov* must verify that its registration is current and active. Applicants should contact *Grants.gov* directly with questions related to the registration or submission process as the CDFI Fund does not administer or maintain this system.

G. *AMIS:* All Applicants must complete a FY 2016 BEA Program Application in AMIS, the CDFI Fund's web-based portal. All Applicants must register User and Organization accounts in AMIS by the applicable Application deadline. Failure to register and complete a FY 2016 BEA Program Application in AMIS will result in the CDFI Fund being unable to accept the Application. As AMIS is the CDFI Fund's primary means of communication with Applicants and Recipients, institutions must make sure that they update their contact information in their AMIS accounts. In addition, the Applicant should ensure that the institution information (name, EIN, DUNS number, Authorized Representative, contact information, etc.) on the SF–424 Mandatory submitted as part of the Grant Application Package in *Grants.gov* matches the information in AMIS. EINs and DUNS numbers in the Applicant's SAM account must match those listed in AMIS. For more information on AMIS, please see the information available through the AMIS Home page at *https://amis.cdfifund.gov/s/AMISHome.* Qualified Activity documentation and other attachments as specified in the applicable BEA Program Application must also be submitted electronically via AMIS. Detailed instructions regarding submission of Qualified Activity documentation is provided in the Application Instructions. Applicants will not be allowed to submit missing Qualified Activity documentation after the Application deadline and Qualified Activity missing the required documentation will be disqualified. Qualified Activity documentation delivered by hard copy to the CDFI Fund's Washington, DC office address will be rejected, unless the Applicant previously requested a paper version of the Application as described in Section IV.A.

H. *Submission Dates and Times:* The following table provides the critical deadlines for the FY 2016 BEA Funding Round. Applications and any other required documents or attachments received after an applicable deadline will be rejected. The document submission deadlines in this NOFA and the Application are strictly enforced. The CDFI Fund will not grant exceptions or waivers for late submissions except where the submission delay was a direct result of a Federal government administrative or technological error.

TABLE 4—FY 2016 BEA PROGRAM FUNDING ROUND CRITICAL DEADLINES FOR APPLICANTS

Description	Deadline	Time (Eastern time)	Submission method
SF–424 Mandatory	April 5, 2017	11:59 p.m. EST	Electronically via *Grants.gov.*
FY 2016 BEA Program Application	April 19, 2017	5:00 p.m. EST	Electronically via AMIS.

1. *Confirmation of Application Submission:* Applicants may verify that their Grant Application Package was successfully submitted in *Grants.gov* and that their FY 2016 BEA Program Application was successfully submitted in AMIS. Applicants should note that the Grant Application Package has a different deadline than the FY 2016 BEA Program Application. These deadlines are provided above in Table 4. FY 2016 BEA Program Funding Round Critical Deadlines for Applicants. If the Grant Application Package is not successfully submitted and subsequently validated by *Grants.gov* by the deadline, the CDFI Fund will not review the FY 2016 BEA Program Application or any of the application related material submitted in AMIS and the Application will be deemed ineligible.

a. *Grants.gov:* Each Applicant will receive an email from *Grants.gov* immediately after the Grant Application Package is submitted confirming that the submission has entered the *Grants.gov* system. This email will contain a tracking number. Within 48 hours, the Applicant will receive a second email which will indicate if the submitted Grant Application Package was successfully validated or rejected with errors. However, Applicants should not rely on the second email notification from *Grants.gov* to confirm that the Grant Application Package was validated. Applicants are strongly encouraged to use the tracking number provided in the first email to closely monitor the status of their Grant Application Package. The Grant Application Package cannot be accepted by the CDFI Fund until *Grants.gov* has validated it.

b. *AMIS:* Applicants will not receive an email confirming that their FY 2016 BEA Program Application was successfully submitted in AMIS. Instead, Applicants should check their AMIS account to ensure that the status of the FY 2016 BEA Program Application is ''Under Review.'' Step-by-step instructions for submitting an FY 2016 BEA Program Application in AMIS are provided in the Application Instructions and Supplemental Guidance materials.

2. *Multiple Application Submissions:* If an Applicant submits multiple versions of its Grant Application Package in *Grants.gov*, the Applicant can only associate one with its FY 2016 BEA Program Application in AMIS.

3. *Late Submission:* The CDFI Fund will not accept an Application submitted after the Application deadline except where the submission delay was a direct result of a Federal government administrative or technological error. In such case, the Applicant must submit a request for acceptance of late Application submission and include documentation of the error no later than two business days after the applicable Application deadline. The CDFI Fund will not respond to request for acceptance of late Application submissions after that time period. Applicants must submit late Application submission requests to the CDFI Helpdesk at *cdfihelp@cdfi.treas.gov* with a subject line of ''Late Application Submission Request.''

I. *Funding Restrictions:* BEA Program Awards are limited by the following:

1. The Recipient shall use BEA Program Award funds only for the eligible activities described in Section II.D. of this NOFA and its Award Agreement.

2. The Recipient may not distribute BEA Program Award funds to an affiliate, Subsidiary, or any other entity, without the CDFI Fund's prior written approval.

3. BEA Program Award funds shall only be disbursed to the Recipient.

4. The CDFI Fund, in its sole discretion, may disburse BEA Program Award funds in amounts, or under terms and conditions, which are different from those requested by an Applicant.

J. *Other Submission Requirements:* None.

V. Application Review Information

A. *Criteria:* If the Applicant submitted a complete and eligible Application, the CDFI Fund will conduct a substantive review in accordance with the criteria and procedures described in the Regulations, this NOFA, the Application guidance, and the Uniform Requirements. The CDFI Fund reserves the right to contact the Applicant by telephone, email, or mail for the sole purpose of clarifying or confirming Application information. If contacted, the Applicant must respond within the time period communicated by the CDFI Fund or run the risk that its Application will be rejected.

1. *CDFI Related Activities:* CDFI Related Activities include Equity Investments, Equity-Like Loans, and CDFI Support Activities provided to eligible CDFI Partners.

2. *Eligible CDFI Partner:* CDFI Partner is defined as a certified CDFI that has been provided assistance in the form of CDFI Related Activities by an unaffiliated Applicant (12 CFR 1806.103). For the purposes of this NOFA, an eligible CDFI Partner must have been certified as a CDFI as of the end of the applicable Assessment Period and be Integrally Involved in a Distressed Community.

3. *Integrally Involved:* Integrally Involved is defined at 12 CFR 1806.103. For purposes of this NOFA, for a CDFI Partner to be deemed to be Integrally Involved, it must have: (i) Provided at least 10 percent of financial transactions or dollars transacted (*e.g.,* loans or Equity Investments), or 10 percent of Development Service Activities (as defined in 12 CFR 1805.104), in one or more Distressed Communities identified by the Applicant or the CDFI Partner, as applicable, in each of the three calendar years preceding the date of this NOFA; (ii) transacted at least 25 percent of financial transactions (*e.g.,* loans or equity investments) in one or more Distressed Communities in at least one of the three calendar years preceding the date of this NOFA; or (iii) demonstrated that it has attained at least 10 percent of market share for a particular financial product in one or more Distressed Communities (such as home mortgages originated in one or more Distressed Communities) in at least one of the three calendar years preceding the date of this NOFA.

4. *Limitations on eligible Qualified Activities provided to certain CDFI Partners:* A CDFI Applicant cannot receive credit for any financial assistance or Qualified Activities provided to a CDFI Partner that is also an FDIC-insured depository institution or depository institution holding company.

5. *Certificates of Deposit:* Section 1806.103 of the Interim Rule states that any certificate of deposit (CD) placed by an Applicant or its Subsidiary in a CDFI Partner that is a bank, thrift, or credit union must be: (i) Uninsured and committed for at least three years; or (ii) insured, committed for a term of at least three years, and provided at an interest rate that is materially below market rates, in the determination of the CDFI Fund.

a. For purposes of this NOFA, ''materially below market interest rate'' is defined as an annual percentage rate that does not exceed 100 percent of yields on Treasury securities at constant maturity as interpolated by Treasury from the daily yield curve and available on the Treasury Web site at *www.treas.gov/offices/domestic-finance/debt-management/interest-rate/yield.shtml.* For example, for a three-year CD, Applicants should use the three-year rate U.S. Government securities, Treasury Yield Curve Rate posted for that business day. The Treasury updates the Web site daily at approximately 5:30 p.m. ET. CDs placed prior to that time may use the rate

posted for the previous business day. The annual percentage rate on a CD should be compounded daily, quarterly, semi-annually, or annually. If a variable interest rate is used, the CD must also have an interest rate that is materially below the market interest rate over the life of the CD, in the determination of the CDFI Fund.

b. For purposes of this NOFA, a deposit placed by an Applicant directly with a CDFI Partner that participates in a deposit network or service may be treated as eligible under this NOFA if it otherwise meets the criteria for deposits in 1806.103 and the CDFI Partner retains the full amount of the initial deposit or an amount equivalent to the full amount of the initial deposit through a deposit network exchange transaction.

6. *Equity Investment:* An Equity Investment means financial assistance provided by an Applicant or its Subsidiary to a CDFI, which CDFI meets such criteria as set forth in this applicable NOFA, in the form of a grant, a stock purchase, a purchase of a partnership interest, a purchase of a limited liability company membership interest, or any other investment deemed to be an Equity Investment by the CDFI Fund;

7. *Equity-Like Loan:* An Equity-Like Loan is a loan provided by an Applicant or its Subsidiary to a CDFI, and made on such terms that it has characteristics of an Equity Investment, as such characteristics may be specified by the CDFI Fund (12 CFR 1806.103). For purposes of this NOFA, an Equity-Like Loan must meet the following characteristics:

a. At the end of the initial term, the loan must have a definite rolling maturity date that is automatically extended on an annual basis if the CDFI borrower continues to be financially sound and carry out a community development mission;

b. Periodic payments of interest and/or principal may only be made out of the CDFI borrower's available cash flow after satisfying all other obligations;

c. Failure to pay principal or interest (except at maturity) will not automatically result in a default of the loan agreement; and

d. The loan must be subordinated to all other debt except for other Equity-Like Loans.

Notwithstanding the foregoing, the CDFI Fund reserves the right to determine, in its sole discretion and on a case-by-case basis, whether an instrument meets the above-stated characteristics of an Equity-Like Loan.

8. *CDFI Support Activity:* A CDFI Support Activity is defined as assistance provided by an Applicant or its Subsidiary to a CDFI that is Integrally Involved in a Distressed Community, in the form of a loan, Technical Assistance, or deposits.

9. *CDFI Program Matching Funds:* Equity Investments, Equity-Like Loans, and CDFI Support Activities (except Technical Assistance) provided by a BEA Applicant to a CDFI and used by the CDFI for matching funds under the CDFI Program are eligible as a Qualified Activity under the CDFI Related Activity category.

10. *Commercial Loans and Investments:* Commercial Loans and Investments is a sub-category of Distressed Community Financing Activities and is defined as the following lending activity types: Affordable Housing Development Loans and related Project Investments; Small Business Loans and related Project Investments; and Commercial Real Estate Loans and related Project Investments.

11. *Consumer Loans:* Consumer Loans is a sub-category of Distressed Community Financing Activities and is defined as the following lending activity types: Affordable Housing Loans; Education Loans; Home Improvement Loans; and Small Dollar Consumer Loans.

12. *Distressed Community Financing Activities and Service Activities:* Distressed Community Financing Activities comply with consumer protection laws and are defined as (1) Consumer Loans; or (2) Commercial Loans and Investments. In addition to the requirements set forth in the Interim Rule, this NOFA provides the following additional requirements:

a. *Commercial Real Estate Loans and related Project Investments:* For purposes of this NOFA, eligible Commercial Real Estate Loans (12 CFR 1806.103) and related Project Investments (12 CFR 1806.103) are generally limited to transactions with a total principal value of $10 million or less. Notwithstanding the foregoing, the CDFI Fund, in its sole discretion, may consider transactions with a total principal value of over $10 million, subject to review. For such transactions, Applicants must provide a separate narrative, or other information, to demonstrate that the proposed project offers, or significantly enhances the quality of, a facility or service not currently provided to the Distressed Community.

b. *Small Dollar Consumer Loan:* For purposes of this NOFA, eligible Small Dollar Consumer Loans are affordable loans that serve as available alternatives to the marketplace for individuals who are Eligible Residents with a total principal value between $500 and $5,000 and have a term of ninety (90) days or more.

c. *Low- and Moderate-Income residents:* For the purposes of this NOFA, Low- income means borrower income that does not exceed 80 percent of the area median income, and Moderate-Income means borrower income may be 81 percent to no more than 120 percent of the area median income, according to the U.S. Census Bureau data.

13. *Reporting Certain Financial Services:* The CDFI Fund will value the administrative cost of providing certain Financial Services using the following per unit values:

a. $100.00 per account for Targeted Financial Services including safe transaction accounts, youth transaction accounts, Electronic Transfer Accounts and Individual Development Accounts;

b. $50.00 per account for checking and savings accounts that do not meet the definition of Targeted Financial Services;

c. $5.00 per check cashing transaction;

d. $50,000 per new ATM installed at a location in a Distressed Community;

e. $500,000 per new retail bank branch office opened in a Distressed Community, including school-based bank branches approved by the Applicant's Federal bank regulator; and

f. In the case of Applicants engaging in Financial Services activities not described above, the CDFI Fund will determine the unit value of such services.

g. When reporting the opening of a new retail bank branch office, the Applicant must certify that such new branch will remain in operation for at least the next five years.

h. Financial Service Activities must be provided by the Applicant to Eligible Residents or enterprises that are located in a Distressed Community. An Applicant may determine the number of Eligible Residents who are recipients of Financial Services by either: (i) Collecting the addresses of its Financial Services customers, or (ii) certifying that the Applicant reasonably believes that such customers are Eligible Residents or enterprises located in a Distressed Community and providing a brief analytical narrative with information describing how the Applicant made this determination. Citations must be provided for external sources. In addition, if external sources are referenced in the narrative, the Applicant must explain how it reached the conclusion that the cited references are directly related to the Eligible

Residents or enterprises to whom it is claiming to have provided the Financial Services.

i. When reporting changes in the dollar amount of deposit accounts, only calculate the net change in the total dollar amount of eligible Deposit Liabilities between the Baseline Period and the Assessment Period. Do not report each individual deposit. If the net change between the Baseline Period and Assessment Period is a negative dollar amount, then a negative dollar amount may be recorded for Deposit Liabilities only. Instructions for determining the net change is available in the Supplemental Guidance to the FY 2016 BEA Program Application.

14. *Priority Factors:* Priority Factors are the numeric values assigned to individual types of activity within: (i) The Distressed Community Financing, and (ii) Services categories of Qualified Activities. For the purposes of this NOFA, Priority Factors will be based on the Applicant's asset size as of the end of the Assessment Period (December 31, 2015) as reported by the Applicant in the Application. Asset size classes (*i.e.,* small institutions, intermediate-small institutions, and large institutions) will correspond to the Community Reinvestment Act (CRA) asset size classes set by the three Federal bank regulatory agencies and that were effective as of the end of the Assessment Period. The Priority Factor works by multiplying the change in a Qualified Activity by the assigned Priority Factor to achieve a ''weighted value.'' This weighted value of the change would be multiplied by the applicable Award percentage to yield the Award amount for that particular activity. For purposes of this NOFA, the CDFI Fund is establishing Priority Factors based on Applicant asset size to be applied to all activity within the Distressed Community Financing Activities and Service Activities categories only, as follows:

TABLE 5—CRA ASSET SIZE CLASSIFICATION

	Priority factor
Small institutions (assets of less than $305 million as of 12/31/2015)	5.0
Intermediate—small institutions (assets of at least $305 million but less than $1.221 billion as of 12/31/2015)	3.0
Large institutions (assets of $1.221 billion or greater as of 12/31/2015)	1.0

15. *Certain Limitations on Qualified Activities:*

a. *Low-Income Housing Tax Credits:* Financial assistance provided by an Applicant for which the Applicant receives benefits through Low-Income Housing Tax Credits, authorized pursuant to Section 42 of the Internal Revenue Code, as amended (26 U.S.C. 42), shall not constitute an Equity Investment, Project Investment, or other Qualified Activity, for the purposes of calculating or receiving a BEA Program Award.

b. *New Markets Tax Credits:* Financial assistance provided by an Applicant for which the Applicant receives benefits as an investor in a Community Development Entity that has received an allocation of New Markets Tax Credits, authorized pursuant to Section 45D of the Internal Revenue Code, as amended (26 U.S.C. 45D), shall not constitute an Equity Investment, Project Investment, or other Qualified Activity, for the purposes of calculating or receiving a BEA Program Award. Leverage loans used in New Markets Tax Credit structured transactions that meet the requirements outlined in this NOFA are considered Distressed Community Financing Activities.

c. *Loan Renewals and Refinances:* Financial assistance provided by an Applicant shall not constitute a Qualified Activity, as defined in this part, for the purposes of calculating or receiving a BEA Program Award if such financial assistance consists of a loan to a borrower that has matured and is then renewed by the Applicant, or consists of a loan to a borrower that is retired or restructured using the proceeds of a new commitment by the Applicant. Payoff of a separate third party obligation will only be considered a Qualified Activity if the payoff of a transaction is part of the sale of property or business to an unaffiliated party to the borrower. Applicants should include a narrative statement to describe any such transactions. Otherwise the transaction will be disqualified.

d. *Certain Business Types:* Financial assistance provided by an Applicant shall not constitute a Qualified Activity, as defined in this part, for the purposes of financing the following business types: Golf courses, race tracks, gambling facilities, country clubs, massage parlors, hot tub facilities, suntan facilities, or stores where the principal business is the sale of alcoholic beverages for consumption off premises.

e. *Prior BEA Program Awards:* Qualified Activities funded with prior funding round BEA Program Award dollars or funded to satisfy requirements of the BEA Program Award Agreement shall not constitute a Qualified Activity for the purposes of calculating or receiving a BEA Program Award.

f. *Prior CDFI Program Awards:* No CDFI Applicant may receive a BEA Program Award for activities funded by another CDFI Fund program or Federal program.

16. *Award Percentages, Award Amounts, Application Review Process, Selection Process, Programmatic and Financial Risk, and Application Rejection:* The Interim Rule and this NOFA describe the process for selecting Applicants to receive a BEA Program Award and determining Award amounts.

a. *Award percentages:* In the CDFI Related Activities category (except for an Equity Investment or Equity-Like Loan), for CDFI Applicants, the estimated award amount will be equal to 18 percent of the increase in Qualified Activity for the category. If an Applicant is not a CDFI Applicant, the estimated award amount will be equal to 6 percent of the increase in Qualified Activity for the category. Notwithstanding the foregoing, for a CDFI Applicant and for an Applicant that is not a CDFI Applicant, the award percentage applicable to an Equity Investment, Equity-Like Loan, or grant in a CDFI shall be 15 percent of the increase in Qualified Activity for the category.

In Distressed Community Financing Activities' subcategory of Consumer Lending, for a CDFI Applicant, the estimated award amount will be 18 percent of the weighted value of the increase in this subcategory of Qualified Activity. If an Applicant is not a CDFI Applicant, the estimated award amount will be equal to 6 percent of the weighted value of the increase in Qualified Activity for this subcategory.

In Distressed Community Financing Activities' subcategory of Commercial Lending and Investments, for a CDFI Applicant, the estimated award amount will be 9 percent of the weighted value of the increase in this subcategory of

Qualified Activity. If an Applicant is not a CDFI Applicant, the estimated award amount will be equal to 3 percent of the weighted value of the increase in Qualified Activity for this subcategory.

In Service Activities category, for a CDFI Applicant, the estimated award amount will be equal to 9 percent of the weighted value of the increase in Qualified Activity for the category. If an Applicant is not a CDFI Applicant, the estimated award amount will be equal to 3 percent of the weighted value of the increase in Qualified Activity for the category.

b. *Award Amounts:* An Applicant's estimated award amount will be calculated in accordance with a multi-step procedure that is outlined in the Interim Rule (at 12 CFR 1806.403). As outlined in the Interim Rule at 12 CFR 1806.404, the CDFI Fund will determine actual Award amounts based on the availability of funds, increases in Qualified Activities from the Baseline Period to the Assessment Period, and the priority ranking of each Applicant. In calculating the increase in Qualified Activities, the CDFI Fund will determine the eligibility of each transaction for which an Applicant has applied for a BEA Program Award. In some cases, the actual award amount calculated by the CDFI Fund may not be the same as the estimated award amount requested by the Applicant.

For purposes of calculating award disbursement amounts, the CDFI Fund will treat Qualified Activities with a total principal amount less than or equal to $250,000 as fully disbursed. For all other Qualified Activities, Recipients will have 12 months from the end of the Assessment Period to make disbursements and 18 months from the end of the Assessment Period to submit to the CDFI Fund disbursement requests for the corresponding portion of their awards, after which the CDFI Fund will rescind and de-obligate any outstanding award balance and said outstanding award balance will no longer be available to the Recipient.

B. *Review and Selection Process:*

1. *Application Review Process:* All Applications will be initially evaluated by external non-Federal reviewers. Reviewers are selected based on their experience in understanding various financial transactions, reading and interpreting financial documentation, strong written communication skills, and strong mathematical skills. Reviewers must complete the CDFI Fund's conflict of interest process and be approved by the CDFI Fund. The CDFI Fund's Application reader conflict of interest policy is located on the CDFI Fund's Web site.

2. *Selection Process:* If the amount of funds available during the funding round is insufficient for all estimated Award amounts, Recipients will be selected based on the process described in the Interim Rule at 12 CFR 1806.404. This process gives funding priority to Applicants that undertake activities in the following order: (i) CDFI Related Activities, (ii) Distressed Community Financing Activities, and (iii) Service Activities, as described in the Interim Rule at 12 CFR 1806.404(c).

Within each category, CDFI Applicants will be ranked first according to the ratio of the actual award amount calculated by the CDFI Fund for the category to the total assets of the Applicant, followed by Applicants that are not CDFI Applicants according to the ratio of the actual award amount calculated by the CDFI Fund for the category to the total assets of the Applicant. Selections within each priority category will be based on the Applicants' relative rankings within each such category, subject to the availability of funds and any established maximum dollar amount of total awards that may be awarded for the Distressed Community Financing Activities category of Qualified Activities, as determined by the CDFI Fund.

The CDFI Fund, in its sole discretion: (i) May adjust the estimated award amount that an Applicant may receive; (ii) may establish a maximum amount that may be awarded to an Applicant; and (iii) reserves the right to limit the amount of an award to any Applicant if the CDFI Fund deems it appropriate.

The CDFI Fund reserves the right to contact the Applicant to confirm or clarify information. If contacted, the Applicant must respond within the CDFI Fund's time parameters or run the risk of having its Application rejected.

The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures. If those changes materially affect the CDFI Fund's award decisions, the CDFI Fund will provide information regarding the changes through the CDFI Fund's Web site.

3. *Programmatic and Financial Risk:* The CDFI Fund will consider safety and soundness information from the appropriate Federal bank regulatory agency as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)). If the appropriate Federal bank regulatory agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the Applicant to be incapable of completing the activities for which funding has been requested. The CDFI Fund will not approve a BEA Program Award under any circumstances for an Applicant if the appropriate Federal bank regulatory agency indicates that the Applicant received a composite rating of ''5'' on its most recent examination, performed in accordance with the Uniform Financial Institutions Rating System.

Furthermore, the CDFI Fund will not approve a BEA Program Award for the following reasons if at the time of application, or during the CDFI Fund's evaluation of the application, the Applicant received any of the following:

a. A CRA assessment rating of below ''Satisfactory'' on its most recent examination;

b. a going concern opinion on its most recent audit;

c. a Prompt Corrective Action directive from its regulator.

Applicants and/or their appropriate Federal bank regulator agency may be contacted by the CDFI Fund to provide additional information related to Federal bank regulatory or CRA information. The CDFI Fund will consider this information and may choose to disapprove a BEA Program Award for an Applicant if the information indicates that the Applicant may be unable to responsibly manage, re-invest, and/or report on a BEA Program Award during the performance period.

4. *Application Rejection:* The CDFI Fund reserves the right to reject an Application if information (including administrative error) comes to the CDFI Fund's attention that either: Adversely affects an Applicant's eligibility for an award; adversely affects the CDFI Fund's evaluation or scoring of an Application; or indicates fraud or mismanagement on the Applicant's part. If the CDFI Fund determines any portion of the Application is incorrect in a material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application. There is no right to appeal the CDFI Fund's award decisions. The CDFI Fund's award decisions are final. The CDFI Fund will not discuss the specifics of an Applicant's FY 2016 BEA Program Application or provide reasons why an Applicant was not selected to receive a BEA Program Award. The CDFI Fund will only respond to general questions regarding the FY 2016 BEA Program Application and award decision process until 30 days after the award announcement date.

C. *Anticipated Announcement and Federal Award Dates:* The CDFI Fund anticipates making its FY 2016 BEA Program award announcement in the Summer of 2017. The Federal Award

Date shall be the date that the CDFI Fund executes the Award Agreement.

VI. Federal Award Administration Information

A. *Federal Award Notices:* The CDFI Fund will notify an Applicant of its selection as a Recipient by delivering a notification or letter. The Award Agreement will contain the general terms and conditions governing the CDFI Fund's provision of an Award. The Award Recipient will receive a copy of the Award Agreement via AMIS. The Recipient is required to sign the Award Agreement via an electronic signature in AMIS. The CDFI Fund will subsequently execute the Award Agreement. Each Recipient must also ensure that complete and accurate banking information is reflected in its SAM account at *www.sam.gov* in order to receive its award disbursement.

B. *Administrative and National Policy Requirements:* If, prior to entering into an Award Agreement, information (including an administrative error) comes to the CDFI Fund's attention that adversely affects: The Recipient's eligibility for an award; the CDFI Fund's evaluation of the Application; the Recipient's compliance with any requirement listed in the Uniform Requirements; or indicates fraud or mismanagement on the Recipient's part, the CDFI Fund may, in its discretion and without advance notice to the Recipient, terminate the award or take other actions as it deems appropriate.

If the Recipient's certification status as a CDFI changes, the CDFI Fund reserves the right, in its sole discretion, to re-calculate the award, and modify the Award Agreement based on the Recipient's non-CDFI status.

By executing an Award Agreement, the Recipient agrees that, if the CDFI Fund becomes aware of any information (including an administrative error) prior to the effective date of the Award Agreement that either adversely affects the Recipient's eligibility for an award, or adversely affects the CDFI Fund's evaluation of the Recipient's Application, or indicates fraud or mismanagement on the part of the Recipient, the CDFI Fund may, in its discretion and without advance notice to the Recipient, terminate the Award Agreement or take other actions as it deems appropriate.

The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient fails to return the Award Agreement, signed by the authorized representative of the Recipient, and/or provide the CDFI Fund with any other requested documentation, within the CDFI Fund's deadlines.

In addition, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Award Agreement and the award made under this NOFA for any criteria described in the following table:

TABLE 6—CRITERIA THAT MAY RESULT IN AWARD TERMINATION PRIOR TO THE EXECUTION OF AN AWARD AGREEMENT

Criteria	Description
Failure to meet reporting requirements.	If an Applicant, is a prior CDFI Fund Recipient or allocatee under any CDFI Fund program and is not current on the reporting requirements set forth in the previously executed assistance, award, allocation, bond loan agreement(s), or agreement to guaranty, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of Award proceeds, until said prior Recipient or allocatee is current on the reporting requirements in the previously executed assistance, award, allocation, bond loan agreement(s), or agreement to guaranty. Please note that automated systems employed by the CDFI Fund for receipt of reports submitted electronically typically acknowledge only a report's receipt; such acknowledgment does not warrant that the report received was complete and therefore met reporting requirements. If said prior Recipient or allocatee is unable to meet this requirement within the timeframe set by the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the award made under this NOFA.
Pending resolution of noncompliance.	If, at any time prior to entering into an Award Agreement under this NOFA, an Applicant that is a prior CDFI Fund Recipient or allocatee under any CDFI Fund program: (i) Has submitted reports to the CDFI Fund that demonstrate noncompliance with a previous assistance, award, or allocation agreement, but (ii) the CDFI Fund has yet to make a final determination regarding whether or not the entity is in default of its previous assistance, award, allocation, bond loan agreement, or agreement to guarantee, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Award Agreement and/or to delay making a disbursement of award proceeds, pending full resolution, in the sole determination of the CDFI Fund, of the noncompliance. If said prior Recipient or allocatee is unable to meet this requirement, in the sole determination of the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the award made under this NOFA.
Default status	If prior to entering into an Award Agreement under this NOFA: (i) The CDFI Fund has made a final determination that an Applicant that is a prior CDFI Fund Recipient or allocatee under any CDFI Fund program whose award or allocation terminated in default of such prior agreement; (ii) the CDFI Fund has provided written notification of such determination to such organization; and (iii) the anticipated date for entering into the Award Agreement under this NOFA is within a period of time specified in such notification throughout which any new award, allocation, assistance, bond loan agreement(s), or agreement to guarantee is prohibited, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Award Agreement and the award made under this NOFA.
Compliance with Federal civil rights requirements.	If prior to entering into an Award Agreement under this NOFA, the Recipient receives a final determination, made within the last three years, in any proceeding instituted against the Recipient in, by, or before any court, governmental, or administrative body or agency, declaring that the Recipient has violated the following laws: Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975, (42 U.S.C. 6101–6107), and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, the CDFI Fund will terminate and rescind the Assistance Agreement and the award made under this NOFA.
Do Not Pay	The Do Not Pay Business Center was developed to support Federal agencies in their efforts to reduce the number of improper payments made through programs funded by the Federal government. The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Recipient is identified as ineligible to be a Recipient per the Do Not Pay database.

TABLE 6—CRITERIA THAT MAY RESULT IN AWARD TERMINATION PRIOR TO THE EXECUTION OF AN AWARD AGREEMENT—Continued

Criteria	Description
Safety and Soundness	If it is determined the Recipient is or will be incapable of meeting its award obligations, the CDFI Fund will deem the Recipient to be ineligible or require it to improve safety and soundness conditions prior to entering into an Award Agreement.

C. *Award Agreement:* After the CDFI Fund selects a Recipient, unless an exception detailed in this NOFA applies, the CDFI Fund and the Recipient will enter into an Award Agreement. The Award Agreement will set forth certain required terms and conditions of the award, which will include, but not be limited to: (i) The amount of the award; (ii) the type of the award; (iii) the approved uses of the award; (iv) the performance goals and measures; (v) the performance periods; and (vi) the reporting requirements. The Award Agreement shall provide that a Recipient shall: (i) Carry out its Qualified Activities in accordance with applicable law, the approved Application, and all other applicable requirements; (ii) not receive any disbursement of award dollars until the CDFI Fund has determined that the Recipient has fulfilled all applicable requirements; and (iii) use the BEA Program Award amount for Qualified Activities.

D. *Reporting:* Through this NOFA, the CDFI Fund will require each Recipient to account for and report to the CDFI Fund on the use of the award. This will require Recipients to establish administrative controls, subject to applicable OMB Circulars. The CDFI Fund will collect information from each such Recipient on its use of the award at least once following the award and more often if deemed appropriate by the CDFI Fund in its sole discretion. The CDFI Fund will provide guidance to Recipients outlining the format and content of the information required to be provided to describe how the funds were used.

The CDFI Fund may collect information from each Recipient including, but not limited to, an Annual Report with the following components:

TABLE 7—REPORTING REQUIREMENTS

Criteria	Description
Single Audit Narrative Report (or like report).	For each year of its performance period, the Recipient, must answer in the Financial Report section in AMIS, as to whether it is required to have a single audit pursuant to OMB Single Audit requirements.
Single Audit (if applicable) (or similar report).	A Recipient that is a non-profit entity that expends $750,000 or more in Federal awards during its fiscal year must have a single audit conducted for that year. If a Recipient is required to complete a Single Audit Report, it should be submitted to the Federal Audit Clearinghouse see 2 CFR subpart F—Audit Requirements in the Uniform Federal Award Requirements. For-profit Recipients will be required to complete and submit a similar report directly to the CDFI Fund.
Use of BEA Program Award Report	Recipients must submit the Use of Award report to the CDFI Fund via AMIS.
Explanation of Noncompliance (as applicable) or successor report.	If the Recipient fails to meet a Performance Goal or reporting requirement, it must submit the Explanation of Noncompliance via AMIS.

Each Recipient is responsible for the timely and complete submission of the reporting requirements. The CDFI Fund reserves the right to contact the Recipient to request additional information and documentation. The CDFI Fund will use such information to monitor each Recipient's compliance with the requirements in the Award Agreement and to assess the impact of the BEA Program. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice has been provided to Recipients.

E. *Financial Management and Accounting:* The CDFI Fund will require Recipients to maintain financial management and accounting systems that comply with Federal statutes, regulations, and the terms and conditions of the award. These systems must be sufficient to permit the preparation of reports required by general and program specific terms and conditions, including the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the award. Each of the Qualified Activities categories will be ineligible for indirect costs and an associated indirect cost rate. The cost principles used by Recipients must be consistent with Federal cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the BEA Program Award. In addition, the CDFI Fund will require Recipients to: Maintain effective internal controls; comply with applicable statutes, regulations, and the Award Agreement; evaluate and monitor compliance; take action when not in compliance; and safeguard personally identifiable information.

VII. Federal Awarding Agency Contacts

A. *Questions Related to Application and Prior Recipient Reporting, Compliance and Disbursements:* The CDFI Fund will respond to questions concerning this NOFA, the Application and reporting, compliance, or disbursements between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time, starting on the date that this NOFA is published through the date listed in Table 1. The CDFI Fund will post responses to frequently asked questions in a separate document on its Web site. Other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's Web site at *http://www.cdfifund.gov.*

The following table lists CDFI Fund contact information:

TABLE 8—CONTACT INFORMATION

Type of question	Telephone number (not toll free)	Electronic contact method
BEA Program	202–653–0421	BEA AMIS *Service Request.*
Certification, Compliance Monitoring, and Evaluation	202–653–0423	*Compliance and Reporting* AMIS Service Request.
AMIS—IT Help Desk	202–653–0422	IT AMIS Service Request.

B. *Information Technology Support:* People who have visual or mobility impairments that prevent them from using the CDFI Fund's Web site should call (202) 653–0422 for assistance (this is not a toll free number).

C. *Communication with the CDFI Fund:* The CDFI Fund will use its AMIS Internet interface to communicate with Applicants and Recipients under this NOFA. Recipients must use AMIS to submit required reports. The CDFI Fund will notify Recipients by email using the addresses maintained in each Recipient's AMIS account. Therefore, a Recipient and any Subsidiaries, signatories, and Affiliates must maintain accurate contact information (including contact person and authorized representative, email addresses, fax numbers, phone numbers, and office addresses) in their AMIS account(s).

D. *Civil Rights and Diversity:* Any person who is eligible to receive benefits or services from CDFI Fund or Recipients under any of its programs is entitled to those benefits or services without being subject to prohibited discrimination. The Department of the Treasury's Office of Civil Rights and Diversity enforces various Federal statutes and regulations that prohibit discrimination in financially assisted and conducted programs and activities of the CDFI Fund. If a person believes that s/he has been subjected to discrimination and/or reprisal because of membership in a protected group, s/he may file a complaint with: Associate Chief Human Capital Officer, Office of Civil Rights, and Diversity, 1500 Pennsylvania Ave. NW., Washington, DC 20220 or (202) 622–1160 (not a toll-free number).

VIII. Other Information

A. *Reasonable Accommodations:* Requests for reasonable accommodations under section 504 of the Rehabilitation Act should be directed to Mr. Michael Jones, Community Development Financial Institutions Fund, U.S. Department of the Treasury, at *JonesM@cdfi.treas.gov* no later than 72 hours in advance of the application deadline.

B. *Paperwork Reduction Act:* Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the BEA Program funding Application has been assigned the following control number: 1559–0005.

C. *Application Information Sessions:* The CDFI Fund may conduct webinars or host information sessions for organizations that are considering applying to, or are interested in learning about, the CDFI Fund's programs. For further information, please visit the CDFI Fund's Web site at *http://www.cdfifund.gov.*

Authority: 12 U.S.C. 1834a, 4703, 4703 note, 4713; 12 CFR part 1806.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2017–03684 Filed 2–23–17; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5995–N–08]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), call the toll-free Title V information line at 800–927–7588 or send an email to *title5@hud.gov* .

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to: Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Program Support Center, 7700 Wisconsin Ave., Suite 8216, Bethesda, MD 20857, (301) 443–6672 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 or send an email to *title5@hud.gov* for detailed instructions, or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*e.g.,* acreage, floor plan, condition of property, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following address(es): AIR FORCE: Mr. Robert E. Moriarty, P.E., AFCEC/CI, 2261 Hughes Avenue, Ste. 155, JBSA Lackland TX 78236–9853; ARMY: Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571) 256–8145; COE: Ms. Brenda Johnson-Turner, HQUSACE/CEMP–CR, 441 G Street NW., Washington, DC 20314, (202) 761–7238; INTERIOR: Mr. Michael Wright, Acquisition and Property Management, Department of the Interior, 3960 N. 56th Ave., #104 Hollywood, FL. 33021, (754) 400–7381; NASA: Mr. William Brodt, National Aeronautics AND Space Administration, 300 E Street SW., Room 2P85, Washington, DC 20546, (202) 358–1117; NAVY: Ms. Nikki Hunt, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374, (202) 685–9426; (These are not toll-free numbers).

Dated: February 15, 2017.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 02/24/2017

Suitable/Available Properties

Building

Alabama

C1301
Ft. McClellan
Ft. McClellan AL 36205
Landholding Agency: Army
Property Number: 21201220017
Status: Excess
Comments: off-site removal only; 2,232 sf.; barracks; extensive repairs needed; secured area; need prior approval to access property.

4811
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201430024
Status: Unutilized
Directions: 4811
Comments: off-site removal only; no future agency need; 221 sq. ft.; Flammable/explosive storage facility; 12+ months vacant; deteriorated; secured area; contact Army for more information.

6 Buildings
Redstone Arsenal
Madison AL 35898
Landholding Agency: Army
Property Number: 21201510040
Status: Unutilized
Directions: 3757 (800 sq. ft.); 3759 (39 sq. ft.); 3762 (288 sq. ft.); 6209 (130 sq. ft.); 6210 (130 sq. ft.); 7859 (522 sq. ft.)
Comments: off-site removal only; no future agency need; prior approval to gain access is required; for more info. contact Army.

2 Buildings
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201530058
Status: Unutilized
Directions: Building 7359 (4,547 sq. ft.); 7369 (7,288 sq. ft.)
Comments: off-site removal; 48–70+ yrs. old; rocket plants; vacant 4 mos.; major reno. needed; contaminates; asbestos; no future agency need; prior approval needed to gain access; contact Army for more info.

Building 3540
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201530092
Status: Unutilized
Comments: off-site removal only; no future agency need; 150 sq.; range support; removal may be difficult due to type (brick); major renov.; LBP; endangered species- var. bat species; contact Army for more info.

4 Buildings
Bldg. 30815 AL 85 Peters St.
Doleville AL 36362
Landholding Agency: Army
Property Number: 21201620022
Status: Unutilized
Directions: 4011T: RPUID:186097 (720 sq.); 414: RPUID:186545 (288 sq.); 30815: RPUID:671439 (144 sq.); 4513: RPUID:186563 (400 sq.)
Comments: off-site removal only; no future agency need 24+–47+ yrs. old; sq. ft. above; storage; rec shelter; flam mat; 1+–6+ mos. vacant; poor & fair condition; contact Army for more information.

4735; RPUID: 186113
Fort Rucker
Ft. Rucker AL 36362
Landholding Agency: Army
Property Number: 21201640006
Status: Unutilized
Comments: off-site removal only; no future agency need; 106 sq. ft.; relocation difficult due to type; 48+ months vacant; contact Army for accessibility and conditions.

Building 6004
Fort Rucker
Fort Rucker AL 36362
Landholding Agency: Army
Property Number: 21201710007
Status: Unutilized
Directions: RPUID:186602
Comments: off-site removal only; 37+ yrs.; 64 sq. ft.; storage vacant 12+ mos.; poor condition; prior approval needed to gain access; no future agency need; contact Army for more information.

Alaska

Building 00001
9679 Tuluksak Rd.
Toksook AK 99679
Landholding Agency: Army
Property Number: 21201320038
Status: Excess
Comments: 1,200 sf.; armory; 60 months vacant; poor conditions.

Building 00001
Lot 7 Block 11 US Survey 5069
Noorvik AK 99763
Landholding Agency: Army
Property Number: 21201330030
Status: Excess
Comments: 1,200 sf. armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 00001
P.O. Box 22
Gambell AK 99742
Landholding Agency: Army
Property Number: 21201330031
Status: Excess
Comments: 1,208 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Building 0001
Kivalina Armory
Kivalina AK 99750
Landholding Agency: Army
Property Number: 21201330032
Status: Excess
Comments: 1,200 sf. armory; 600+ months vacant; poor conditions; contact Army for more info.

Akiachak 00001
500 Philips St.
Akiachak AK 99551
Landholding Agency: Army
Property Number: 21201330033
Status: Excess
Comments: 1,200 sf.; armory; 60+ months vacant; poor conditions; contact Army for more info.

Arizona

Building 90890
Fort Huachuca
Fort Huachuca AZ 85613
Landholding Agency: Army
Property Number: 21201440051
Status: Unutilized
Comments: off-site removal only; no future agency need; 40 sq. ft.; 80+ months vacant; repairs needed; contact Army for more information.

7 Buildings
Papago Park Military Reservation
Phoenix AZ 85008
Landholding Agency: Army
Property Number: 21201510025
Status: Excess
Directions: M5358 (1500 sq. ft.); M5356 (1,500 sq. ft.) M5354 (1,500 sq. ft.); M5352 (1,500 sq. ft.); M5218 (1,097 sq. ft.); M5331 (2,460 sq. ft.); M5502 (5,856 sq. ft.)
Comments: fair condition prior approve to gain access is required, for more information contact Army about a specific property.

2 Building
5636 E. McDowell Road
Phoenix AZ 85008
Landholding Agency: Army
Property Number: 21201520007
Status: Excess
Directions: Building M5502 (5,856 sq. ft.) & M5331 (2,460 sq. ft.)
Comments: 45+ & 62+ yrs. old for buildings respectively above; administration; restricted access; escort required; contact Army for more information.

California

1201T
Tower Rd.
Dubin CA 94568
Landholding Agency: Army
Property Number: 21201310060
Status: Unutilized
Comments: off-site removal only; 30 sf.; control tower; poor conditions; restricted area; transferee must obtain real estate doc. to access/remove; contact Army for more info.

1201S & 1205S
Tower Rd.
Dublin CA 94568
Landholding Agency: Army
Property Number: 21201310062
Status: Unutilized
Directions: previously reported under 21201010006
Comments: REDETERMINATION: off-site removal only; 396 & 252 sf. repetitively; storage; poor conditions; transferee will need to obtain real estate doc. to access/remove property; contact Army for more info.

2 Building
Parks Reserve Forces Training Area
Dublin CA 94568
Landholding Agency: Army
Property Number: 21201330002
Status: Underutilized
Directions: 1108, 1109
Comments: off-site removal only; no future agency need; sf. varies; poor conditions; secured area; contact Army for info. on a specific property & accessibility removal reas.

7 Building
Parks Reserve Forces Training Area
Dublin CA 94568
Landholding Agency: Army
Property Number: 21201330003
Status: Unutilized
Directions: 200, 00974, 1080, 1085, 1100, 1101, 1176
Comments: sf varies; no future agency need; poor/deteriorated conditions; secured area; escort required; contact Army for more info. on a specific property & accessibility reqs./removal options.

11 Building
Fort Hunter Liggett
FF Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201330018
Status: Unutilized
Directions: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Comments: offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

22 Buildings
Hwy. 101, Bldg. 109
Camp Roberts CA 93451
Landholding Agency: Army
Property Number: 21201330019
Status: Excess
Directions: 00902, 00936, 01019, 06079, 06080, 06125, 06320, 14212, 14308, 14801, 25012, 25013, 27108, 27110, 27126, RB001, RB003, RB004, RB005, RB006, RB007, RB043
Comments: CORRECTION: bldg. 14801 incorrectly published on 08/30/2013; off-site removal only; 6+ months vacant; poor

conditions; contamination; secured area; contact Army for info.

11 Building
Fort Hunter Liggett
Fort Hunger Liggett CA 93928
Landholding Agency: Army
Property Number: 21201330023
Status: Unutilized
Directions: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Comments: offsite removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

23 Buildings
Hwy 101, Bldg. 109
Camp Robert CA 93451
Landholding Agency: Army
Property Number: 21201330025
Status: Excess
Directions: T0805, T0831, T0834, T0874, T0876, T0917, T0920, T0922, T0923, T0925, T0933, T0934, T0935, T0955, T0956, T0955, T0956, T0966, T0967, T0992, T6005, T6029, T6406, T7025, T7037
Comments: off-site removal only; sf varies; 6t months vacant; poor conditions; contamination; secured area; contact Army for more info. on a specific property & accessibly removal reqs.

11 Building
Fort Hunter Liggett
Fort Hunter Ligget CA 93928
Landholding Agency: Army
Property Number: 21201330026
Status: Unutilized
Directions: 0100A, 0178B, 00306, 00408, 0418A, 00850, 00851, 00932, 00945, 00946, 00947
Comments: off-site removal only; no future agency need; St. varies, conditions range from good to dilapidated secured area, contact Army for more info. on a specific property & accessibility/removal reqs.

7 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201330067
Status: Unutilized
Directions: 00478, 00548, 00681, 00682, 00683, 00684, and 00685
Comments: sf. varies, 36–204+ months vacant; fair to deteriorated; secured area; extensive background check required; contact Army for info. on a specific property & accessibility reqs.

2 Buildings
Camp Roberts MTC
Camp Roberts CA 93451
Landholding Agency: Army
Property Number: 21201410024
Status: Excess
Directions: 14102 (864 sq. ft.); 14801 (200 sq. ft.)
Comments: off-site removal only; 72+ yrs.-old; secured area; contact Army for accessibility/removal requirements.

4 Buildings
Fort Hunter Liggett
711 ASP Road
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201420004
Status: Unutilized
Directions: 711; 710; 0408A; 719
Comments: off-site removal only; no future agency need; poor conditions; must obtain access documentation; contact Army for information on a specific property and accessibility/removal request.

Bldg. 53
Navy Lodge on RT Jones Rd.
Mountain View CA
Landholding Agency: Army
Property Number: 21201430003
Status: Excess
Comments: off-site removal only; 960 sq. ft.; storage; poor conditions; contact Army for more information.

00294
Los Alamitos Joint Forces Training Base (JFTB)
Los Alamitos CA 90720–5002
Landholding Agency: Army
Property Number: 21201430018
Status: Underutilized
Directions: 00294
Comments: off-site removal only; no future agency need; 980 sq. ft.; storage/general purpose; very poor condition; secured area; contact Army for more information.

Camp Roberts MTC (H) Bldg.
#T0864
Hwy 101; Bldg. 109
Camp Roberts CA 93451–5000
Landholding Agency: Army
Property Number: 21201510028
Status: Unutilized
Comments: off-site removal; 73+ yrs. old; 400 sq. ft. storage; residential; fair to poor condition; vacant 72 months; contact Army for more info.

3 Buildings
Park Reserve Forces Training Area
Dubin CA 94568
Landholding Agency: Army
Property Number: 21201530048
Status: Unutilized
Directions: Building: 973 RPUID: 376805 (1,933 sq. ft.); 1194 RPUID: 377058 (1,020 sq. ft.); 1195 RPUID:377059 (1,020 sq. ft.)
Comments: off-site removal only; no future agency need;61/71+ yrs. old; Vacant Storage; recreation center; poor condition; contact Army for more info. on a specific property accessibility/removal requirement.

6 Buildings
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201530049
Status: Unutilized
Directions: Building: 0100B (124 sq. ft.); 124 (2,001 sq. ft.); 149 (1,196 sq. ft.); 283 (4,225 sq. ft.)393 (58 sq. ft.); 394 ((58 sq. ft.)
Comments: off-site removal only; no future agency need; 35/86+ yrs. old; usage varies; contact Army for more info. on a specific property; access./removal requirements.

Building 0132A
Fort Hunter Liggett
For Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201530050
Status: Underutilized
Comments: off-site removal; no future agency need; 64+ yrs. old; 943 sq. ft.; residential; poor condition; contact Army for more information and accessibility/removal requirements.

Colorado

Building 00209
4809 Tevis Street
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201520018
Status: Unutilized
Comments: off-site removal; 49+ yrs. old; 400 sq. ft.; housing; vacant 3 mos.; repairs required; asbestos; no future agency need; contact Army for more information.

Building 00220
4860 Tevis Street
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201520033
Status: Excess
Comments: off-site removal only; 73+ yrs. Old; 690 sq. ft.; Eng./housing; repairs required; concrete; maybe difficult to move; asbestos; no future agency need; contact Army for more information.

Building R005F
Range 5 Specker Avenue
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201620003
Status: Unutilized
Comments: off-site removal only; 13+ yrs. old; 800 sq. ft.; storage; 6+ mos. vacant; repairs required; contact Army for more information.

6 Buildings
Fort Carson
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201620014
Status: Unutilized
Directions: 02554: RPUID:572361 (22,441 sq.); 02552: RPUID:591052 (22,441 sq.); 01950: RPUID:606520 (11,819 sq.); 01954: RPUID:583977 (22,386 sq.); 01951: RPUID:576840 (22,386 sq.); 02551: RPUID:576791 (22,441 sq.)
Comments: off-site removal only; 38+ − 42+yrs. old; sq. ft. above; barracks; 2+mos. vacant; repairs required; contact Army for more information.

09301
Fort Carson
Ft. Carson CO 80913
Landholding Agency: Army
Property Number: 21201640001
Status: Underutilized
Comments: off-site removal only; 2,680 sq. ft.; relocation extremely difficult due to size/type; Administrative; 2+ months vacant; maintenance/repair needed; contact Army for more info.

Georgia

Building 904
2022 Veterans Pkwy
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310004
Status: Excess
Comments: off-site removal only; 9,993 sf.; museum; poor conditions; asbestos & lead-

based paint; w/in secured area; Gov't escort required to access/remove property.

Building 862
259 N. Lightening Rd.
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201310010
Status: Excess
Comments: off-site removal only; 826 sf.; Battery Shop; poor conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 853
140 Barren Loop Rd.
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201310011
Status: Excess
Comments: off-site removal only; 4,100 sf.; Admin. 3 mons. vacant; fair conditions; w/in secured area; contact Army for accessibility/removal reqs.

Building 866
null
395 N. Lightening Rd.
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201310012
Status: Excess
Comments: off-site removal only; 2,100 sf.; Admin.; fair conditions; w/in secured area; contact Army for info. on accessibility/removal reqs.

Building 9597
Bultman Ave.
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310013
Status: Excess
Comments: off-site removal only; 324 sf.; storage; 6 mons. vacant; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 8056
N. Lightening Rd.
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201310015
Status: Excess
Comments: off-site removal only; 3,790 sf.; navigation bldg.; 10 mons. vacant; fair conditions; asbestos; w/in secured area; Gov't escort only to access/remove property.

Buildings 7736 & 7740
Chip Rd.
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310016
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

3 Buildings
McFarland Ave.
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310017
Status: Excess
Directions: 1710, 1711, 1712
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1303 & 1304
Warrior Rd.
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310018
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1155 & 1156
N. Lightening Rd.
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201310019
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Buildings 1139 & 1151
Veterans Pkwy
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310020
Status: Excess
Comments: off-site removal only; sf. varies; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1104
Frank Cochran Dr.
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21201310022
Status: Excess
Comments: off-site removal only; 240 sf.; storage; poor conditions; w/in secured area; Gov't escort required to access/remove property.

Building 1105
Veterans Pkwy
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310023
Status: Excess
Comments: off-site removal only; 7,132 sf.; Maint. Facility; poor conditions; asbestos & lead; w/in secured area; Gov't escort required to access/remove property.

Building 1130
Veterans Pkwy
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310024
Status: Excess
Comments: off-site removal only; 322 sf.; storage; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1132
Veterans Pkwy
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310025
Status: Excess
Comments: off-site removal only; 182 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building 1133
Veterans Pkwy
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201310026
Status: Excess
Comments: off-site removal only; 501 sf.; latrine; poor conditions; w/in secured area; Gov't escort only to access/remove property.

Building OT022
46 22nd Street
Fort Gordon GA 30905
Landholding Agency: Army
Property Number: 21201330005
Status: Unutilized
Comments: no future agency need; off-site removal only; 960 sf.; classroom; 120 months; dilapidated; contamination; closed post; contact Army for accessibility/removal requirements.

Building OT007
31 22nd Street
Fort Gordon GA 30905
Landholding Agency: Army
Property Number: 21201330006
Status: Unutilized
Comments: off-site removal only; no future agency need; 960 sf.; classroom; 120t months; dilapidated; contamination; closed post; contact Army for accessibility/removal reqs.

3 Buildings
Veterans Pkwy.
Fort Stewart GA 31314
Landholding Agency: Army
Property Number: 21201330036
Status: Excess
Directions: 1101, 1108, 1129
Comments: off-site removal only; poor conditions; contamination; secured area; contact Army for info. on a specific property; accessibility removal reqs.

Building 00TR4
43 Pistol Range Road
Whitfield GA 30755
Landholding Agency: Army
Property Number: 21201330045
Status: Excess
Comments: off-site removal only; 2,560 sf.; dining facility; 78 yrs. old; poor conditions; contact Army for more info.

Building 1157
Hunter Army Airfield
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201410033
Status: Excess
Comments: off-site removal only; 5,809 sq. ft.; poor conditions; secured area; gov't escort required; contact Army for more info.

Building 7097
Fort Stewart
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201440007
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 9,520 sq. ft.; child development center; 6+ months vacant; poor conditions; contact Army for more information.

100
Hunter Army Airfield
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201440008
Status: Excess
Comments: off-site removal only; relocation extremely difficult due to size; 13,331 sq. ft.; classroom; poor conditions; contact Army for more information.

1020
Hunter Army Airfield
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201440009
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; 39,653 sq.; storage; 1+ month vacant; contact Army for more information.

9002
Hunter Army Airfield
Hunter Army Airfield GA 31406
Landholding Agency: Army
Property Number: 21201440010
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation difficult due to type; 221 sq. ft.; 12+ months vacant; poor conditions; asbestos; contact Army for more information.

10 Buildings
Fort Benning
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201520011
Status: Underutilized
Directions: 00035 (890 sq. ft.); 00036 (890 sq. ft.); 00235 (4,390 sq. ft.); 08001 (288 sq. ft.); 08007 (288 sq. ft.); 08012 (288 sq. ft.); 08014 (288 sq. ft.); 08034(192 sq. ft.); 08582 (192 sq. ft.); 08597 (192 sq. ft.);
Comments: off-site removal; 10–94 yrs. old for buildings respectively above; toilet/shower; laundry; administrative; poor condition; no future agency need; contact Army for more information.

9 Buildings
Fort Benning
Fort Bebbing GA 31905
Landholding Agency: Army
Property Number: 21201520012
Status: Underutilized
Directions: 08821 (192 sq. ft.), 8781 (1,007 sq. ft.), 08730 (800 sq. ft.), 08729 (192 sq. ft.), 08721 (384 sq. ft.), 08681 (192 sq. ft.), 08637 (384 sq. ft.), 08600 (192 sq. ft.), 08618 (192 sq. ft.)
Comments: off-site removal; 10–50 yrs. old for buildings respectively above; poor condition; toilet/shower, range; no future agency need; contact Army for more information.

2 Buildings
Fort Benning
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201520028
Status: Unutilized
Directions:
Buildings 04969 (8,416 sq. ft.), 04960 (3,335 sq. ft.)
Comments: off-site removal; 34+ & 48+ yrs. old; vehicle MAINT.; poor conditions; contaminants; restricted access; no future agency need; contact Army for more information.

Building 14
Camp Frank D. Merrill
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201540052
Status: Unutilized
Comments: off-site removal only; 120 sq. ft.; 51+ yrs. old; veh. fuel mogas; poor conditions; contact Army for information.

Building 08638–RPUID 283107
Mortar Training Area
off Wildcat Road
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201540053
Status: Unutilized
Comments: off-site removal only; 192 sq. ft.; 10+ yrs.-old; sep toil/shower; poor conditions; contact Army for more information.

Building 08728
3279 10th Armored Division Road
Fort Benning GA
Landholding Agency: Army
Property Number: 21201540054
Status: Unutilized
Comments: off-site removal only; 192 sq. ft.; 9+ yrs.-old; sep toil/shower; poor conditions; contact Army for more information.

3 Buildings
Fort Benning
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201610041
Status: Unutilized
Directions: Building 04977 RPUID:281480 192 sq. ft.; 04978 RPUID:282355 630 sq. ft.; 04979 RPUID:282356 400 sq. ft.
Comments: off-site removal only; 11+ & 48+ yrs. old; veh maint shops; haz mat str ins; poor condition; no future agency need; contact Army for more information.

5 Buildings
Fort Benning
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201620006
Status: Unutilized
Directions: Building 00485: RPUID:281444 (148 sq.); 08848: RPUID:282680 (288 sq.); 08830: RPUID:282664; (288 sq.) 08020: RPUID:282782; (192 sq.); 04022: RPUID:1006195 (144 sq.)
Comments: off-site removal only; 7+ -74+ yrs. old; veh; toil/shower; storage; poor conditions; contact Army for more information.

Hawaii

P–88
3377Z
Schofield Barracks
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201210054
Status: Unutilized
Comments: off-site removal only; 196 sf.; current use: transformer bldg.; poor conditions—needs repairs.

Bldg. 0300B
308 Paalaa Uka Pupukea
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201210083
Status: Unutilized
Comments: off-site removal only; 114 sf.; current use: valve house for water tank; fair conditions.

12 Bldgs.
Schofield Barracks
Wahiawa HI
Landholding Agency: Army
Property Number: 21201220009
Status: Unutilized
Directions: 2509,2510,2511,2512,2513,2514, 2516,2517,3030,3031,3032,3035
Comments: off-site removal only; sf. varies; usage varies; storage; good conditions.

A0300
308 Paalaa Uka Pupukea Rd.
Helemano
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201230009
Status: Unutilized
Comments: off-site removal only; 17.25 X 21ft.; water storage.

Buildings 1421 & 1422
510 CW2 Latchum Rd.
Wahiawa HI 97686
Landholding Agency: Army
Property Number: 21201310046
Status: Underutilized
Comments: off-site removal only; sf. varies; office & toilet; fair conditions; military reservation.

Buildings 3363, 3366, & 3371
Schofield Barracks
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201310047
Status: Unutilized
Comments: off-site removal only; sf. varies; abandoned; 230 mons. vacant; transformer bldgs.

Building A0750
613 Ayers Ave. (Schofield Barracks)
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201330038
Status: Unutilized
Comments: off-site removal only; no future agency need; 512 sf.; storage; 46 yrs.-old; poor conditions; contact Army for more info.

00038
Pohakuloa Training Area
Hilo HI 96720
Landholding Agency: Army
Property Number: 21201410007
Status: Unutilized
Comments: off-site removal only; 102 sq. ft.; storage; 49+ yrs.-old; poor conditions; contact Army for more information.

3 Buildings
Joint Base Pearl Harbor Hickam
Joint Base Pearl Harb HI 96860
Landholding Agency: Army
Property Number: 21201530046
Status: Excess
Directions:
Building: 2266 (1,536 sq. ft.);2267 (1,536 sq. ft.) 2268 (2,190 sq. ft.)
Comments: off-site removal only; 32+ yrs. old; Child Development Centers; 24 mos. Vacant; poor condition; relocation may not be feasible due to deteriorated condition; contact Army for more information.

Idaho

R1A11
16 Miles South
Boise ID 83634
Landholding Agency: Army
Property Number: 21201320005

Status: Excess
Comments: off-site removal only; 1,040 sf., dilapidated, repairs a must, temp. shelter, 9 months vacant, has hanta virus presence.

R1A13
16 Miles South
Boise ID 83634
Landholding Agency: Army
Property Number: 21201320015
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repairs a must.

R1A10
16 Miles South
Boise ID 83634
Landholding Agency: Army
Property Number: 21201320041
Status: Excess
Comments: off-site removal only; 1,040 sf.; dilapidated; repairs a must; 9 months vacant; Hanta virus.

R1A12
16 Miles South
Boise ID 83634
Landholding Agency: Army
Property Number: 21201320042
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; repairs a must; Hanta virus.

R1A15
16 Miles South
Boise ID 83634
Landholding Agency: Army
Property Number: 21201320043
Status: Excess
Comments: off-site removal only; 1,040 sf.; temp. shelter; 9 months vacant; dilapidated; Hanta virus; repair a must.

Illinois

Building GC444
195 E Street
Granite City IL 62040
Landholding Agency: Army
Property Number: 21201610061
Status: Unutilized
Directions:
RPUID:967743
Comments: off-site removal only; 63+ yrs. old; 21,954 sq. ft.; training center; vacant 1+ mos.; no future agency need; size makes this economically & structurally unfeasible to move; contact Army for more info.

3 Buildings
Philip H. Sheridan Reserve Center
Fort Sheridan IL 60037
Landholding Agency: Army
Property Number: 21201710008
Status: Unutilized
Directions: Building HP137 (RPUID:221544) 26,845 sf.; HP149 (RPUID:225967) 7,000 sf.; HP139 (RPUID:225966) 18,312 sf.
Comments: off-site removal; extremely diff. to relocate due to size; 30+-77+ yrs. old; stg.; sf. listed above; vacant 1+ mos.; beyond its useful lifecycle; no future agency need; contact Army for more info.

Iowa

Y11Q0
Camp Dodge
Johnston IA 50131
Landholding Agency: Army
Property Number: 21201330060
Status: Unutilized
Comments: 3,076 sf.; family housing; 816+months vacant; deteriorated; secured area; escort required; contact Army for accessibility requirements.

2 Buildings
Camp Dodge
Johnston IA 50131
Landholding Agency: Army
Property Number: 21201330064
Status: Unutilized
Directions: Y1200 & TC030
Comments: 1,686 & 1,026 sf. respectively; garage; deteriorated; secured area; escort required; contact Army for accessibility. requirements.

Kansas

Building 9109
Mallon Rd.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201310051
Status: Unutilized
Comments: off-site removal only; 128 sf.; latrine; deteriorating conditions; located on controlled area; contact Army for more info.

Building 00620
Mitchell Terr.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320014
Status: Excess
Comments: off-site removal only; 12,640 sf.; lodging; deteriorating; asbestos.

Building 09098
Vinton School Rd.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320016
Status: Excess
Comments: off-site removal only; 120 sf.; guard shack; fair/moderate conditions.

Building 07856
Drum St.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320017
Status: Excess
Comments: off-site removal only; 13,493 sf.; dining facility; deteriorating; asbestos.

Building 07636
Normandy Dr.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320018
Status: Excess
Comments: off-site removal only; 9,850 sf.; deteriorating; asbestos.

Building 05309
Ewell St.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320019
Status: Excess
Comments: off-site removal only; 23,784 sf.; lodging; deteriorating; asbestos.

Building 00918
Caisson Hill Rd.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320020
Status: Excess
Comments: off-site removal only; 3,536 sf.; admin. general purpose; deteriorating; possible contamination; secured area; however, prior approval to access is needed; contact Army for more info.

Building 00621
Mitchell Terr.
Ft. Riley KS 66442
Landholding Agency: Army
Property Number: 21201320021
Status: Excess
Comments: off-site removal only; 12, 640 sf.; lodging; deteriorating; asbestos.

Building 7610
Fort Riley
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201410049
Status: Excess
Comments: off-site removal only; may not be feasible to relocate due to sq. ft./type of structure; 41,892 sq. Ft. barracks contact Army for more information.

8 Buildings
Fort Riley
610 Warrior Rd.
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201420002
Status: Excess
Directions: 610, 7610,7614,7616,7842,7846,7850,8063
Comments: off-site removal only; major repairs needed, mold and asbestos; secured area; contact Army for information on a specific property and accessibility/removal request.

502
Fort Riley
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201430009
Status: Excess
Directions: 502
Comments: off-site removal only; 316 sq. ft.; office; structure type: Police Station; 55+ years old; fair condition; contact Army for more information.

Kentucky

Building A7140
Fort Campbell
Ft. Campbell KY 42223
Landholding Agency: Army
Property Number: 21201530102
Status: Underutilized
Comments: 414 sq. ft.; 56+ yrs.-old; fair conditions; registration required on daily basis to access property; contact Army for more information.

3 Buildings
Fort Campbell
Fort Campbell KY 42223
Landholding Agency: Army
Property Number: 21201610036
Status: Underutilized
Directions: Buildings 04053 (22,053 sq. ft.); 04057 (33,104 sq. ft.); 04067 (44,106 sq. ft.)
Comments: 38+ yrs. old; barracks; fair condition; no future agency need; daily registration renewal to access property; contact Army for more information.

2 Buildings
Fort Campbell
Fort Campbell KY 42223
Landholding Agency: Army
Property Number: 21201620004

Status: Underutilized
Directions: A0127: RPUID:582404 (400 sq. ft.); B0127: RPUID:320594 (783 sq. ft.)
Comments: 25+–27+ yrs. old; heating plant; refrig/AC building; fair condition; prior approval needed to gain access; contact Army for more information.

Louisiana

7604B
Fort Polk
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201530038
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; contact Army for more information.

7604C
Fort Polk
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201530039
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; relocatable company building; contact Army for more information.

7308E
Fort Polk
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201530040
Status: Unutilized
Comments: off-site removal only; no future agency need; 5,396 sq. ft.; relocatable office; contact Army for more information.

7604D
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21201530045
Status: Unutilized
Comments: off-site removal only; no future agency need; 3,740 sq. ft.; relocatable office; contact Army for more information.

9 Buildings
Fort Polk
Ft. Polk LA 71459
Landholding Agency: Army
Property Number: 21201530073
Status: Underutilized
Directions: 00002(190857; 4,070 sq. ft.); 00003(292997; 97 sq. ft.); 02531 (191515; 4,830 sq. ft.); 02599(191521; 159 sq. ft.); 04250(191272; 240 sq. ft.); 07526(299361; 480 sq. ft.); 09787(293242; 608 sq. ft.); 09806(188086; 2,834 sq. ft.); M0350(188086)?
Comments: off-site removal only; no future agency need; removal difficult due to type/size; poor conditions; contact Army for more details on a specific property.

Building 07043
Fort Polk
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201530101
Status: Underutilized
Comments: off-site removal only; 1,200 sq. ft.; maintenance building; poor conditions; contact Army for more information.

2 Buildings
Fort Polk
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201610051
Status: Underutilized
Directions: 02501–RPUID:299625 (3,308 sq. ft.); 00830–RPUID:301695 (82,431 sq. ft.)
Comments: off-site removal only; 39+ -74+ yrs. old; shed; org club; poor condition; maybe difficult to move; contact Army for more information.

Building 04274
4274 California Ave.,
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201610066
Status: Unutilized
Directions: RPUID:292651
Comments: off-site removal only; 63+ yrs. old; 240 sq. ft.; toilet/shower; poor conditions; contact Army for more information.

Maryland

5 Buildings
Ft. George G. Meade
Ft. George MD 20755
Landholding Agency: Army
Property Number: 21201330008
Status: Unutilized
Directions: 4, 239, 700, 2790, 8608
Comments: off-site removal only; no future agency need; sf. varies; fair to deteriorating conditions; secured area; contact Army re. info. on a specific property & accessibility/removal reqs.

Michigan

6 Buildings
Detroit Arsenal
Warren MI 48092
Landholding Agency: Army
Property Number: 21201340026
Status: Unutilized
Directions: WH001 (4,680 sq. ft.); WH002 (3,910 sq. ft.); WH003 (5,256 sq. ft.); WH004 (3,840 sq. ft.) WH005 (5,236 sq. ft.); WH006 (5,940 sq. ft.)
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property accessibility requires.

6 Buildings
Detroit Arsenal
Warren MI 48092
Landholding Agency: Army
Property Number: 21201340027
Status: Unutilized
Directions: WH013(4,680 sq.); WH014(5,236 sq.); WH015 (3,000 sq.); WH016(3,840 sq.); WH017(3,000 sq.); WH018 (5,940 sq.)
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirement.

6 Buildings
Detroit Arsenal
Warren MI 48092
Landholding Agency: Army
Property Number: 21201340028
Status: Unutilized
Directions: WH007(3,840 sq. ft.); WH008 (5,940 sq. ft.); WH009 (5,236 sq. ft.); WH010 (4,680 sq. ft.); WH011 (5,236 sq. ft.); WH012 (5,236 sq. ft.)
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property and accessibility requires.

6 Buildings
Detroit Arsenal
Warren MI 48092
Landholding Agency: Army
Property Number: 21201340029
Status: Unutilized
Directions: WH019(4,680 sq.); WH020(5,940 sq.); WH021(5,940 sq.); WH022(4,680 sq.); WH023(5,940 sq.); WH024(1,760 sq.)
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirement.

4 Buildings
Detroit Arsenal
Warren MI 48092
Landholding Agency: Army
Property Number: 21201340031
Status: Unutilized
Directions: WH025 (1,760 sq.); WH026 (1,760 sq. ft.); WH027 (1,760 sq.); WH028(400 sq.)
Comments: off-site removal only; no future agency need; residential; repairs needed; contamination; secured area; contact Army for more information on a specific property & accessibility requirement.

Minnesota

18 Bldgs.
1245 Hwy 96 West
Arden Hills Army TRNG Site
Arden Hills MN 55112
Landholding Agency: Army
Property Number: 21201210059
Status: Unutilized
Directions: 12155, 12156, 12157, 01200, 01201, 01202, 01203, 01204, 01205, 01206, 04202, 11218, 11219, 11220, 11221, 11222, 11223, 04203
Comments: off-site removal only; sf. varies; current use: storage; poor conditions-need repairs.

2 Buildings
Rusk County Veterans Memorial
Ladysmith MN 54848
Landholding Agency: Army
Property Number: 21201640010
Status: Excess
Directions: DY001- 16,257 sq. ft. (225300); DY002- 2,280 sq. ft. (225301)
Comments: off-site removal only; relocation extremely difficult due to size/type; fair/poor conditions; contact Army for more info. on a specific property listed above.

P0002
88th Reginal Support Command
Cape Girardeau MO 63701
Landholding Agency: Army
Property Number: 21201510006
Status: Unutilized
Comments: off-site removal only; 96 sq. ft.; storage; no future agency need; 14+ mons. vacant; asbestos; contact Army for more information.

Missouri

Building 5332
Range 4
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201610052
Status: Unutilized

Directions: RPUID:611105
Comments: 15+ yrs. old; 80 sq. ft.; weapons; 12+ mos. vacant; poor conditions; contact Army for more information.

Building #5333
Range 4
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201610058
Status: Unutilized
Directions: RPUID:578451
Comments: 15+ yrs. old; 80 sq. ft.; weapons; 12+ mos. vacant; not adequate for reuse; contact Army for more information.

Building 319A
Intersection of Headquarters and Illonoise Ave.
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201620023
Status: Unutilized
Directions: RPUID:1239157
Comments: 4+ yrs. old; 384 sq. ft.; recreation; adequate condition; contact Army for more information.

Nebraska

3 Buildings
2504 Roman Hruska Dr.
Offutt AFB NE 68113
Landholding Agency: Air Force
Property Number: 18201620035
Status: Unutilized
Directions: Building 5082 (782 sq. ft.); 5083 (1,700 sq. ft.), 5084 (5,176 sq. ft.)
Comments: 44+ yrs. old; swimming pool, bath house; water treatment; 6+ mos. vacant; no future agency need; contact AF for more information.

Nevada

Dormitory; 552
Nellis AFB
Nellis AFB NV 89191
Landholding Agency: Air Force
Property Number: 18201640007
Status: Unutilized
Comments: 41,800 sq. ft.; dorm (220 rooms, avg. 290 sq. ft.) good fair conditions; 12+ mos. vacant; escort required to access property; contact AF for more details on access & other conditions.

Medical Facility; 1305
Nellis AFB
Nellis AFB NV 89191
Landholding Agency: Air Force
Property Number: 18201640008
Status: Unutilized
Comments: 8,723 sf., storage; 12+ mos. vacant; good to fair conditions; escort required to access property; contact AF for more details on access & other conditions.

Traffic Check House; 1058
Nellis AFB
Nellis AFB NV 89191
Landholding Agency: Air Force
Property Number: 18201640009
Status: Unutilized
Comments: 400 sf., 12+ mos. vacant; good to fair condition; escort required to access property; contact AF for more details on accessibility & other conditions.

Traffic Check House; 698
Nellis AFB
Nellis AFB NV 89191
Landholding Agency: Air Force
Property Number: 18201640010
Status: Unutilized
Comments: 144 sf.; 12+ mos. vacant; good to fair conditions; escort required; contact AF for more details on access & other conditions.

Maintenance Hanger
Creech AFB
Creech ABF NV 89018
Landholding Agency: Air Force
Property Number: 18201640021
Status: Unutilized
Comments: 5,872 sf., 12+ months; good to fair conditions; storage; escort required; contact AF for access & other conditions.

New Jersey

4 Bldgs.
Picatinny Arsenal
Dover NJ 07806
Landholding Agency: Army
Property Number: 21201220011
Status: Unutilized
Directions: 1179,1179A,1179C,1179D
Comments: off-site removal only; sf varies; usage varies; need repairs; contamination; remediation required; secured area; need prior approval to access property; contact Army for more details.

4 Building
Route 15 North
Picatinny Arsenal NJ 07806
Landholding Agency: Army
Property Number: 21201240026
Status: Unutilized
Directions: 3701,3702,3706,3709
Comments: Off-site removal only, sq. varies, moderate conditions, restricted area; contact Army for information on accessibility removal and specific details on a particular property.

Building 00063
Picatinny Arsenal
Picatinny Arsenal NJ 07806
Landholding Agency: Army
Property Number: 21201310039
Status: Underutilized
Comments: off-site removal only; 44,000 sf.; storage; very poor conditions; w/in secured area; contact Army for accessibility/removal requirements.

Building 01186
Pictinny Arsenal
Dover NJ 07806
Landholding Agency: Army
Property Number: 21201310040
Status: Unutilized
Comments: off-site removal only; 192 sf.; storage; very poor conditions; w/in restricted area; contact Army for info. on accessibility/removal requirements.

Building 03223
Picatinny Arsenal
Dover NJ 07806–5000
Landholding Agency: Army
Property Number: 21201330046
Status: Unutilized
Comments: off-site removal only; no future agency need; 312 sf.; 102 yrs.-old; poor conditions; secured area; contact Army for more info.

Bldgs. 02700 and 22630
Fort Drum
Fort Drum NY 13602
Landholding Agency: Army
Property Number: 21201210080
Status: Underutilized
Comments: off-site removal only; sf. varies; current use: varies; need repairs.

North Carolina

Building 42843
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201240034
Status: Underutilized
Directions: 42843
Comments: Located in a secured area, public access is denied and no alternative method to gain access without compromising national security.

Building D1209
4285 Gruber Road
Ft. Bragg NC 28308
Landholding Agency: Army
Property Number: 21201330069
Status: Unutilized
Comments: 15,327 sf; 21 yrs. old; extensive repairs needed; secured area; extensive background checks required; contact Army for accessibility requirements.

3 Buildings
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201540061
Status: Unutilized
Directions: Q3113–1034505 (64 sq. ft.); Q3414–1034511 (64 sq. ft.); Q2322–296150 (17 sq. ft.)
Comments: very poor conditions; contact Army for more information on a specific property listed above.

Ohio

125
1155 Buckeye Rd.
Lima OH 45804
Landholding Agency: Army
Property Number: 21201230025
Status: Underutilized
Directions: Joint Systems Manufacturing Center
Comments: off-site removal only; 2,284 sf.; use: storage; poor conditions; asbestos identified; secured area; contact Army re: accessibility requirements.

6 Buildings
Fort Sill
Ft. Sill OK 73503
Landholding Agency: Army
Property Number: 21201540034
Status: Unutilized
Directions: 1500 (100 SQ. FT.; Fueling/POL/Wash Support Bldg.); 1501 (9,802 SQ. FT.; Vehicle Maintenance Shop);1502 (9,938 SQ. FT.; Vehicle Maintenance Shop); 1503 (10,190 SQ. FT.; Limited Use Instructional Bldg.);1521 (80 SQ. FT.; Oil Storage Building); 2590 (3,626 SQ. FT.; ADMIN GENERAL PURPOSE)
Comments: off-site removal only; no future agency need; removal difficult due to type/size;6+ mons. Vacant; contamination; contact Army for more information on a specific property listed above.

6 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army

Property Number: 21201610027
Status: Unutilized
Directions: 852 (13,379 sq.); 1929 (3,200 sq.); 851 (14,360 sq.); 850 (22,941 sq.); 745 (6,533 sq. ft.); 2037 (5,197 sq. ft.)
Comments: off-site removal; 52+-100+ yrs. old; storage; admin. building; enlisted uph; vacant 6+ mos.; no future agency need; due to size may not be feasible to move; contact Army for more information.

Oklahoma

9 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201610028
Status: Unutilized
Directions:
2870 (3,658 sq.); 3682 (23,502 sq.); 2873 (3,658 sq.); 2874 (3,872 sq.); M6307 (94 sq.); 6305 (879 sq.); 2875 (3,682 sq.); 2871 (3,872 sq.); 2872 (3,658 sq.)
Comments: off-site removal only; 28+-75+ yrs. old; 6+ mos. vacant; HQ. bldg.; general purpose; training; no future agency need; due to size may not be feasible to move; contact Army for more information.

7 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201620020
Status: Unutilized
Directions: 3336 (8,883 sq.); 1620 (800 sq.); 2598 (3,670 sq.); 2599 (3,670 sq.); 1608 (108 sq.); 3602 (8,883 sq.); 4744 (2,108 sq.)
Comments: off-site removal only; no future agency need; 21+-82+ yrs. old; sq. ft. above; warehouse; admin.; toilet/shower; instruction bldg.; 6+mos. vacant; contact Army for more information.

11 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201710003
Status: Unutilized
Directions: Bldg. 3039(RPUID:174617 120 sf.); 3036(174233 82 sf.); 2499(174230 82 sf.); 3441(175231 2,489 sf.); 4923(174614 100 sf.); 2811(174299 10,092 sf.); 2951(186960 3,088 sf.); 3004(174613 7,290 sf.); 3005(174614 7,290 sf.); 6249(175381 599sf.); 3435(175228 3,939 sf.)
Comments: off-site removal only; extremely difficult to relocate due to size/type; 28+-88+yrs. old; sq. ft. listed above; classroom; storage; dining; admin; no future agency need; contact Army for more info.

6 Buildings
Fort Sill, OK
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201710006
Status: Unutilized
Directions: Building 5020(RPUID:173085 7,193 sf., 2478 (RPUID:185126); 192 sf., 7803 (RPUID:600925) 2,129 sf., 6248 (RPUID:175386) 512 sf., 4927 (RPUID:183997) 82 sf., 4924 (RPUID:183994)
Comments: off-site removal only; extremely difficult to relocated; 27+74+ yrs. old; sq. ft. listed above; housing; simulator; dispatch; storage; no future agency need; contact Army for more information.

10 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201710009
Status: Unutilized
Directions: Building 2485 (RPUID:184897) 120 sf.; 2486 (185130) 120 sf.; 2484 (174227) 82 sf.; 2479 (174226) 82 sf.; 2498 (174229) 80 sf.; 2492 (185134) 120 sf.; 2491 (185133) 120 sf.; 2496 (185136) 192 sf.; 2480 (185127) 407 sf.; 2490 (185132) 192 sf.
Comments: off-site removal only; 34+-54+ yrs. old; storage; dispatch; repair shop; sq. ft. listed above; no future agency need; contact Army for more information.

10 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201710010
Status: Unutilized
Directions: Building 2469 (RPUID:184900) 192 sf.; 2457 (292601) 192 sf.; 2463 (184896) 192 sf.; 2465 (184898) 120 sf.; 2464 (184897) 120 sf.; 2473 (184902) 120 sf.; 2453 (292599) 120 sf.; 2474 (184903) 120 sf.; 2458 (292602) 120 sf.; 2459 (184894) 192 sf.
Comments: off-site removal only; 52+-55+ yrs. old; sq. ft. listed above; dispatch; maintenance shop; storage; no future agency need; contact Army for more information.

10 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201710011
Status: Unutilized
Directions: Building 1517 (174221) 80 sf.; 847 (174220) 80 sf.; 846 (174219) 80 sf.; 843 (173449) 192 sf.; 2452 (292598) 120 sf.; 2418 (174225) 722 sf.; 2417 (292595) 722 sf.; 2416 (292594) 722 sf.; 1711 (175646) 2,166 sf.; 1548 (174223) 82 sf.
Comments: off-site removal only; 28+-104+ yrs.; old; sf. listed above; storage; wash support; no future agency need; bldg. 1711 may not be feasible to move; contact Army for more information.

10 Buildings
Fort Sill
Fort Sill OK 73503
Landholding Agency: Army
Property Number: 21201710013
Status: Unutilized
Directions: Building 4913 (183991) 82 sf.; 4925 (183995) 358 sf.; 1538 (187776) 80 sf.; 1540 (18777) 105 sf.; 1670 (175644) 1,683 sf.; 2288 (175706) 400 sf.; 2290 (175707) 82 sf.; 2413 (292591) 720 sf.; 2414 (292592) 720 sf.; 2415 (292593) 720 sf.
Comments: off-site removal only; 29+-77+ yrs. old; sf. listed above; storage; general purpose; no future agency need; bldg. 1670 may not be feasible to move; contact Army for more information.

Pennsylvania

Building 01015
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Landholding Agency: Army
Property Number: 21201320031
Status: Unutilized
Comments: off-site removal only; 3,120 sf.; recruiting station; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Building 01001
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Landholding Agency: Army
Property Number: 21201320035
Status: Excess
Comments: off-site removal only; 4,830 sf.; youth center/admin.; 1 month vacant; poor conditions; asbestos; secured area; contact Army for more info.

Puerto Rico

2 Buildings
USAG Fort Buchanan RQ327
Fort Buchanan PR 00934
Landholding Agency: Army
Property Number: 21201540057
Status: Excess
Directions: 01024 (300 sq. ft.; storage); 01026 (300 sq. ft.; storage)
Comments: off-site removal only; poor conditions; contact Army for more information on a property listed above.

South Dakota

Shadehill Dam
Bureau of Reclamation
Lemmon SD 57638
Landholding Agency: Interior
Property Number: 61201710016
Status: Excess
Comments: off-site removal only; 864 sq. ft.; may be difficult to relocate; residential; 38+ yrs. vacant; some repairs done; renovations needed; non-friable asbestos; lead; contact Interior for info.

Tennessee

00869
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201430036
Status: Excess
Comments: 3,076 sq. ft.; storage; fair conditions; asbestos in floor tiles; secured area; contact Army for more information.

07612
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201430044
Status: Excess
Comments: 600 sq. ft.; storage; fair condition; secured area; contact Army for more information.

9 Buildings
Fort Campbell
Ft. Campbell TN 42223
Landholding Agency: Army
Property Number: 21201440002
Status: Excess
Directions: 00039; 00846; 05123; 05638; 05640; 05641; 05646; 07540; 07811
Comments: off-site removal only; relocation may be extremely difficult due to size/type; sq. ft. varies; poor conditions; contamination; contact Army for more information.

03R28, 02r28, & 01R28
Fort Campbell

Ft. Campbell TN 42223
Landholding Agency: Army
Property Number: 21201440005
Status: Underutilized
Comments: off-site removal only; no future agency need; 552 sq. ft.; range support facility; major repairs; secured area; contact Army for more information.

05127
Fort Campbell
Ft. Campbell TN 42223
Landholding Agency: Army
Property Number: 21201440058
Status: Excess
Comments: off-site removal only; 224 sq. ft.; storage; fair conditions; contact Army for more information on accessibility/removal requirements.

4 Buildings
Fort Campbell
Ft. Campbell TN 42223
Landholding Agency: Army
Property Number: 21201440059
Status: Excess
Directions: 05211 (320 sq. ft.); 05665 (800 sq. ft.); 00100 (800 sq. ft.); 01604 (126 sq. ft.)
Comments: off-site removal only; fair conditions; usage varies; contact Army for more information on a specific property.

06907
Ft. Campbell
Ft. Campbell TN 42223
Landholding Agency: Army
Property Number: 21201530029
Status: Unutilized
Comments: 2,581 Sq. ft.; office; 50+ yrs. old; fair conditions; needs repair; daily repair; contamination; daily registration required to access property; contact Army for more information.

3 Buildings
Fort Campbell
Ft. Campbell TN
Landholding Agency: Army
Property Number: 21201540017
Status: Unutilized
Directions: 6995 (RPUID:594789; 3,687 SQ. FT.; OFFICE); 07825 (RPUID: 590376; 15,111 SQ. FT.; Ammo Repair); A6924 (RPUID: 598990; 3,688 SQ. FT.; OFFICE)
Comments: fair to poor conditions; asbestos present; contact Army for more information on a specific property listed above.

Building 763
Mississippi Avenue
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201630020
Status: Excess
Directions: RPUID:584686
Comments: 19+ yrs. old; 3,055 sq. ft.; maintenance shop; fair condition; prior approval needed to gain access; contact Army for more information.

7 Buildings
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201630022
Status: Underutilized
Directions: 07860–RPUID:570557 (2,171 sq.); 07856–586791 (8,618 sq.); 07821–229972 (648 sq.); 02525–611262 (4,800 sq.); 07865–563162 (2,171 sq.); 07863–584687 (2,171 sq.); 07862–570558 (2,171 sq.)
Comments: 20+–62+yrs. old; storage; admin. gen.; purp.; sq. ft. above; fair condition; prior approval needed to gain access; contact Army for more information.

2 Buildings
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201630025
Status: Unutilized
Directions: Building 05R28–RPUID:233469, 7874–RPUID:594209
Comments: 27+ & 63+ yrs. old; 3,324 sq. ft.; office/storage; toilet/shower; 3+ & 5+ mos. vacant; poor condition; contact Army for more information.

7820–590375
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201630038
Status: Unutilized
Comments: 3,224 sq. ft.; poor conditions; drum repair facility; 6+ months vacant; sewage contamination—remediation needed; daily approval to access property; contact Army for more details.

9 Buildings
Fort Campbell
Fort Campbell TN 42223
Landholding Agency: Army
Property Number: 21201630039
Status: Underutilized
Directions: 07862–2,171 sq. ft. (570558); 07863–2,171 sq. ft. (584687); 07865–2,171 sq. ft. (563162); 02525- 4,800 sq. ft.; (611262); 07819–7,750 sq. ft. (580705); 07821–648 sq. ft.; (229972); 078656–8,618 sq. ft. (586791); 07860–2,171 sq. ft. (570557); 07861–2,171 sq. ft. (614055)
Comments: fair conditions; usage varies; daily approval to access; remediation needed; contact Army for more details on a specific property listed above.

Texas

B–42
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21201210007
Status: Excess
Comments: off-site removal only; 893 sq. ft.; current use: storage; asbestos identified.

B–1301
Ft. Bliss
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201220001
Status: Underutilized
Comments: off-site removal only; 18,739 sf.; current use: thrift shop; poor conditions; need repairs.

Bldg. 7194
Ft. Bliss
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201220002
Status: Unutilized
Comments: off-site removal only; 2,125 sf.; current use: housing; poor conditions—need repairs; asbestos & lead identified; need remediation.

Building 6951
11331 Montana Ave.
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201240010
Status: Excess
Comments: off-site removal only; 288 sf.; utility bldg.; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Building 6942
11331 Montana Ave.
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201240011
Status: Excess
Comments: off-site removal only; 1,059 sf.; storage; poor conditions; limited public access; contact Army for info. on accessibility/removal.

Bldg. 2432
Carrington Rd.
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201240013
Status: Excess
Comments: off-site removal only; 180 sf.; dispatch bldg.; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

Building 50
50 Slater Rd.
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201240014
Status: Excess
Comments: off-site removal only; 9,900 sf.; office; poor conditions; limited public access; asbestos/lead identified; contact Army for info. on accessibility/removal.

2 Building
Fort Bliss
Fort Bliss TX 79916
Landholding Agency: Army
Property Number: 21201330029
Status: Unutilized
Directions: 05015(22,915 sf.); 05019(23,495 sf.)
Comments: off-site removal only; no future agency need; poor conditions; 6+ months vacant; contact Army for info. on accessibility; removal reqs.

4285
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201430019
Status: Unutilized
Directions: 4285
Comments: off-site removal only; no future agency need; semi-perm. Structure type; 10,552 sq. ft.; removal may be difficult due to size; poor condition; secured area; contact Army for more information.

2 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201430020
Status: Excess
Directions: 4461 (6,515 sq. ft.); 4611 (3,311 sq. ft.)
Comments: off-site removal only; removal may be difficult due to size/type; fair to poor condition; asbestos present in building 4611; secured area; contact Army for more information.

4408
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201430021
Status: Excess
Directions: 4408
Comments: off-site removal only; semi-perm. Structure type; 9,812 sq. ft.; removal difficult due to size; fair condition; secured area; contact Arm for more information.

9 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201430030
Status: Unutilized
Directions: 4640 (1,606 sq. ft.); 4641 (2,021 sq. ft.); 4644 (4,080 sq. ft.); 4656 (4,045 sq. ft.); 4657 (4,040 sq. ft.); 36019 (3,192 sq. ft.); 36027 (2,425 sq. ft.); 36028 (2,400 sq. ft.); 36043 (5,000 sq. ft.)
Comments: off-site removal only; no future agency need; due to site relocation may be difficult; poor condition; secured area; contact Army for more information.

715
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201430047
Status: Excess
Comments: off-site removal only; 2,810 sq. ft.; semi-permanent structure type; 11+ months vacant; fair condition; contamination; secured area; contact Army for more information.

07133
Fort Bliss
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201440011
Status: Unutilized
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; 12,178 sq. ft.; storage; 120+ months vacant; poor conditions; contact Army for more information.

5 Buildings
Fort Bliss
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201440012
Status: Unutilized
Directions: 07134; 07142; 07153; 07162; 07178
Comments: off-site removal only; no future agency need; relocation difficult due to size/type; sq. ft. varies; 120+ months vacant; poor conditions; contact Army for more information.

05095
Fort Bliss
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201440022
Status: Unutilized
Comments: off-site removal only; no future agency need; 12+ months vacant; good conditions; secured area; contact Army for more information.

07113
Fort Bliss
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201440023
Status: Unutilized
Comments: off-site removal only; 8,855 sq. ft.; no future agency need; relocation difficult due to size/type; 120+ months vacant; child-care center; poor conditions; contact Army for more information.

2 Buildings
Yoakum USARC
Yoakum TX 77995
Landholding Agency: Army
Property Number: 21201440035
Status: Underutilized
Directions: P1005; P1006
Comments: off-site removal only; no future agency need; 30 sq. ft.; storage for flammable materials; 53+ yrs.-old; remediation needed; contact Army for more information.

10 Buildings
USAG Fort Bliss
USAG Fort Bliss TX 79916
Landholding Agency: Army
Property Number: 21201520043
Status: Unutilized
Directions: Building 05096 (768 sq.); 08396 (198 sq.); 08395 (198 sq.); 08380 (900 sq.); 08365 (132 sq.); 08364 (432 sq.); 08309 (120 sq.); 08348 (108 sq.); 08268 (432 sq.); 08349 (100 sq.)
Comments: off-site removal; 28–70 yrs. old for bldgs. respectively above; admin; toilet; storg; range bldg.; off. qtrs.; vacant 12–60 mos.; poor cond; no future agency need; contact Army for more info.

90005; RPUID: 285770
Clarke Road
Fort Hood TX
Landholding Agency: Army
Property Number: 21201540012
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type; 181 sq. ft.; Navigation Building, Air; contact Army for more information.

92044; RPUID: 286348
Loop Road
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201540021
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type/size; 1,920 sq. ft.; Admin General Purpose; lead and asbestos contamination; contact Army for more information.

1348 (RPUID: 313187)
North Avenue
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201540022
Status: Excess
Comments: off-site removal only; 654 sq. ft.; Admin General Purpose; fair/moderate conditions; Asbestos located in Building caulking and putties; contact Army for more information.

91003; RPUID: 286087
West Headquarters Avenue
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201540025
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type; 325 sq. ft.; Storage General Purpose; possible lead and asbestos contamination; contact Army for more information.

36017; RPUID: 174093
Wratten Drive
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201540027
Status: Excess
Comments: off-site removal only; removal extremely difficult due to type/size; 2,400 sq. ft.; Laboratory; contact Army for more information.

12 Buildings
Fort Hood
Fort Hood TX
Landholding Agency: Army
Property Number: 21201610030
Status: Excess
Directions: 56204:311933 240 sq.; 56191:170499 200 sq.; 56167:171025 240 sq.; 56153:172770 200 sq.; 56186:312163 240 sq.; 56178:312162 350 sq.; 56144:172878 240 sq.; 56141:17255 240 sq.; 56119:314224 200 sq.; 56123:314228 240 sq.; 56116:314216 240 sq.; 56003:172568 248 sq.
Comments: off-site removal only; 13+-22+yrs old; toilet/shower; contact Army for more information.

12 Buildings
Foot Hood
Foot Hood TX
Landholding Agency: Army
Property Number: 21201610031
Status: Excess
Directions: 56224:172687 80 sq.; 56211:172817 200 sq.; 56243:172623 240 sq.; 56256:172644 220 sq.; 56264:312164 240 sq.; 56283:171026 240 sq.; 56258:172645 220 sq.; 56338 117 sq.; 56291:170733 200 sq.; 56236:172643 384 sq.; 56228:314213 80 sq.; 56226:172828 80 sq.
Comments: off-site removal only; 1+–28+ yrs. old; toilet/shower; contact Army for more information.

4 Buildings
Fort Hood
Fort Hood TX
Landholding Agency: Army
Property Number: 21201610032
Status: Unutilized
Directions: Building 92062 RPUID:286949 96 Sq. ft.; A4211 RPUID:182761 87 sq. ft.; 92043 RPUID:286347 464 sq. ft.; 90073 RPUID:286004 120 sq. ft.
Comments: off-site removal only; 34+–64+ yrs. old; power plant; storage; no future agency need; contact Army for more information.

5 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610053
Status: Excess
Directions: 2028–RPUID:171488 (7,848 sq. ft.); 51018–RPUID:169913 (11,854 sq. ft.); 2032–RPUID:171492 (1,288 sq. ft.); 51019–RPUID:169914 (11,854 sq. ft.); 4262–RPUID: 312301 (11,854 sq. ft.)
Comments: off-site removal only; 14+–79+ yrs. old; storage; maintenance shop; toilet/shower; maybe difficult to move; contact Army for more information.

5 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610055
Status: Excess
Directions: 11020–RPUID:181444 (1,224 sq. ft.); 4611–RPUID:314513 (11,854 sq. ft.); 51017–RPUID:169912 (11,854 sq. ft.); 51015–RPUID:169910 (11,854 sq. ft.); 7020–RPUID:584784 (6,104 sq. ft.)
Comments: off-site removal only; 13+–49+ yrs. old; storage; battery shop; battalion hdqts.; may be difficult to move; contact Army for more information.

6 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610056
Status: Excess
Directions: 51020–RPUID:169909 (11,854 sq. ft.); 51016–RPUID:169911 (11,854 sq. ft.); 91003–RPUID:286087 (325 sq. ft.); 92065–RPUID:286952 (3,994 sq. ft.); 421–RPUID:171462 (10,752 sq. ft.); 1156–RPUID:171784 (7,079 sq. ft.)
Comments: off-site removal only; 10+–73+ yrs. old; storage; administrative; health clinic; may be difficult to move; contact Army for more information.

3 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610057
Status: Unutilized
Directions: 233–RPUID:170829 (2,250 sq. ft.); 230–RPUID:170826 (5,851 sq. ft.); 229–RPUID:170825 (7,310 sq. ft.)
Comments: off-site removal only; 73+–74+ yrs. old; training aids center; no future agency need; contact Army for more information.

Building Number 4499
77th Street
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610059
Status: Excess
Directions: RPUID:314497
Comments: 29+ yrs. old; 2,449 sq. ft.; shed; contact Army for more information.

20 Buildings
Red River Army Depot
Texarkana TX 75507
Landholding Agency: Army
Property Number: 21201630001
Status: Excess
Directions: 02095; 02101; 02109; 02113; 02125; 02127; 02135; 02143; 02145; 02197; 02263; 02261; 02205; 02255; 02249; 02247; 02241; 02211; 02217; 02235
Comments: off-site removal only; poor conditions; 168 sq. ft. each; safety shelters; contact Army for more details on a specific property listed above.

15 Buildings
Red River Army Depot
Texarkana TX 75507–5000
Landholding Agency: Army
Property Number: 21201630002
Status: Excess
Directions: 02287; 02275; 02271; 02379; 02289; 02323; 02351; 02397; 02403; 02419; 02423; 02383; 02093; 02305; 02309
Comments: off-site removal only; poor conditions; 168 sq. ft. for each; contact Army for more details on a specific property listed above.

2 Buildings
Red River Army Depot
Texarkana TX 75507
Landholding Agency: Army
Property Number: 21201630005
Status: Excess
Directions: 02369 (257 sq. ft.; access control facility); 00450 (44 sq. ft.; FE Maint.)
Comments: off-site removal only; very poor conditions; contact Army for more specific details on a property listed above.

Utah

Building 00030
Tooele Army Depot
Tooele UT 84074
Landholding Agency: Army
Property Number: 21201310067
Status: Underutilized
Comments: off-site removal only; playground; disassembly required; minor restoration needed; restricted area; contact Army for accessibility/removal reqs.

Building 01322
1 Tooele Army Depot
Tooele UT 84074
Landholding Agency: Army
Property Number: 21201330047
Status: Unutilized
Comments: off-site removal only; no future agency need; 53 sf.; 26+ months vacant; access control facility; poor conditions; secured area; contact Army for more info. on accessibility removal reqs.

Virginia

2799 Harrison Loop
JBLE Ft. Eustis
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201620011
Status: Unutilized
Comments: off-site removal only; no future agency need; Admin.; 5,700 sq. ft.; extreme. difficult to remove; very poor conditions; lead; contact Air Force for more info.

2785 Harrison Loop
JBLE Ft. Eustis
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201620012
Status: Unutilized
Comments: off-site removal only; no future agency need; 7,715 sq. ft.; extreme. difficult to remove; Admin. very poor conditions; contact Air Force for more info.

811 Gaffy Place
JBLE Ft. Eustis
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201620013
Status: Unutilized
Comments: off-site removal only; no future agency need; extreme. difficult to remove; 40,166 sq. ft.; barracks; very poor conditions; contact Air Force for more info.

652 Williamson Loop
JBLE Ft. Eustis
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201620014
Status: Unutilized
Comments: off-site removal only; no future agency need; extreme. difficult remove; 3,214 sq. ft.; storage; very poor conditions; contact Air Force for more info.

2749 Taylor Ave.
JBLE Ft. Eustis
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201620015
Status: Unutilized
Comments: off-site removal only; no future agency need; 100 sq. ft.; storage; very poor conditions; contact Air Force for more info.

876 Lee Blvd.
JBLE
Ft. Eustis VA 23604
Landholding Agency: Air Force
Property Number: 18201620018
Status: Unutilized
Comments: off-site removal only; no future agency need; 651 sq. ft.; office; very poor conditions; contact Air Force for more info.

2703
Marshall St.
Ft. Eustis VA 23604
Landholding Agency: Air Force
Property Number: 18201620019
Status: Unutilized
Comments: off-site removal only; no future agency need; difficult to remove; 1,200 sq. ft.; storage; very poor conditions; contact Air Force for more info.

3913
Mulberry Island Rd.
Ft. Eustis VA 23604
Landholding Agency: Air Force
Property Number: 18201620020
Status: Unutilized
Comments: off-site removal only; no future agency need; 767 sq. ft.; very poor conditions; contact Air Force for more info.

2794 Harrison Loop
JBLE
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201620022
Status: Unutilized
Comments: off-site removal only; no future agency need extreme. difficult to remove; 6,782 sq. ft.; Admin.; very poor conditions; contact Air Force for more info.

822 Lee Blvd.
Fort Eustis VA 23604
Landholding Agency: Air Force
Property Number: 18201620034
Status: Unutilized
Comments: 8+ yrs old; 205 sq. ft.; heat plant facility; vacant 7+ mos.; beyond economic repair; no future agency need; contact AF for more information.

663 Darcy Pl.
JBLE
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201630016
Status: Unutilized
Comments: off-site removal only; no future agency need; 40,090 sq. ft.; relocation extremely difficult due to size/type; barracks; contact Air Force for more details.

9 Buildings
Ft. Belvoir

Ft. Belvoir VA 22060
Landholding Agency: Army
Property Number: 21201240003
Status: Unutilized
Directions: 358, 361, 1140, 1141, 1142, 1143, 1498, 1499, 2302
Comments: off-site removal only; sf. varies; Admin.; fair conditions; located in restricted area; contact Army for info. on accessibility/removal & specific info. on a property.

510
Defense Supply Center
Richmond VA 23237
Landholding Agency: Army
Property Number: 21201430007
Status: Excess
Directions: 510
Comments: off-site removal only; removal may be difficult due to structure type; Barbeque Pit; 20 sq. ft.; 22+ years old; secured area; contact Army for more information.

Building 22696
Fort Drum
Ft. Drum VA 13602
Landholding Agency: Army
Property Number: 21201510015
Status: Unutilized
Comments: off-site removal only; no future agency need; removal may be difficult; 400 sq. ft.; range operations bldg.; deteriorated; contact Army for more information.

T–482
JB Myer Henderson Hall
Ft. Myer VA 22211
Landholding Agency: Army
Property Number: 21201520003
Status: Excess
Comments: off-site removal only; 8,267 sq. ft.; relocation may be difficult to size; office; 6+ months vacant; contact Army for more information.

Building 8400
Fort Lee
Fort Lee VA 23801
Landholding Agency: Army
Property Number: 21201610029
Status: Underutilized
Comments: 61+ yrs. old; 9,878 sq. ft.; dining facility; requires extensive renovation; prior approval to gain access is required; building in use; contact Army for more information.

1201; RPUID: 572697
Fort A.P. Hill
Ft. A.P. Hill VA 22427
Landholding Agency: Army
Property Number: 21201640008
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size/type; airfield ops. bldg.; fair/poor conditions; contact Army for more info.

Washington

E1302 & R7610
JBLM
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201230028
Status: Unutilized
Comments: 80 sf. (E1302); 503 sf. (R7610); use: varies; major repairs needed; secured area; contact Army re: accessibility requirements.

Bldg. 06239
Joint Base Lewis McChord
JBLM WA 90433
Landholding Agency: Army
Property Number: 21201430053
Status: Unutilized
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to size/type; poor conditions; contact Army for more info.

23 Buildings
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201430054
Status: Underutilized
Directions: 03223; 03225; 03627; 03628; 03629; 03632; 03638; 03640; 03641; 03643; 03644; 03645; 06991; 09663; 09998; 11680; A0303; C1342; F0017; F0018; J0831; J0833; W3641
Comments: off-site removal only; no future agency need; deconstruct to relocate; difficult to relocate due to type/size; poor conditions; secured area; contact for more info.

Building 02080
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201440048
Status: Underutilized
Comments: off-site removal only; no future agency need; relocation may be difficult due to type/size; 2,031 sq. ft.; storage; 1+ month vacant; major repairs needed; contact Army for more information.

2 Buildings
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201440057
Status: Underutilized
Directions: 01036; 01037
Comments: off-site removal only; no future agency need; relocation extremely difficult due to size; 8,142 sq. ft. for each; major repairs needed; contact Army for more information.

5 Buildings
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201510042
Status: Underutilized
Directions: D0110 (148 sq. ft.); 03933 (192 sq. ft.); O04ED (48 sq. ft.); 14109 (225 sq. ft.); 09643 (720 sq. ft.)
Comments: off-site removal only; no future agency need; significant repairs needed; contact Army for more information on a specific property.

Building 03932
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201520001
Status: Underutilized
Comments: off-site removal only; no future agency need; 120 sq. ft.; storage; 49+ yrs.; significant repairs for restoration; contamination; contact Army for accessibility and removal requirements.

Pair of Adjacent one-hole pit
State Hwy 261/Lyons Ferry State Park
Starbuck WA 99359
Landholding Agency: Army
Property Number: 21201610046
Status: Excess
Comments: 36+ yrs. old; 36 sq. ft. each; toilets; poor conditions; contact ARMY for more information.

Wisconsin

5 Buildings
Milwaukee USARC/AMSA #49
Milwaukee WI 53218
Landholding Agency: Army
Property Number: 21201640011
Status: Unutilized
Directions: 00312- 3,216 sq. ft. (968290); 00308- 14,903 sq. ft. (968288); 00307–9,657 sq. ft. (968287); 00316- 54 sq. ft. (587956); 00314- 136 sq. ft. (621067)
Comments: off-site removal only; no future agency need; relocation extremely difficult for some due to size/type; poor conditions; contact Army for more info. on a specific property listed above.

Land

Illinois

Outer Marker & Bldg. 262
South East of Mascoutah off Highbanks Road
Mascoutah IL 62258
Landholding Agency: Air Force
Property Number: 18201630013
Status: Unutilized
Comments: 62+ yrs. old; 333 sq. ft.; unusable, beyond repair; asbestos walls; sits on .87 acres of land; requires easement for roads to access property; contact AF for more information.

Suitable/Unavailable Properties

Building

California

00806
Fort Hunter Liggett
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201410017
Status: Unutilized
Comments: off-site removal only; no future agency need; 1,600 sq. ft.; 60+ months vacant; poor conditions; exposed to elements/wildlife; secured area; contact Army for more info.

Georgia

1096
Fort Stewart
Ft. Stewart GA 31314
Landholding Agency: Army
Property Number: 21201410001
Status: Excess
Comments: off-site removal only; due to structure type relocation may be difficult; poor conditions; 7,643 sq. ft.; secured area; contact Army for more information.

3 Buildings
Hunter Army Airfield
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201410002
Status: Excess
Directions: 1126 (1,196 sq.); 1127 (1,196 sq. ft.); 1129 (5,376 sq. ft.)

Comments: off-site removal only; dissemble required; poor conditions; secured area; gov't escort required; contact Army for more information.

1124
Hunter Army Airfield
Hunter Army Airfield GA 31409
Landholding Agency: Army
Property Number: 21201410010
Status: Excess
Comments: off-site removal only; 1,188 sq. ft.; due to structure type relocation may be difficult; poor conditions; secured area; contact Army for more info.

Louisiana

8 Buildings
Fort Polk
Fort Polk LA 71459
Landholding Agency: Army
Property Number: 21201340023
Status: Underutilized
Directions: 3337,3339,3405,3409,3491, 3728,4550,4798? ? (Please Note: buildings 3728 and 4798 are SUITABLE/AVAILABLE)
Comments: Off-site removal only; no future agency need; sq. ft. varies; poor conditions; contact Army for more information on a specific property & removal requirement.

Texas

Building 6924
11331 Montana Ave.
Ft. Bliss TX 79916
Landholding Agency: Army
Property Number: 21201240012
Status: Excess
Comments: off-site removal only; 10,340 sf.; aircraft hangar; poor conditions; limited public access; contact Army for info. on accessibility/removal.

8 Buildings
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21201410020
Status: Excess
Directions: 94030 (2,567 sq. ft.); 90083 (150 sq. ft.); 26011 (4,789 sq. ft.); 26010 (4,735 sq. ft.); 26009 (4,735 sq. ft.); 26008 (4,735 sq. ft.); 26007 (4,735 sq. ft.); 08640 (3,735 sq. ft.)
Comments: off-site removal only; removal difficult due to structure type; contamination; secured area; contact Army for more information.

9 Buildings
Fort Hood
Fort Hood TX 96544
Landholding Agency: Army
Property Number: 21201410021
Status: Excess
Directions: 04481 (48 sq. ft.); 4292 (1,830 sq. ft.); 4291 (6,400 sq. ft.); 04290 (674 sq. ft.); 4283 (8,940 sq. ft.); 4281 (2,000 sq. ft.); 04273 (687 sq. ft.); 04206 (651 sq. ft.); 04203 (2,196 sq. ft.)
Comments: off-site removal only; removal may be difficult due to structure type; secured area; contact Army for more information.

8 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201410023
Status: Excess
Directions: 07035 (1,702 sq. ft.); 7008 (288 sq. ft.); 6987 (192 sq. ft.); 04643 (4,017 sq. ft.); 04642 (4,017 sq. ft.); 04619 (4,103 sq. ft.); 04496 (284 sq. ft.); 04495 (347 sq. ft.)
Comments: off-site removal only; removal may be difficult due to structure type; secured area; contact Army for more information.

8 Buildings
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21201410028
Status: Excess
Directions: 04163, 04165, 51015, 51016, 51017, 51018, 51019, 51020
Comments: off-site removal only; sq. ft. varies; secured area; contact Army for specific property and/or accessibility/removal reqs.

Washington

03215
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201410008
Status: Underutilized
Comments: off-site removal only; still existing Federal need; due to age/structure relocation may be difficult; 33,460 sq. ft.; 61+ yrs.-old; barracks; significant renovations; secured area; contact Army.

03221
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201410039
Status: Underutilized
Comments: off-site removal only; still existing Federal need; dissemble may be required; 33,460 sq. ft.; may be difficult to relocate due to sq. ft. & structure type; contact Army for more info.

Alabama

Bldg. 7358A
Sandpiper Road
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201140047
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. C1302
null
Fort McClellan AL 36205
Landholding Agency: Army
Property Number: 21201140073
Status: Unutilized
Reasons: Extensive deterioration Secured Area

106
Red Arsenal
Red Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201430048
Status: Unutilized
Comments: documented deficiencies: building is collapsing; extensive conditions that represents a clear threat to personal physical safety.
Reasons: Extensive deterioration

C1310
Fort McClellan
Ft. McClellan AL 36205
Landholding Agency: Army
Property Number: 21201440032
Status: Unutilized
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

4812
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201440039
Status: Unutilized
Comments: documented deficiencies: suffered major damage from tornado; roof torn completely off; clear threat to physical safety
Reasons: Extensive deterioration

2 Buildings
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201520024
Status: Unutilized
Directions: Buildings 4122, 4123
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Building 4120A
4120A Redstone Road
Redstone AL 35898
Landholding Agency: Army
Property Number: 21201520025
Status: Unutilized
Comments: flammable/explosive material are located on adjacent industrial, commercial, or Federal facility. Further detailed provided under ''comments'' below.
Reasons: Within 2000 ft. of flammable or explosive material

Building 4120
4120 Redstone Road
Madison AL 35898
Landholding Agency: Army
Property Number: 21201520045
Status: Unutilized
Comments: flam./explosive material is located on adjacent indus.; commercial, or Federal facility; Further details provided. Public access denied & no alt. method to gain access w/out compromising Nat. Sec.
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Building 7352
Redstone Arsenal; Flicker Rd.
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201530090
Status: Unutilized
Comments: 2,000 ft. within explosive testing conducted on surrounding properties; suffered major damage due to explosive testing; structurally unsound.
Reasons: Extensive deterioration Within 2000 ft. of flammable or explosive material

3 Buildings
Redstone Arsenal
Redstone Arsenal AL
Landholding Agency: Army
Property Number: 21201530091
Status: Unutilized

Directions: 7358; 7309; 7810
Comments: 2,000 ft. w/in explosive testing conducted on surrounding properties.
Reasons: Within 2000 ft. of flammable or explosive material

8 Buildings
Ft. McClellan Training Center
Ft. McClellan AL 36205
Landholding Agency: Army
Property Number: 21201610004
Status: Unutilized
Directions: C1328:300651; C1327:300650; C1323:300647; C1356:300653; C1324:300648; C1355:302115; C1321:299707; C1317:299705
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Ft. McClellan Training Center
Ft. McClellan AL 36206
Landholding Agency: Army
Property Number: 21201610033
Status: Unutilized
Directions: P8205 RPUID:303146; P8604 RPUID:302852
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Redstone Arsenal
Redstone Arsenal AL 35898
Landholding Agency: Army
Property Number: 21201610038
Status: Unutilized
Directions: 115 RPUID:365235 (2,787 sq. ft.); 7549 RPUID:367945 (3,200 sq. ft.)
Comments: flammable/explosive materials are located on adjacent industrial, commercial, or Federal facility; which covers 38,138 acres.
Reasons: Within 2000 ft. of flammable or explosive material

5 Buildings
Military Ocean Terminal Concord
Concord AL 94520
Landholding Agency: Army
Property Number: 21201620018
Status: Unutilized
Directions: 00350: RPUID:959486; 00352: RPUID:959488; 00100: RPUID:959345; 00262: RPUID:1039404; 00283: RPUID:959484
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Alaska

Hanger Nose Dock 5
2685 Flight Line Ave.
Eielson Air Force Bas AK 99702
Landholding Agency: Air Force
Property Number: 18201620023
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Within airport runway clear zone Secured Area

Vehicle Operations Heat Pkng.
Building 32448
JBER
JBER AK
Landholding Agency: Air Force
Property Number: 18201640004
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Hangar Maintenance
(Facility #100)
TKLH Point Barrow LRRS
USAF AK 99723
Landholding Agency: Air Force
Property Number: 18201640005
Status: Unutilized
Directions: Contaminants that are located on property, documented hazardous levels. Documentation provided represents a clear threat to personal physical safety; PCB contaminated soil.
Comments: property located within an airport runway & within floodway which has not been correct or contained.
Reasons: Within airport runway clear zone; Floodway; Contamination

Terminal, Air Freight
(Facility #003)
AYED Barter Island LRRS
Barter Island AK 99747
Landholding Agency: Air Force
Property Number: 18201640006
Status: Unutilized
Comments: contaminants located on property; PCB, arsenic & chromium; property located within an airport runway & within floodway which has not been corrected or contained.
Reasons: Contamination; Within airport runway clear zone; Floodway

Latrine (Pedneau Range)
Building 59192
JBER
JBER AK 99505
Landholding Agency: Air Force
Property Number: 18201640019
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Eielson Education Center
Eielson Air Force Base
Eielson AFB AK 99702
Landholding Agency: Air Force
Property Number: 18201640045
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 59182 Control Tower
at Peandneau Range JBER
JBER AK 99505
Landholding Agency: Air Force
Property Number: 18201640046
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Latrine at Malmate Range
Building 59531 JBER
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201640047
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldgs. 789–790
Fort Richardson
Anchorage AK 99505
Landholding Agency: Army
Property Number: 21201030001
Status: Unutilized
Reasons: Secured Area

Building 2092
Kinney Rd.
Fort Wainwright AK 99703
Landholding Agency: Army
Property Number: 21201540005
Status: Underutilized
Comments: located w/in floodway which has not been corrected or contained; public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area Floodway

Building 3562B
3562B Neely Road
Fort Wainwright AK 99703
Landholding Agency: Army
Property Number: 21201610048
Status: Underutilized
Directions: RPUID:1176767
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Arizona

S0350
Camp Navajo
Bellemont AZ 86015
Landholding Agency: Army
Property Number: 21201410006
Status: Unutilized
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

L5322
FMR East
Florence AZ 85232
Landholding Agency: Army
Property Number: 21201510044
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
5636 E. McDowell Road
Phoenix AZ 85008
Landholding Agency: Army
Property Number: 21201520006
Status: Excess
Directions: Building M5352, M5354, M5358, M5356
Comments: flammable materials located on adjacent property w/in 200 ft.
Reasons: Within 2000 ft. of flammable or explosive material

Arkansas

16340
Fleming Drive
Pine Bluff Arsenal AR 71602

Landholding Agency: Army
Property Number: 21201540035
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

11 Buildings
Pine Bluff Arsenal
Pine Bluff AR 71602
Landholding Agency: Army
Property Number: 21201610006
Status: Unutilized
Directions: #60090; 60520; 34160; 60070; 32130; 32140; 32150; 60060; 64251; 64351; 34985
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Pine Bluff Arsenal
Pine Bluff AR 71602
Landholding Agency: Army
Property Number: 21201610049
Status: Unutilized
Directions: Building #85131, 83611, 81020
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

California

Building 78
Fort MacArthur
San Pedro CA
Landholding Agency: Air Force
Property Number: 18201620026
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 285
Ft. MacArthur
El Segundo CA
Landholding Agency: Air Force
Property Number: 18201620027
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 72
Fort MacArthur
San Pedro CA 90731
Landholding Agency: Air Force
Property Number: 18201620030
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security; Flammable/explosive; diesel fuel adjacent to bldg. 75.
Reasons: Secured Area

13 Bldgs.
Fort Irwin
San Bernardino CA 92310
Landholding Agency: Army
Property Number: 21201040003
Status: Unutilized
Directions: 100, 338, 343, 385, 411, 412, 413, 486, 489, 490, 491, 493, 5006
Reasons: Secured Area

4 Bldgs.
JFTB
Los Alanitos CA 90720
Landholding Agency: Army
Property Number: 21201110046
Status: Excess
Directions: 00147, 00207, 00259, 00297
Reasons: Extensive deterioration

Bldg. 00023
Sierra Army Depot
Herlong CA
Landholding Agency: Army
Property Number: 21201120054
Status: Unutilized
Reasons: Secured Area

2 Bldgs.
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201140076
Status: Unutilized
Directions: 00349, 00587
Reasons: Contamination Secured Area Extensive deterioration

Bldg. 00203
4th Street, Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201140077
Status: Unutilized
Reasons: Contamination Secured Area

13 Building
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201240032
Status: Unutilized
Directions: 10, 20, 54, 141, 202, 227, 633, 634, 639, 640, 641, 642, 643
Comments: located in a secured area, public access is denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 179
Sharpe Site
Lathrop CA 95231
Landholding Agency: Army
Property Number: 21201330072
Status: Unutilized
Directions: 179
Comments: public access denied and no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 178
Defense Distribution San Joaquin, Sharpe Site
700 E Roth Road
San Joaquin CA 95231
Landholding Agency: Army
Property Number: 21201340024
Status: Unutilized
Directions: 178
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201520023
Status: Unutilized
Directions: Buildings 00502, 00503, 00504
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 275
275 7th Division Road
Fort Hunter Liggett CA 93928
Landholding Agency: Army
Property Number: 21201520027
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Military Ocean Terminal Concord
Concord CA 94520
Landholding Agency: Army
Property Number: 21201530033
Status: Unutilized
Directions: Buildings 0E103–RPUID:960149, 0E101–960148, 00A32–959952, 00A29–959951, 00A17–959945, 00A16–959944, 00A14–1039400, 00A11–1039401, 00A10–959942, 00407–959923
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 00083
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201530034
Status: Underutilized
Directions: RPUID:200781
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201530035
Status: Unutilized
Directions: 536–RPUID:7277536, 129–197360, 00577–202547, 679–203542
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201530036
Status: Excess
Directions: Building 00187–RPUID:197384, 00183–197382
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 01265
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201530057
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

2 Buildings

Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201530086
Status: Unutilized
Directions: 02105 RPUID:203564; 02106 RPUID:203565
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201530097
Status: Unutilized
Directions: 02105 (203564); 012106 (203565)
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

Defense Distribution San Joaquin
#1; 26500 S. Chrisman Road
Tracy CA 95304
Landholding Agency: Army
Property Number: 21201620008
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201620010
Status: Unutilized
Directions: 00180: RPUID:197379; 00182: RPUID:197381; 00319: RPUID:197415; 00176: RPUID:197375; 0179: RPUID:197378; 00181: RPUID:197380
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
Sierra Army Depot
Herlong CA 96113
Landholding Agency: Army
Property Number: 21201620011
Status: Unutilized
Directions: 00019: RPUID:200744; 00018: RPUID:200743; 00016: RPUID:200741; 00015: RPUID:200740; 00025: RPUID:200750; 00024: RPUID:200749; 00022: RPUID:200747; 00021: RPUID:200746
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Military Ocean Terminal Concord
Military Ocean Termin CA 94520
Landholding Agency: Army
Property Number: 21201620012
Status: Unutilized
Directions: Building 00E61: RPUID:959953; 00A31: RPUID:1039399; 00S51: RPUID:960038; 00S45: RPUID:960035
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

00IA2: RPUID:1039398
Military Ocean Terminal Concord
Concord CA 94520
Landholding Agency: Army
Property Number: 21201620016
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
5604 Exercise Street
Dublin CA 94568
Landholding Agency: Army
Property Number: 21201620026
Status: Unutilized
Directions: 985: RPUID:376808; 986: RPUID:376809; 987: RPUID:376810; 984: RPUID:376807
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Military Ocean Terminal Concord
Concord CA 94520
Landholding Agency: Army
Property Number: 21201630024
Status: Unutilized
Directions: 00297–RPUID:1095150, 00296–RPUID:1095149
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Sierra Army Depot
Herlong CA
Landholding Agency: Army
Property Number: 21201710005
Status: Unutilized
Directions: Building 2115 (RPUID:203569); 2100 (RPUID:203559); 65C (RPUID:200770); TE000 (RPUID:203559); 65 (RPUID:200770)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Trailer 1725-Mars Modular
T1723 Restroom
4800 Oak Grove Drive
Pasadena CA 91109
Landholding Agency: NASA
Property Number: 71201710001
Status: Excess
Directions: Jet Propulsion Laboratory
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Trailer 1724-Mar Modular
T1722 Restroom
4800 Oak Grove Drive
Pasadena CA 91109
Landholding Agency: NASA
Property Number: 71201710002
Status: Excess
Directions: Jet Propulsion Laboratory
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Trailer 1721
Jet Propulsion Laboratory
4800 Oak Grove Drive
Pasadena CA 91109
Landholding Agency: NASA
Property Number: 71201710003
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Trailer 1720
Jet Propulsion Lab
4800 Oak Grove Drive
Pasadena CA 91109
Landholding Agency: NASA
Property Number: 71201710004
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Trailer 1719
4800 Oak Grove Drive
Jet Propulsion Lab
Pasadena CA 91109
Landholding Agency: NASA
Property Number: 71201710005
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Colorado

Building 1606,
Fire Crash House; 560 S. Silver Creek Street
Buckley AFB CO 80011
Landholding Agency: Air Force
Property Number: 18201630012
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Secured Area Within airport runway clear zone

1156
Peterson
Peterson AFB CO 80914
Landholding Agency: Air Force
Property Number: 18201640013
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1154
Peterson AFB
Peterson CO 80914
Landholding Agency: Air Force
Property Number: 18201640016
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 00593
45825 Hay 96 East
Pueblo CO 81006
Landholding Agency: Army
Property Number: 21201320006
Status: Underutilized
Comments: public access denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

4 Buildings
Fort Carson
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201520016
Status: Underutilized
Directions: Buildings 01669, 00221, 00210, 00207
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Fort Carson
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201520017
Status: Unutilized
Directions: Building 00812, 0209A
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

7 Buildings
Fort Carson
Fort Carson CO 80902
Landholding Agency: Army
Property Number: 21201540018
Status: Unutilized
Directions: 5557 (RPUID: 591785); 5559 (RPUID: 596873); 5561 (RPUID: 601301); 5563 (RPUID: 577607); 5565 (RPUID: 593788); 5567 (RPUID: 591786); 5569 (RPUID: 591787)
Comments: (property located within floodway which has not been correct or contained)
Reasons: Floodway

8 Buildings
Fort Carson
Ft. Carson CO 80902
Landholding Agency: Army
Property Number: 21201540019
Status: Unutilized
Directions: 5540 (RPUID:610022); 5541 (RPUID: 586846); 5542 (RPUID: 616626); 5543 (RPUID: 598076); 5544 (RPUID:567013); 5545 (RPUID:596871); 5546 (RPUID: 593098); 5547 (RPUID: 616627); 5549 (RPUID: 616627); 5551 (RPUID: 596872); 5553 (RPUID: 606097); 5555 (RPUID: 606639)
Comments: (property located within floodway which has not been correct or contained)
Reasons: Floodway

Building 00318
Fort Carson
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201610025
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Fort Carson
Fort Carson CO 80913
Landholding Agency: Army
Property Number: 21201620002
Status: Unutilized
Directions: Building 00300 & 00301
Comments: public access denied and no alternative method to gain access without compromising national security; property located within floodway which has not been correct or contained.
Reasons: Secured Area

Florida

2 Buildings
Eglin AFB
Eglin AFB FL 32542
Landholding Agency: Air Force
Property Number: 18201620039
Status: Excess
Directions: Facility 642 & 1328
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Eglin AFB
Eglin AFB FL 32542
Landholding Agency: Air Force
Property Number: 18201620043
Status: Unutilized
Directions: Building 2810, 2814, 9271, 9268, 1338, 12551, 2812, 918, 2813
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Eglin AFB
Eglin AFB FL 32542
Landholding Agency: Air Force
Property Number: 18201630006
Status: Unutilized
Directions: Building 6016 & 9306
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Eglin AFB
Eglin FL 32542
Landholding Agency: Air Force
Property Number: 18201640034
Status: Unutilized
Directions: 9370; 9376
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Georgia

Savannah HHIAP, Facility 1907
XDQU; 1401 Robert b. Miller Dr.
Garden City GA 31048
Landholding Agency: Air Force
Property Number: 18201620002
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Savannah HHIAP
Fac. 1907 &1914 XDQU
1401 Robert B. Miller Dr.
Garden City GA
Landholding Agency: Air Force
Property Number: 18201620010
Status: Underutilized
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

6 Buildings
Robins Air Force Base
Robins Air Force Base GA 31098
Landholding Agency: Air Force
Property Number: 18201620038
Status: Underutilized
Directions:
Building 978, 990, 991, 992, 996, 995
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Savannah HHIAP,
Facility 1906, XDQU
1401 Robert B. Millier Dr.
Garden City GA 31408
Landholding Agency: Air Force
Property Number: 18201620042
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Savannah HHIAP, Facility 1906
XDQU
1401 Robert B. Miller Dr.
Garden City GA 31408
Landholding Agency: Air Force
Property Number: 18201630002
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Robins Air Force Base
Robins AFB GA
Landholding Agency: Air Force
Property Number: 18201640002
Status: Underutilized
Directions: 4277; 4273; 2070; 2028
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 4287
Robins Air Force Base
RAFB GA 31098
Landholding Agency: Air Force
Property Number: 18201640030
Status: Underutilized
Comments: public access denied & no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 4285
Robins Air Force Base
RAFB GA 31098
Landholding Agency: Air Force
Property Number: 18201640031
Status: Underutilized
Comments: public access denied & no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 4283
Robins Air Force Base
RAFB GA 31098
Landholding Agency: Air Force
Property Number: 18201640032
Status: Underutilized
Comments: public access denied & no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 4281

Robins Air Force Base
RAFB GA 31098
Landholding Agency: Air Force
Property Number: 18201640033
Status: Underutilized
Comments: public access denied & no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 815
Hunter Army Airfield
Savannah GA 31409
Landholding Agency: Army
Property Number: 21201030008
Status: Excess
Reasons: Secured Area

Bldg. 1257
Fort Stewart
Hinesville GA 31314
Landholding Agency: Army
Property Number: 21201030009
Status: Excess
Reasons: Extensive deterioration

Bldg. 08708
Hunter Army Airfield
Savannah GA
Landholding Agency: Army
Property Number: 21201120050
Status: Excess
Reasons: Extensive deterioration

Bldg. 08711
Hunter Army Airfield
Savannah GA
Landholding Agency: Army
Property Number: 21201120051
Status: Excess
Reasons: Extensive deterioration

Bldg. 08712
Hunter Army Airfield
Savannah GA
Landholding Agency: Army
Property Number: 21201120052
Status: Excess
Reasons: Extensive deterioration

2 Buildings
Fort Benning
Fort Benning GA 31905
Landholding Agency: Army
Property Number: 21201620007
Status: Excess
Directions: Building 02831: RPUID:282470 & 02836: RPUID:282475
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
West Point Lake
Troup County GA 31833
Landholding Agency: Army
Property Number: 21201630049
Status: Unutilized
Directions: Floating Boat Storage Cover, Picnic Shelter, Vault Toilet
Comments: property located within floodway which has not been correct or contained.
Reasons: Floodway

Bldg. 75073
Wheeler Army Airfield
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201030011
Status: Unutilized
Reasons: Within airport runway clear zone

Hawaii

6 Bldgs.
Schofield Barracks
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201110020
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 01070
Wheeler Army Airfield
Denny Rd
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 21201110021
Status: Unutilized
Directions: between Denny Rd & wastewater treatment plant on Wheeler Army Airfield
Reasons: Within airport runway clear zone Extensive deterioration

Bldg. 224
124 Danis Road
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 21201120101
Status: Unutilized
Reasons: Within airport runway clear zone Secured Area

7 Bldgs.
91–1227 Enterprise Ave
Kalaeloa
Kapolei HI 96707
Landholding Agency: Army
Property Number: 21201140046
Status: Unutilized
Directions: 01676, 01677, 01818, 01875, 01954, 00537, 00182
Reasons: Secured Area Extensive deterioration

Bldg. 01537
124 Takata Road
Honolulu HI 96819
Landholding Agency: Army
Property Number: 21201140075
Status: Unutilized
Reasons: Secured Area Extensive deterioration

Idaho

Bldg. 00253
4097 W. Cessna St.
Gowen Field 16A20
Boise ID 83705
Landholding Agency: Army
Property Number: 21201140068
Status: Excess
Reasons: Secured Area Extensive deterioration

Illinois

Building 434
434 Hangar Road
Scott AFB IL 62225
Landholding Agency: Air Force
Property Number: 18201630015
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Secured Area Within airport runway clear zone

2 Buildings
Peoria AASF #3
Peoria IL 61607
Landholding Agency: Army
Property Number: 21201610003
Status: Unutilized
Directions:
Building 00003 & 00020
Comments: public access denied and no alternative method to gain access without compromising national security; Property located within an airport runway clear zone or military airfield.
Reasons: Secured Area

Building 98G02
1612/98G02 Walker Ct.
Rock Island IL 61299
Landholding Agency: Army
Property Number: 21201610063
Status: Underutilized
Directions: RPUID:366349
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Rock Island Arsenal
Rock Island IL 61299
Landholding Agency: Army
Property Number: 21201620015
Status: Underutilized
Directions: 0030G: RPUID:366331; 31: RPUID:610280; 30: RPUID:610255
Comments: property located within floodway which has not been correct or contained.
Reasons: Floodway

Indiana

Building 31
181 IW, 8001 Reinoehl Rd.
Terre Haute IN 47803
Landholding Agency: Air Force
Property Number: 18201620001
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 31
181 IW; 8001 Reinoehl Rd.
Terre Haute IN 47803
Landholding Agency: Air Force
Property Number: 18201620009
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Fuel Station
2 Buildings
3008 Hospital Rd.
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 21201320002
Status: Unutilized
Directions: 00126 & 00331
Comments: located in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 00400
3008 Hospital Road (Camp Atterbury)
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 21201330034
Status: Underutilized

Comments: public access denied & no alternative to gain access w/out compromising Nat'l security.
Reasons: Secured Area

00435
Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 21201530003
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

Building AR009
1LT Charles L. Waples USARC
Anderson IN 46016
Landholding Agency: Army
Property Number: 21201540047
Status: Unutilized
Comments: documented deficiencies: structurally unsound; clear threat to physical safety.
Reasons: Extensive deterioration

Building AR033
1LT Charles L. Waples USARC
Anderson IN 46016
Landholding Agency: Army
Property Number: 21201540048
Status: Unutilized
Comments: documented deficiencies: structurally unsound; clear threat to physical safety.
Reasons: Extensive deterioration

7 Buildings
Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 21201630037
Status: Underutilized
Directions: 00700; 00516; 00609; 00501; 00125; 00328; 00400
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

00011
Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 21201630053
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Iowa

Bldgs. A0190, 00190, 01069
Iowa AAP
Middletown IA 52601
Landholding Agency: Army
Property Number: 21201040007
Status: Unutilized
Reasons: Secured Area Within 2000 ft. of flammable or explosive material Extensive deterioration

Bldg. 01110, Iowa Army Ammo
17575 State Highway 79
Middletown IA 52601
Landholding Agency: Army
Property Number: 21201120005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area Extensive Deterioration Not accessible by road

10 Buildings
Iowa Army Ammunition Plant
Middletown IA 52638
Landholding Agency: Army
Property Number: 21201230019
Status: Underutilized
Directions: 620, 626, 641, 642, 643, 644, 645, 646, 647, 5207
Comments: public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

4 Buildings
Iwa Army Ammunition Plant
Middletown IA 52601
Landholding Agency: Army
Property Number: 21201340034
Status: Unutilized
Directions: 0023A, 00128, 00153, 05213
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Iowa Army Ammunition Plant
17575 Highway 79
Middletown IA 52601
Landholding Agency: Army
Property Number: 21201420031
Status: Unutilized
Directions: 00028; 00029; 00030; 00031; 00033; 00918; 00920; 05026; 05072
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 09451
9455 Rifle Range Road
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120068
Status: Unutilized
Reasons: Other—Temporary bldg., gas chamber

Bldg. 00745
745 Ray Rd.
Fort Riley USAR
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120069
Status: Unutilized
Reasons: Other—aviation storage shed; off site removal

Kansas

Bldg. 8329
8329 Wells St.
Ft. Riley
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120072
Status: Unutilized
Reasons: Other—vehicle maint.; oil storage

Bldg. 08324
8324 Wells St.
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120073
Status: Unutilized
Reasons: Other—to be demolished

Bldg. 07634
7634 McGlachlin
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120074
Status: Unutilized
Reasons: Other—Power Plant

Bldg. 00747
747 Ray Rd.
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120078
Status: Unutilized
Reasons: Other—Power plant; off site removal

Bldg. 00613
null
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120079
Status: Unutilized
Reasons: Other—off site removal only

Bldg. 01781
1781 ''K'' Street
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120082
Status: Unutilized
Reasons: Other environmental Other—work animal storage (DNE)

Bldg. 09455
9455 Rifle Range Road
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120085
Status: Unutilized
Reasons: Other—Gas Chamber; off site removal only

Bldg. 00615
615 Huebner Rd.
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120087
Status: Unutilized
Reasons: Other—off site removal only

Bldg. 08323
8323 Wells St.
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120088
Status: Unutilized
Reasons: Other—vehicle maint. shop; off site removal

Bldg. 08328
8328 Wells St.
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120089
Status: Unutilized
Reasons: Other environmental

Bldg. 07739
7739 Apennines Drive
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120090
Status: Unutilized
Reasons: Other environmental Other—oil storage bldg.; off site removal

Bldg. 01780
1780 ''K'' Street
Fort Riley KS
Landholding Agency: Army
Property Number: 21201120091
Status: Unutilized
Reasons: Other environmental

Bldg. 09382
Fort Riley
Fort Riley KS 66442
Landholding Agency: Army

Property Number: 21201130035
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
null
Fort Riley KS
Landholding Agency: Army
Property Number: 21201130037
Status: Unutilized
Directions: 09081, 07123, 1865, 00747
Reasons: Extensive deterioration

6 Bldgs.
null
Fort Riley KS
Landholding Agency: Army
Property Number: 21201130038
Status: Unutilized
Directions: 09079, 09078, 09455, 09382, 09087, 09381
Reasons: Extensive deterioration

Bldgs. 09133 and 1865
null
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201130043
Status: Unutilized
Reasons: Extensive deterioration

Bldg., 612
null
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201130045
Status: Unutilized
Reasons: Extensive deterioration

5 Bldgs.
null
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201130060
Status: Unutilized
Directions: 09455, 07634, 00852, 00853
Reasons: Extensive deterioration

2 Bldgs.
null
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201130064
Status: Unutilized
Directions: 09098, 00613
Reasons: Extensive deterioration

Bldg. 00512 & 00617
Fort Riley
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201140064
Status: Unutilized
Reasons: Secured Area

Kentucky

Fort Knox Bldg. #487
Spearhead Division Avenue
Fort Knox KY 40121
Landholding Agency: Army
Property Number: 21201510022
Status: Unutilized
Directions: 487
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

4 Buildings
Fort Knox
Fort Knox KY 40121
Landholding Agency: Army
Property Number: 21201610017
Status: Unutilized
Directions: 1069 RPUID:310462; 1478 RPUID:309724; 4556 RPUID:286473; 6295: RPUID:3072543
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Porter River Road
Fort Knox KY 40121
Landholding Agency: Army
Property Number: 21201620028
Status: Unutilized
Directions: 9606: RPUID:310162; 9475: RPUID:286869; 9322: RPUID:182117; 9679: RPUID:309686; 9395: RPUID:293399; 9676: RPUID:286480; 9353: RPUID:310217; 9671: RPUID:1104885; 9342: RPUID:309470; 9660: RPUID:308904
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Main Range Road
Fort Knox KY 40121
Landholding Agency: Army
Property Number: 21201620029
Status: Unutilized
Directions: 9282: RPUID:286483; 9240: RPUID:286705; 9284: RPUID:309690; 9241: RPUID:309683; 9290: RPUID:309737; 9242: RPUID:310425; 9234: RPUID:310217; 9258: RPUID:309480; 9265: RPUID:309473; 9235: RPUID:310418
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

13 Buildings
Ft. Knox
Ft. Knox KY 40121
Landholding Agency: Army
Property Number: 21201620036
Status: Unutilized
Directions: 9697 (310446); 9701 (310071); 9702 (310072); 9704 (309327); 9751 (178549); 9682 (309486); 9684 (310449); 9685 (309485); 9686 (309483); 9687 (309484); 9694 (310043); 9695 (310444); 9696 (310445)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Maryland

2 Buildings
1291 & 1292 Ramp Drive
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201620031
Status: Unutilized
Directions: Building 1291 & 1292
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1682
1682 Arnold Avenue
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201620032
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3487
Fetchet Ave.
Joint Base Andrews MD
Landholding Agency: Air Force
Property Number: 18201710021
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1713
First Street
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201710022
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1558
Alabama Avenue
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201710023
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1539
Arkansas
Joint Base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201710024
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. SPITO
Adelphi Lab Center
Prince George MD 20783
Landholding Agency: Army
Property Number: 21201010008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 00517
517 Blossom Point Road
Blossom Point Research Facility
Welcome MD 20693
Landholding Agency: Army
Property Number: 21201140040
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 00402
402 Blossom Point Road
Blossom Point Research Facility
Welcome MD 20693
Landholding Agency: Army
Property Number: 21201140041
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

0184C
Fort Detrick Forest Glen Annex
Silver Spring MD 20910
Landholding Agency: Army
Property Number: 21201430031

Status: Unutilized
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

Building 01247
Fort Detrick
Frederick MD 21702
Landholding Agency: Army
Property Number: 21201520029
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

E5868
Aberdeen Proving Ground
5868 Austin Rd.
Harford MD 21005
Landholding Agency: Army
Property Number: 21201520049
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201540006
Status: Unutilized
Directions: 530–RPUID: 232987; 00502–RPUID:231120; 00504–RPUID: 231122; 00507–RPUID:231124
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201540008
Status: Unutilized
Directions: E2499–RPUID: 1115220; 248–RPUID: 233131; 324–RPUID:233380; 00325–RPUID: 233381; 335–RPUID: 233389; 00336–RPUID: 233390; 00342–RPUID: 233396; 00343–RPUID: 233397; 00501–RPUID: 21119; 00503–RPUID: 231121
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201540009
Status: Unutilized
Directions: 1100A–RPUID:232502; 5112–RPUID:231874; E1426–RPUID:230361; E2144–RPUID:231462; E2180–RPUID:231474; E2200–RPUID:236777; E3100–RPUID:229840; E3240–RPUID:225691; E3245–RPUID:1233661; E5027–RPUID:235043
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen MD 21005
Landholding Agency: Army
Property Number: 21201540010
Status: Unutilized
Directions: 00320–RPUID:233377; 00534–RPUID:232990; 00894–RPUID:229860; 01096–RPUID:230735; 2352–RPUID:232067; 4314–RPUID:230781; 00938–RPUID:229876; E1932–RPUID:231449; E1942–RPUID:230062; 00535–RPUID:232991
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201540011
Status: Unutilized
Directions: E3032–RPUID:981051; E5060–RPUID:235049; E5140–RPUID:235827; E5172–RPUID:235834; E5173–RPUID:235835; E5244–RPUID:235853; E5352–RPUID:236079; E5429–RPUID:236092; E5826–RPUID:237105; E7987–RPUID:234070
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201540043
Status: Underutilized
Directions: E2162–RPUID:231464; E2166–RPUID:231465; E2182–RPUID:231475; E2188–RPUID:236771; E2194–RPUID:236773; E2198–RPUID:236776; E5061–RPUID:235050; E5101–RPUID:230074; E5842–RPUID:237111; E5844–RPUID:237112
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
Aberdeen Providing Ground
Aberdeen Providing Gr MD 21005
Landholding Agency: Army
Property Number: 21201540044
Status: Unutilized
Directions: E5848–RPUID:237114; E5860–RPUID:237116; E5862–RPUID:237117; E5884–RPUID:237129; E5886–RPUID:237130; E5892–RPUID:237888; E5894–RPUID:237889; E5896–RPUID:237890
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 00922
922 Live Fire Lane
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201540045
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21005
Landholding Agency: Army
Property Number: 21201610007
Status: Unutilized
Directions: Building #714A–RPUID:231382; 714B–RPUID:231383; 714C–RPUID:231384; 892–RPUID:229858; 893–RPUID:229859; 2482–RPUID:232910; 2482–RPUID:232910; 2483–RPUID:232911; 2484–RPUID:232912; E5106–RPUID:235814
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21010
Landholding Agency: Army
Property Number: 21201610008
Status: Unutilized
Directions: Building #E7248–RPUID:230927; E7931–RPUID:234069; 1103A–RPUID:233336; E1407–RPUID:230346; E1410–RPUID:230349; E2195–RPUID:236774; E3220–RPUID:225680; E5282–RPUID:236063; 713–RPUID:233259; 714–RPUID:233260
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

12 Buildings
Aberdeen Proving Grounds
Aberdeen Proving Grou MD 21010
Landholding Agency: Army
Property Number: 21201610014
Status: Unutilized
Directions: Building #E7012–RPUID:234053; E6833–RPUID:234044; E5916–RPUID:237898; E5738–RPUID:236872; E5664–RPUID:236854; E5604–RPUID:236842; E5265–RPUID:233752; E3728–RPUID:237182; E3640–RPUID: 237173; E3623–RPUID:237171; E3561–RPUID:236930; E3517–RPUID:236913
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Detrick
Frederick MD 21702
Landholding Agency: Army
Property Number: 21201610015
Status: Unutilized
Directions: Building 00121; 00387; 00722; 01531; 01656
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

11 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21010
Landholding Agency: Army
Property Number: 21201610020
Status: Unutilized
Directions: Building #E3349–RPUID:225917; E3109–RPUID:225672; E3106–RPUID:225670; E2650–RPUID:237053; E2340–RPUID:236789; E2340–RPUID:236789; E2338–RPUID:236788;

E1485–RPUID:231226; E1443–RPUID:231202; E1041–RPUID:957911; 5650–RPUID:231144
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

12 Buildings
Aberdeen Proving Ground
Aberdeen Proving Grou MD 21010
Landholding Agency: Army
Property Number: 21201610067
Status: Unutilized
Directions: E5354 RPUID:236080; 4025A RPUID:233596; E5179 RPUID:235837; E3160 RPUID:225676; E1426 RPUID:230361; 797 RPUID:229641; 655 RPUID:233016; 459B RPUID:230811; 2334 RPUID:232061; 1132 RPUID:230962; E5554 RPUID:236839; E5560 RPUID:236840
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Aberdeen Proving Ground
APG MD 21010
Landholding Agency: Army
Property Number: 21201620031
Status: Unutilized
Directions: E5181 (235839); E4655 (235019); E6882 (234049); E5286 (236064); E5920 (237899); E3966 (237859)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
APG MD 21010
Landholding Agency: Army
Property Number: 21201620032
Status: Unutilized
Directions: E3965 (237858); E2300 (236780); E3334 (225912); E3335 (225913); E3346 (225915); E3508 (236906); E3727 (237181); E3860 (237205); E3951 (237844); E3955 (237848)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
APG MD 21010
Landholding Agency: Army
Property Number: 21201620033
Status: Unutilized
Directions: E1421 (230356); E1425 (230360); 5608E (233610); E1467 (231217); 1128 (230958); 1149A (233364); 1169 (231805); 4303 (230771); 4725 (231020); E1406 (230345)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
APG MD 21005
Landholding Agency: Army
Property Number: 21201620034
Status: Unutilized
Directions: 1076B (1197700); 1101A (2333334); 714D (231385); 718 (233262); 783 (229636); 852A (232469); 798 (229642); 806 (229846); 807 (229847); 808 (229848)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Aberdeen Proving Ground
APG MD 21005
Landholding Agency: Army
Property Number: 21201620035
Status: Unutilized
Directions: 303 (233151); 312 (957898); 335A (233192); 347A (229683); 457 (231108); 526 (232983); 527 (232984); 700h (251369); 00036 (232287); 279 (233148)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

E5950 (RPUID:237908)
Callahan St.
Aberdeen Proving Ground
APG MD 21010
Landholding Agency: Army
Property Number: 21201620038
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Aberdeen Proving Ground
Edgewood MD 21005
Landholding Agency: Army
Property Number: 21201710004
Status: Unutilized
Directions: Building E2344 (RPUID:236791); 387 (RPUID:226469)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Detrick
Frederick MD 21702
Landholding Agency: Army
Property Number: 21201710014
Status: Unutilized
Directions: 1542 (1010968); 1530 (957742); 263 (958384); 262 (958072); 261 (958784)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Massachusetts

2 Buildings
Soldier Systems Center Natick
Natick MA 01760
Landholding Agency: Army
Property Number: 21201620013
Status: Underutilized
Directions: T0024: RPUID: 206927 & T0025: (RPUID): 206928
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Michigan

6 Bldgs.
Detroit Arsenal
Warren MI 48397
Landholding Agency: Army
Property Number: 21201010009
Status: Unutilized
Directions: 521, 213, 214, 237, 00007, 00008
Reasons: Secured Area

Building 01197
Bldg. #1197 Flight Line Road
Grayling MI 49738
Landholding Agency: Army
Property Number: 21201610012
Status: Excess
Directions: RPUID: 324513
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Grayling Army Airfield
Grayling MI 49738
Landholding Agency: Army
Property Number: 21201610037
Status: Unutilized
Directions: Building 01107 RPUID:324301 & 01106 RPUID:324302
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Grayling Army Airfield
Grayling MI 49738
Landholding Agency: Army
Property Number: 21201630041
Status: Unutilized
Directions: 01143 (324485); 01145 (324486)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

02551
Fort Custer Training Center
Augusta MI 49012
Landholding Agency: Army
Property Number: 21201630042
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Custer Training Center
Augusta MI 49012
Landholding Agency: Army
Property Number: 21201710001
Status: Underutilized
Directions: Building 02435 (RPUID:569725); 02433 (RPUID:569723); 02535 (RPUID:571902); 02431 (RPUID:571671); 02432 (RPUID:569722)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Mississippi

Bldg. 9110C Shelter Building
Stennis Space Center
Hancock Co. MS 39529
Landholding Agency: NASA
Property Number: 71201710007
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4003 Storage Building
Stennis Space Center

Hancock Co. MS
Landholding Agency: NASA
Property Number: 71201710008
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9137 Load Ramp
Stennis Space Center
Hancock Co. MS 39529
Landholding Agency: NASA
Property Number: 71201710009
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 9800A Igloo
Stennis Space Center
Hancock Co. MS 39529
Landholding Agency: NASA
Property Number: 71201710010
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Missouri

Bldg. 06020
Fort Leonard Wood
Pulaski MO 65473
Landholding Agency: Army
Property Number: 21201010010
Status: Unutilized
Reasons: Secured Area Floodway

15 Bldgs.
Lake City Army Ammo Plant
Independence MO 64051
Landholding Agency: Army
Property Number: 21201010011
Status: Unutilized
Directions: 11A, 20B, 22A, 22B, 22C, 23A, 23B, 23C, 24A, 24B, 24C, 24D, 24E, 25A, 29A
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

9 Bldgs.
Lake City Army Ammo Plant
Independence MO 64051
Landholding Agency: Army
Property Number: 21201010012
Status: Unutilized
Directions: 31, 32A, 33A, 33B, 34A, 34B, 38F, 38G, 38H
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

9 Bldgs.
Lake City Army Ammo Plant
Independence MO 64051
Landholding Agency: Army
Property Number: 21201010013
Status: Unutilized
Directions: 52A, 53, 55, 59, 60, 73W, 79, 79A, 79B
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

7 Bldgs.
Lake City Army Ammo Plant
Independence MO 64051
Landholding Agency: Army
Property Number: 21201010014
Status: Unutilized
Directions: 80F, 91D, 91F, 94D 120A, 120D, 120G
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

6 Bldgs.
Lake City Army Ammo Plant
Independence MO 64051
Landholding Agency: Army
Property Number: 21201010015
Status: Unutilized
Directions: T056R, T94B, T94C, T239, T247, T260
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

14 Bldgs.
Lake City AAP
Independence MO 64051
Landholding Agency: Army
Property Number: 21201040010
Status: Unutilized
Directions: 59, 59A, 59B, 59C, 60, 66A, 66B, 66C, 66D, 66E, 67, 70A 70B 80D
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

10 Bldgs.
Fort Leonard Wood
Pulaski MO 65473
Landholding Agency: Army
Property Number: 21201040011
Status: Unutilized
Directions: 1228, 1255, 1269, 2101, 2112, 2551, 2552, 5280, 5506, 6824
Reasons: Secured Area

Harry S. Truman Reservoir
15968 Truman Rd.
Warsaw MO 65355
Landholding Agency: Army
Property Number: 21201110001
Status: Underutilized
Directions: 07015 and L43002
Reasons: Extensive deterioration

12 Bldgs.
Ft. Leonard Woods
Ft. Leonard Woods MO 65473
Landholding Agency: Army
Property Number: 21201110043
Status: Excess
Directions: 00642, 00650, 00651, 00652, 00653, 00654, 00655, 00656, 00657, 00658, 00659, 00660
Reasons: Secured Area

Bldgs. 01604 and 05130
Ft. Leonard Woods
Ft. Leonard Woods MO 65473
Landholding Agency: Army
Property Number: 21201110044
Status: Excess
Reasons: Extensive deterioration Secured Area

8 Bldgs.
Ft. Leonard Woods
Ft. Leonard Woods MO 65473
Landholding Agency: Army
Property Number: 21201110062
Status: Excess
Directions: 00618, 0618A, 00618B, 00619, 0619A, 0619B, 00906, 00907
Reasons: Secured Area

Bldgs. 5130 and 5136
Ft. Leonard Woods
FLW MO
Landholding Agency: Army
Property Number: 21201120011
Status: Excess
Reasons: Secured Area Extensive deterioration

Bldg. 1269
Ft. Leonard Woods
FLW MO
Landholding Agency: Army
Property Number: 21201120013
Status: Excess
Reasons: Secured Area

Bldg. 1255
Ft. Leonard Woods
FLW MO
Landholding Agency: Army
Property Number: 21201120014
Status: Excess
Reasons: Secured Area

Bldg. 1228
Ft. Leonard Woods
FLW MO
Landholding Agency: Army
Property Number: 21201120015
Status: Excess
Reasons: Secured Area

Bldgs. 906 and 907
Ft. Leonard Woods
FLW MO
Landholding Agency: Army
Property Number: 21201120016
Status: Excess
Reasons: Secured Area

14 Bldgs.
Camp Clark
Nevada MO 64772
Landholding Agency: Army
Property Number: 21201130046
Status: Unutilized
Directions: K0001, K0002, K0003, K0004, K0005, K0006, K0007, K0008, K0010, K0012, K0014, K0016, K0018, K0020
Reasons: Extensive deterioration

11 Bldgs.
Camp Clark
Nevada MO 64772
Landholding Agency: Army
Property Number: 21201130047
Status: Unutilized
Directions: J0006, J0007, J0008, J0009, J0010, J0011, J0012, J0013, J0015, J0017, J0019
Reasons: Secured Area Extensive deterioration

12 Bldgs.
Camp Clark
Nevada MO 64772
Landholding Agency: Army
Property Number: 21201130048
Status: Unutilized
Directions: 435, 436, 438, 460, 466, 504, 506, J0001, J0002, J0003, J0004, J0005
Reasons: Extensive deterioration Secured Area

13 Bldgs.
Camp Clark
Nevada MO 64772
Landholding Agency: Army
Property Number: 21201130049
Status: Unutilized
Directions: 00383, 00384, 00385, 00386, 00388, 00389, 00391, 00392, 00402, 00410, 00411, 00425, 00433
Reasons: Extensive deterioration Secured Area

Bldg. T62–9
Lake City Army Ammunition Plant
Independence MO 64051
Landholding Agency: Army
Property Number: 21201140071

Status: Underutilized
Reasons: Contamination Secured Area

2 Bldgs.
Railroad Ave.
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201140072
Status: Unutilized
Directions: 02351, 02352
Reasons: Secured Area

11 Bldgs.
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201220019
Status: Excess
Directions: 499, 720, 745, 2555, 2556, 2557, 2558, 5076, 8208, 8370, 30
Comments: nat'l security concerns; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

14 Buildings
Camp Crowder
Neosho MO 64850
Landholding Agency: Army
Property Number: 21201230010
Status: Unutilized
Directions: 5, 6, 8, 9, 10, 12, 18, 34, 35, 36, 37, 38, 39, 51
Comments: military personnel only; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

11 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230032
Status: Underutilized
Directions: 2314, 2313, 1614, 1230, 786, 689, 404, 690, 763, 764, 766
Comments: no public access & no alternative method w/out compromising Nat'l security.
Reasons: Secured Area

19 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230033
Status: Unutilized
Directions: 9613, 9611, 6127, 6125, 6124, 6120, 5125, 5124, 5122, 5073, 2565, 2349, 1134, 978, 975, 758, 9615, 9617, 9619
Comments: no public access & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

4 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230038
Status: Unutilized
Directions: 565, 566, 567, 569
Comments: no public access & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

5 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230039
Status: Underutilized
Directions: 664, 665, 669, 686, 687
Comments: no public access & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

3 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230040
Status: Unutilized
Directions: 688, 759, 760
Comments: no public access & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

9 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230041
Status: Excess
Directions: 711, 712, 713, 714, 715, 720, 721, 722, 723
Comments: no public access & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Bldg. 724
Utah St.
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201230059
Status: Excess
Comments: no public access; no alternative method for public to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Bldg. 31
Camp Crowder
Neosha MO 64850
Landholding Agency: Army
Property Number: 21201230061
Status: Unutilized
Comments: military personnel/authorized use personnel; public access denied & no alternative method for public to gain access w/out compromising Nat'l security.
Reasons: Secured Area

4 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201240017
Status: Unutilized
Directions: 691, 692, 693, 694
Comments: located in secured area, public access denied & no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Ft. Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201320022
Status: Unutilized
Directions: 05343, 05382, 05394, 06501
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 00007
890 Ray A. Carver Ave. (Camp Crowder)
Neosho MO 64850
Landholding Agency: Army
Property Number: 21201330035
Status: Excess
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

15 Buildings
Camp Clark MOARING
Nevada MO 64772
Landholding Agency: Army
Property Number: 21201340003
Status: Unutilized
Directions: H0001, H0002, H0003, H0004, H0005, H00006, H0007, H0008, H0009, H0010, H0011, H0012, H0013, H0015, H0016
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

T151D
Lake City Army Ammunition Plant
Independence MO 64056
Landholding Agency: Army
Property Number: 21201430017
Status: Excess
Directions: T151D
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

13 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201440024
Status: Unutilized
Directions: 02431, 02433, 02435, 02462, 02464, 02466, 02468, 02470, 02472, 02474, 02476, 02478, 02480
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

11 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201440029
Status: Unutilized
Directions: 02461, 02463, 02465, 02467, 02469, 02471, 02473, 02475, 02477, 02479, 02481
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

3 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201440030
Status: Unutilized
Directions: 02430, 02432, 02434
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

2 Buildings
Fort Leonard Wood Lake of Ozarks Rec. Area
Fort Leonard Wood MO 65473

Landholding Agency: Army
Property Number: 21201440031
Status: Unutilized
Directions: 00550, 00500
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

3 Buildings
Ft. Leonard Wood Lake of the Ozarks Rec. Area
Fort Leonard Wood MO 65049
Landholding Agency: Army
Property Number: 21201510026
Status: Unutilized
Directions: 00555, 00550, 00500
Comments: fair condition prior approve to gain access is required, for more information contact Army about a specific property.
Reasons: Secured Area

39 Buildings
Fort Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201530076
Status: Unutilized
Directions: 600OL, 00671, 06695, 700OL, 00769, 773, 775, 777, 777A, 780, 800OL, 00860, 00870, 00981, 0981A, 0981B, 0981C, 0981D, 0981E, 0981F, 0981G, 0981H, 0981I, 0981J, 0981K, 0981L, 0981M, 0981N, 0981O, 0981P, 1027, 02370, 5015, 5270, 5282, 0981Q, 771, 772
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Fort Leonard Wood
Ft. Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201530096
Status: Unutilized
Directions: 662, 1611, 2387, 2388
Comments: properties w/in an airport military airfield; public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area within airport runway clear zone

9 Buildings
Fort Leonard Wood
Ft. Leonard Wood MO
Landholding Agency: Army
Property Number: 21201540058
Status: Unutilized
Directions: 682–RPUID: 575534, 683–RPUID: 581273, 781–RPUID: 593764, 887–RPUID: 593487, 2307–RPUID: 573663, 2341–RPUID: 597115, 4199–RPUID: 579050, 5027–RPUID: 595346, 5167–RPUID: 593968
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Fort Leonard Wood
Fort Leonard Wood MO
Landholding Agency: Army
Property Number: 21201540059
Status: Unutilized
Directions: 5279–RPUID: 618544, 5422–RPUID: 598786, 5426–RPUID: 618281, 5432–RPUID: 615691, 5442–RPUID: 582917, 5452–RPUID: 587677, 5502–RPUID: 606152, 5584–RPUID: 582723, 5733–RPUID: 594089
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Fort Leonard Wood
Fort Leonard Wood MO
Landholding Agency: Army
Property Number: 21201540060
Status: Unutilized
Directions: 12652–RPUID: 607957, 668
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 0033A
25201 East 78 Hwy
Independence MO 64056
Landholding Agency: Army
Property Number: 21201610039
Status: Excess
Directions: RPUID: 341156
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

11 Buildings
Lake City Army Ammunition Plant
Independence MO 64056
Landholding Agency: Army
Property Number: 21201610040
Status: Unutilized
Directions: T0227:340480, T151D:340508, T0231:340482, T0230:340481, 0038A:341172, 0093C:339706, 0070A:341261, 0068B:341250, T038F:340492, 0020A:336462, 00146:341081
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

15 Buildings
Lake City Army Ammunition Plant
Independence MO 64056
Landholding Agency: Army
Property Number: 21201610042
Status: Underutilized
Directions: 11430:336781, 11433:336783, 11423:336774, 1146:580777, 1144:608662, 1142:615420, 11424:336775, 11421:336772, 11426:336777, 1143:595736, 11422:336773, 1141:608663, 11410:609475, 11411:595737 11431:336782
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 0033A
25201 East 78 Hwy
Independence MO 64056
Landholding Agency: Army
Property Number: 21201610062
Status: Excess
Directions: RPUID:341156
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630027
Status: Unutilized
Directions: 9117–RPUID:608686, 9115E–RPUID:1238461, 9115–RPUID:591801, 5304–RPUID:614942, 89050–RPUID:600719, 10379–RPUID:589252
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
9109 Immell Road
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630028
Status: Unutilized
Directions: 9109–RPUID:575806, 9108–RPUID:604405, 9107–RPUID:608685, 9102E–RPUID:1238527, 9113–RPUID:604407, 9111G–RPUID:1238481, 9112–RPUID:599404, 9111–RPUID:614478
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630029
Status: Unutilized
Directions: 9100 (608684), 9101 (614477), 9102 (582746)
Comments: documented deficiencies: roof has numerous leaks which caused significant interior damage; clear threat to physical safety.
Reasons: Extensive deterioration

4 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630030
Status: Unutilized
Directions: 2336 (598203), 2337 (619148), 2338 (577352), 2339 (600697)
Comments: documented deficiencies: structurally unsound; clear threat to physical safety.
Reasons: Extensive deterioration

3 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630031
Status: Unutilized
Directions: 2250 (591793), 2322 (585224), 2327 (1086582)
Comments: documented deficiencies: severely dilapidated; structurally unsound; clear threat to physical safety.
Reasons: Extensive deterioration

3 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630032
Status: Unutilized
Directions: 837 (594613), 2200A (604024), 2201 (604799)
Comments: documented deficiencies: structurally unsound due to wind storm; severe mold damage due to unsound roof;

significant water damage due to water line breaks/flooding; clear threat to physical safety.
Reasons: Extensive deterioration

3 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630033
Status: Unutilized
Directions: 2323 (573662), 2324 (616667), 2394 (585616)
Comments: documented deficiencies: structurally unsound; clear threat to physical safety.
Reasons: Extensive deterioration

6 Buildings
Fort Leonard Wood
Fort Leonard Wood MO 65473
Landholding Agency: Army
Property Number: 21201630048
Status: Unutilized
Directions: 2320 (611632); 2321 (608450); 9104 (604404); 9110 (604406); 9041G (1233463); 9059G (1238460)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Montana

Bldg. 1870, Storage Magazine
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710010
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1835
Munition Maintenance Admin
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710011
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 685
Exchange Service Station
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710012
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 1830, Storage Magazine
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710013
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 631, Dorm
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710014
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1705
Maintenance Shop
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710015
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1151
Base Exchange Storage
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710016
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1887, Kennel Canine
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710017
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1150, Base Exchange
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710018
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 1871, Storage Magazine
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710019
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1010, Gymnasium
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710020
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 630, Dorm
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710025
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1702
BIO Environmental Health
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710026
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 4000
Child Development Center
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710027
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1192
Family Support Center
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710028
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1918, HQ Group
Malmstrom AFB
Malmstrom AFB MT 59402
Landholding Agency: Air Force
Property Number: 18201710029
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Nevada

8 Buildings
Indian Springs Casino
Creech AFB NV 89191
Landholding Agency: Air Force
Property Number: 18201620040
Status: Unutilized
Directions: B–95008, B–95013, B–95015, B–95010, B–95012, B–95016, B–95007, B–95020
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

51; 152 AW/NVANG
1776 National Guard Way
Reno NV 89502
Landholding Agency: Air Force
Property Number: 18201640012
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Aircraft Maintenance Shop
290

Nellis AFB
Nellis NV 89191
Landholding Agency: Air Force
Property Number: 18201640036
Status: Unutilized
Comments: friable asbestos present.
Reasons: Contamination

24 Buildings
Hawthorne Army Depot
Hawthorne NV 89415
Landholding Agency: Army
Property Number: 21201530075
Status: Unutilized
Directions: 0A350(322632); 0A354(326593); 0A388(327371); 0A395(319492); 0A518(327229); 0A669(324262); OC429(323329); 0PA14(1055821); 1S100(319056); 00040(324168); 71; 86BT4;00097(330820); 107Z8 (324429); 143; 00171; 00192; 00275; 00328; 00360; 00379; 00504; 11099; 00074
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

14 Buildings
Hawthorne Army Depot
Hawthorne NV 89415
Landholding Agency: Army
Property Number: 21201530087
Status: Unutilized
Directions: 10317 RPUID:319511; 10320–320932; 10310–324158; 10311–319509; 11067–1044155; 10610–330071; 10338–324121; 10337–327406; 10336–319516; 10335–319515; 10334–319514; 10333–319057; 10330–327729; 10329–327728
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Hawthorne Army depot
Hawthorne Army Depot NV
Landholding Agency: Army
Property Number: 21201540040
Status: Unutilized
Directions: 0C261–RPUID: 330817; 10341–RPUID: 319518
Comments: flam/explos. materials are located on? adjacent industrial, commercial, or Federal facility; public access denied and no alternative method to gain access without compromising national security.
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

10139; RPUID: 330786
Hawthorne Army Depot
Hawthorne NV 89415
Landholding Agency: Army
Property Number: 21201640007
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

New Jersey

Facility HEKP 5953, Gymnasium
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201640014
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility HEKP 5891
Refuse Garbage Building
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201640015
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 1931, Disaster Prep
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201640017
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 1732
Aerial Port Training Facility
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201640018
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 281
Transformer Vault Building
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201640037
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility HEKP 5930
Technical Training Lab/Shop/JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201710003
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; flaking lead based paint.
Reasons: Secured Area Contamination

Facility HEKP 5926
Petroleum Operations Building
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201710004
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; flaking lead base paint.
Reasons: Secured Area Contamination

Facility HEKP 5925
Dispatch Building
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201710005
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; flaking lead base paint.
Reasons: Secured Area Contamination

Facility HEKP 5924
Tech Training Lab
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201710006
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; flaking lead base paint.
Reasons: Secured Area Contamination

Facility HEKP 5923
Tech Training Lab
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201710007
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; flaking lead base paint.
Reasons: Contamination Secured Area

Facility HEKP 5922
Tech Training Lab
JBMDL
JBMDL NJ
Landholding Agency: Air Force
Property Number: 18201710008
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security; flaking lead base paint.
Reasons: Secured Area Contamination

5 Bldgs.
Picatinny Arsenal
Dover NJ 07806
Landholding Agency: Army
Property Number: 21201140035
Status: Unutilized
Directions: 00281, 03013, 00332, 0623F, 0639A
Reasons: Extensive deterioration Secured Area Contamination

2 Buildings
Picatinny Arsenal
Dover NJ 07806
Landholding Agency: Army
Property Number: 21201440056
Status: Unutilized
Directions: 3208B; 3208G
Comments: documented deficiencies: roof caving in; walls are rotted; overgrown vegetation; clear threat to physical safety.
Reasons: Extensive deterioration

New Mexico

Building 247
Cannon AFB
Cannon NM
Landholding Agency: Air Force
Property Number: 18201640035
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.

Reasons: Secured Area

Building 1800
Cannon AFB
Cannon NM 88103
Landholding Agency: Air Force
Property Number: 18201640039
Status: Underutilized
Comments: property located within a military airfield; public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area Within airport runway clear zone

Building 1801
Cannon AFB
Cannon NM 88103
Landholding Agency: Air Force
Property Number: 18201640040
Status: Underutilized
Comments: property located within a military airfield; public access denied and no alternative method to gain access without compromising national security.
Reasons: Within airport runway clear zone Secured Area

Building 1802
Cannon AFB
Cannon NM 88103
Landholding Agency: Air Force
Property Number: 18201640041
Status: Underutilized
Comments: property located within a military airfield; public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area Within airport runway clear zone

442
Cannon AFB
Cannon NM 88103
Landholding Agency: Air Force
Property Number: 18201640042
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 1400
Cannon AFB
Cannon NM 88103
Landholding Agency: Air Force
Property Number: 18201640043
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 251
Cannon Air Force Base
Cannon NM
Landholding Agency: Air Force
Property Number: 18201710002
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

New York

Bldgs. 214, 215, 228
Fort Hamilton
Brooklyn NY 11252
Landholding Agency: Army
Property Number: 21201010031
Status: Unutilized
Reasons: Secured Area

4 Bldgs.
Fort Hamilton
Brooklyn NY 11252
Landholding Agency: Army
Property Number: 21201020018
Status: Unutilized
Directions: FENCC, 214, 215, 228
Reasons: Secured Area

2 Buildings
Fort Hamilton
Wainwright Dr. NY 11252
Landholding Agency: Army
Property Number: 21201510018
Status: Unutilized
Directions: 0137A; 0137B
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 0137C
Fort Hamilton
Wainwright Dr. NY 11252
Landholding Agency: Army
Property Number: 21201510019
Status: Underutilized
Comments: public access denied & no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Fort Drum
Fort Drum NY 13602
Landholding Agency: Army
Property Number: 21201520021
Status: Underutilized
Directions: Buildings 2153, 175, 173
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Buildings 1486 & 2552
Fort Drum
Ft. Drum NY 13602
Landholding Agency: Army
Property Number: 21201530077
Status: Unutilized
Directions: RPUID: 314900 and 300780 respectively
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1236
US Army Garrison, West Point
West Point NY 10996
Landholding Agency: Army
Property Number: 21201540033
Status: Unutilized
Comments: document deficiencies: condemned; ceilings, walls, flooring, doors, and windows are rotted and beyond repair; wood deteriorated to state of non-repair; clear threat to physical safety.
Reasons: Extensive deterioration

Building 697
697 Washington Road
West Point NY 10996
Landholding Agency: Army
Property Number: 21201620030
Status: Unutilized
Comments: documented deficiencies: extensive structural damage; wall coming apart; bricks are dislodged which may cause the building to collapse; located on a land fill.
Reasons: Extensive deterioration

Building 30
Quartermaster Road
Fort Drum NY 13602
Landholding Agency: Army
Property Number: 21201630021
Status: Unutilized
Directions: RPUID:304180
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
Fort Drum
Fort Drum NY 13602
Landholding Agency: Army
Property Number: 21201710002
Status: Underutilized
Directions: Building 4032(RPUID:311484); 4000(RPUID:304740); 4003(RPUID:304775); 4004(RPUID:304776); 4015(RPUID:304778); 4016(RPUID:304779); 4030(RPUID:311533); 4031(RPUID:311483)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 4001; RPUID: 304774
Fort Drum
Ft. Drum NY 13602
Landholding Agency: Army
Property Number: 21201710015
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

12 Bldgs.
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201020019
Status: Unutilized
Directions: 661A, M2146, C2629, F2630, A3527, C3609, A3726, A3728, C3731, A3732, A3734, A3736
Reasons: Secured Area

North Carolina

3 Bldgs.
Fort Bragg
Cumberland NC 28310
Landholding Agency: Army
Property Number: 21201030017
Status: Unutilized
Directions: 31743, M5044, M5040
Comments: T2139 demolished.
Reasons: Secured Area Extensive deterioration

Bldg. 83022
Fort Bragg
Cumberland NC 28310
Landholding Agency: Army
Property Number: 21201040020
Status: Unutilized
Reasons: Extensive deterioration Secured Area

4 Bldgs.
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army

Property Number: 21201110031
Status: Unutilized
Directions: X5062, X5066, X6260, X6266
Reasons: Extensive deterioration Secured Area

5 Bldgs.
null
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201110032
Status: Unutilized
Directions: X5041, X5045, X5049, X5053, X5058
Reasons: Extensive deterioration Secured Area

5 Bldgs.
null
Ft. Bragg NC
Landholding Agency: Army
Property Number: 21201110033
Status: Unutilized
Directions: X4134, X4137, X4139, X4141, X5036
Reasons: Extensive deterioration Secured Area

5 Bldgs.
null
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201110034
Status: Unutilized
Directions: N3305, X3266, X3770, X4126, X4130
Reasons: Extensive deterioration Secured Area

Bldg. 31802
null
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201130004
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 1537
null
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201130005
Status: Unutilized
Reasons: Extensive deterioration

B–H1607
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201210094
Status: Unutilized
Comments: Nat'l security concerns; no public access; restricted area; no alternative method to gain access.
Reasons: Secured Area

4 Buildings
Ft. Bragg
Ft. Bragg NC 28308
Landholding Agency: Army
Property Number: 21201230004
Status: Unutilized
Directions: 276, 31335, C1624, D1910
Comments: restricted access to authorized military personnel only; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

Buildings 6036 & 7556
4030 & 4551 Normandy Dr.
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201310032
Status: Underutilized
Comments: located w/in military reservation; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

4 Buildings
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201310057
Status: Underutilized
Directions: F2131, F2534, F3040, F3134
Comments: restricted military installation; public denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

7 Buildings
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201320001
Status: Underutilized
Directions: 21817, A5886, C8310, D2302, D2307, D2502, D2507
Comments: military reservation; access limited to military personnel only; access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

U1704
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201420034
Status: Underutilized
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

4 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201430033
Status: Unutilized
Directions: 69241; A5424, D2236; D2336
Comments: public access denied and no alternative without compromising National Security.
Reasons: Secured Area

4 Buildings
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201440001
Status: Unutilized
Directions: M6450; M2346; 14865; 03554
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

9 Buildings
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201510016
Status: Unutilized
Directions: A5030; A5031; A5033; A5221; A5222; A5224; A5225; A5234; A5420;
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Fort Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201510017
Status: Underutilized
Directions: A4920; A4921; A4922; A4923; A4930; A4931; A5020; A5021; A5022; A5023
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 14930
3225 Normandy Drive
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201520014
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

717
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201530017
Status: Unutilized
Directions: RPUID: 506663
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

D2919
FT. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201530018
Status: Underutilized
Directions: RPUID: 611669
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

O9101
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201530019
Status: Unutilized
Directions: RPUID: 304533
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

O9102
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army
Property Number: 21201530020
Status: Unutilized
Directions: RPUID: 304534
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

5 Buildings
Ft. Bragg
Ft. Bragg NC 28310
Landholding Agency: Army

Property Number: 21201530022
Status: Underutilized
Directions: E1351; E1541; E1650; E1743; E3825
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

27 Buildings
Fort Bragg
Cumberland NC 28310
Landholding Agency: Army
Property Number: 21201540002
Status: Unutilized
Directions: 15132–RPUID: 581224; M6460–RPUID: 610295; M2348–RPUID: 958708; E4325–RPUID: 613768; A5428–RPUID:597133; M6146–RPUID:597164; M6143–RPUID: 576307; M2646–RPUID: 958720; M6445–RPUID:595599; M2360–RPUID:958714; M6438–RPUID:557152; M6450–RPUID:577153; M6733–RPUID:609986; M6746–RPUID:571513; M6751–RPUID:584516; M2359–RPUID:958713; A5628–RPUID:581440; M6433–RPUID:590748; A5630–RPUID:593150; M2357–RPUID:958713; M2338–RPUID:958304; M2340–RPUID:958305; M2342–RPUID:958704; M2343–RPUID:958705; M2345–RPUID: 958706; M2350–RPUID: 958709; M2351–RPUID:958710
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201540003
Status: Underutilized
Directions: 15433–RPUID: 1034408; 15533–RPUID: 1034409; 15631–RPUID:607469; 15730–RPUID: 297551; F1231–RPUID:575616
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

20 Buildings
Fort Bragg
Cumberland NC 28310
Landholding Agency: Army
Property Number: 21201540004
Status: Underutilized
Directions: 85303; A3764; D3022; H3237; H3554; M2346; M2353; M2356; M2505; M2642; M2650; M2651; M2653; M5051; M6142; M6205; M6150; P2341; X6088; M2640
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201610011
Status: Underutilized
Directions: Building 22326 RPUID:293152; 22426 RPUID:297111; 22428 RPUID:289548; 22727 RPUID:604968 238 RPUID:505916; 239 RPUID:505917
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

15 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201610024
Status: Unutilized
Directions: Building 69373 RPUID:1033411; M2338:958304; M2343:958705; M2348:958708; M2351:958710; M2353:958711; M2505:580476; M2545:1034467; M2646:958720; M6143:5976307; M6146:597164 M6438:577152; M6460:610295; M6750:591555; O4860:289720
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

12 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201620001
Status: Underutilized
Directions: D2609: RPUID:577998; D2815: RPUID:614614; D3225: RPUID:594582; D3637: RPUID:586751; E1739: RPUID:605961; N5204: RPUID:304497; D2509: RPUID:597728; D2212: RPUID:604181; D2211: RPUID:297376; D2113: RPUID:584535; D2111: RPUID:611859; D1911: RPUID:604178
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201620005
Status: Unutilized
Directions: Building D2105 & 280
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Fort Bragg
Fort Bragg NC 28310
Landholding Agency: Army
Property Number: 21201630040
Status: Unutilized
Directions: H3654 (296691); M2506 (297512); 69673 (291378)
Comments: public access denied and no alternative method to gain access without compromising national security
Reasons: Secured Area

9 Buildings
Fort Bragg
Ft Bragg NC 28310
Landholding Agency: Army
Property Number: 21201640013
Status: Unutilized
Directions: M1650–306646; M1750–298672; M2148–296765; 13151–608821; 86606–577995; 87006–604470; A2875–576093; D2612–600085; H5748–620204
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Ohio

Facility 20094
2710 D. St.
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201620003
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 20098
2812 D. St.
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201620004
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 30072
5570 Skeel Ave.
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201620005
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 20197
4185 Logistics St.
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201620006
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 30144
5136 Pearson Rd.
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201620007
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

RPUID #524102
(Traffic Chk Hse Bldg. 108)
Springfield Beckley Air National Guard
Springfield OH 45502
Landholding Agency: Air Force
Property Number: 18201620008
Status: Unutilized
Directions: 1337 West Blee Rd.
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Wright-Patterson Air Force Base
Mitchell Dr.
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201620033
Status: Excess
Directions: Building 34081, 34082, 34083, 34058
Comments: public access denied and no alternative method to gain access without

compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Within airport runway clear zone Secured Area

Building 2005, Traffic chk hse
8011 Zistel Street
Columbus OH 43217
Landholding Agency: Air Force
Property Number: 18201630003
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Facility 34071
Wright Patterson AFB
Green County OH 45433
Landholding Agency: Air Force
Property Number: 18201640028
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security; located within an airport runway.
Reasons: Within airport runway clear zone Secured Area

Facility 34065
Wright Patterson Air Force Base
WPAFB OH 45433
Landholding Agency: Air Force
Property Number: 18201640029
Status: Excess
Comments: public access denied & no alternative method to gain access without compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Within airport runway clear zone Secured Area

Oklahoma

2 Buildings
Altus AFB—AGGN
Altus OK 73523
Landholding Agency: Air Force
Property Number: 18201620029
Status: Unutilized
Directions: Facility 312 & 329
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

RS Kerr Lake
HC61
Sallisaw OK 74955
Landholding Agency: Army
Property Number: 21201040042
Status: Underutilized
Reasons: Extensive deterioration

Fort Sill, (4 Bldgs.)
Fort Sill
Lawton OK
Landholding Agency: Army
Property Number: 21201110027
Status: Unutilized
Directions: Bldgs.: 00208, M4902, M4903, 06204
Reasons: Extensive deterioration

14 Bldgs.
Fort Sill
Lawton OK 73501
Landholding Agency: Army
Property Number: 21201130056
Status: Unutilized
Directions: 00214, 00216, 01445, 01447, 01448, 01468, 02524, 02594, 02809, 6472, 6473, 6474, M1453, M4905
Reasons: Extensive deterioration Contamination

6 Buildings
Fort Sill
Ft. Sill OK 73503
Landholding Agency: Army
Property Number: 21201440054
Status: Unutilized
Directions: 6280; 6281; 6283; 6292; 6295; 6293
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

Building 472
1 C Tree Road
McAlester OK 74501
Landholding Agency: Army
Property Number: 21201630026
Status: Unutilized
Directions: RPUID:345391
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Oregon

Pennsylvania

Building 112
Horsham Air Guard Station
Horsham PA 19044
Landholding Agency: Air Force
Property Number: 18201640011
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 891
Carlisle Barracks
Cumberland PA 17013
Landholding Agency: Army
Property Number: 21201020023
Status: Excess
Reasons: Secured Area

2 Buildings
Tobyhanna Army Deport
Tobyhanna PA 18466
Landholding Agency: Army
Property Number: 21201420027
Status: Underutilized
Directions: 0511A; 0511B
Comments: public access denied & no alternative method to gain access w/out compromising National Security.
Reasons: Secured Area

Letterkenny Army Depot
Bldg. 2365; 1465; 1456
Intersection of Georgia Avenue
Chambersburg PA 17201
Landholding Agency: Army
Property Number: 21201510001
Status: Unutilized
Directions: 2365; 1465; 1456
Comments: public Access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

9 Buildings
Defense Distribution Susquehanna, PA
New Cumberland PA 17070
Landholding Agency: Army
Property Number: 21201520010
Status: Underutilized
Directions: Building 0090; 00901; 00902; 00904; 02021; 02023; 02024; 02025; 02027
Comments: public access denied and no alternative method to gain access without compromising national security; Property located within an airport runway clear zone or military airfield.
Reasons: Within airport runway clear zone Secured Area

Building 1008
11 Hap Arnold Blvd.
Tobyhanna PA 18466
Landholding Agency: Army
Property Number: 21201530047
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

S2705 & S2706
Letterkenny Army Depot
Letterkenny Army Depo PA 17201
Landholding Agency: Army
Property Number: 21201540031
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Puerto Rico

Building 10
Road 165
Toa Baja PR 00953
Landholding Agency: Air Force
Property Number: 18201620041
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 10
Punta Salinas Radar Site
Toa Baja PR
Landholding Agency: Air Force
Property Number: 18201630001
Status: Unutilized
Comments: public access denied and no alternative to gain access without compromising national security.
Reasons: Secured Area

Building 00215
Ft. Allen Trng. Center
Juan Diaz PR 00795
Landholding Agency: Army
Property Number: 21201530004
Status: Unutilized
Comments: doc. deficiencies; documentation provided represents a dear threat to personal phys. safety. Public access denied and no alternative method to gain access w/out compromising Nat. Sec.
Reasons: Extensive deterioration

29 Buildings
Victory Road; USAG FORT BUCHANAN, RQ327
Fort Buchanan PR 00934
Landholding Agency: Army
Property Number: 21201540013
Status: Excess
Directions: 01029; 01030; 01031; 01032; 01033; 01034; 01035; 01036; 01037; 01038;

01039; 01040; 01041; 01042; 01043; 01044; 01046; 01047; 01048; 01049; 01050; 01051; 01052; 01054; 01055; 01056; 01057; 01058; 01061
Comments: public access denied and no alternative method to gain access without compromising national? security.
Reasons: Secured Area

Building 00215
Fort Allen Training Center
Rd. #1
Juan Diaz PR 00795
Landholding Agency: Army
Property Number: 21201540049
Status: Unutilized
Comments: documented deficiencies: condemned due to a fault in the structural integrity; foundation instability and deterioration the walls and ceilings have fallen.
Reasons: Extensive deterioration

3 Buildings
Camp Santiago Trng Center
(RQ577)
Salinas PR 00751
Landholding Agency: Army
Property Number: 21201540050
Status: Unutilized
Directions: 00415–RPUID: 951222; 00416; 00414
Comments: documented deficiencies: condemned; due to structural integrity walls and foundation are cracked.
Reasons: Extensive deterioration

6 Buildings
USAG Fort Buchanan, RQ327
Fort Buchanan PR
Landholding Agency: Army
Property Number: 21201610023
Status: Excess
Directions: Buildings 01053; 01059; 01063; 01065; 01067; 01069
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

USAG Ft. Buchanan, RQ327
Building 00067
00067 Miles Loop
Fort Buchanan PR 00934
Landholding Agency: Army
Property Number: 21201710012
Status: Unutilized
Directions: RPUID:613532
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Rhode Island

Bldgs. 0A65V, 340, 382
Camp Fogarty Training Site
Kent RI 02818
Landholding Agency: Army
Property Number: 21201040022
Status: Excess
Reasons: Secured Area

Building 000P2
570 Read Schoolhouse Rd.
NG Coventry RI 02816
Landholding Agency: Army
Property Number: 21201440049
Status: Excess
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

Building OSKRG
Camp Fogarty
East Greenwich RI 02818
Landholding Agency: Army
Property Number: 21201440052
Status: Unutilized
Comments: documented deficiencies: structural damage; several large holes; severely rotten foundation; extreme rodent infestation; clear threat to physical safety.
Reasons: Extensive deterioration

Samoa

Bldg. 00644
Tree Top U.S. Army Reserve Ctr
Pago AQ
Landholding Agency: Army
Property Number: 21201040039
Status: Unutilized
Reasons: Secured Area Extensive deterioration

South Carolina

2 Buildings
Shaw AFB
Shaw AFB SC
Landholding Agency: Air Force
Property Number: 18201640003
Status: Underutilized
Directions: 98; 1047
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

114
Shaw AFB
Shaw AFB SC
Landholding Agency: Air Force
Property Number: 18201640020
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1407
Shaw Air Force Base
Shaw SC
Landholding Agency: Air Force
Property Number: 18201640022
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1408
Shaw Air Force Base
Shaw SC
Landholding Agency: Air Force
Property Number: 18201640024
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1409
Shaw Air Force Base
Shaw SC
Landholding Agency: Air Force
Property Number: 18201640025
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1413
Shaw Air Force Base
Shaw SC
Landholding Agency: Air Force
Property Number: 18201640026
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

399
Shaw Air Force Base
Shaw SC
Landholding Agency: Air Force
Property Number: 18201640027
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Jackson
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201410012
Status: Unutilized
Directions: 1708, 10802, P8670, Q8381, Q8384
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

P8663
Fort Jackson
Ft. Jackson SC 29207
Landholding Agency: Army
Property Number: 21201410029
Status: Unutilized
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

27 Buildings
Fort Jackson
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201430025
Status: Unutilized
Directions: 1444, 1530, 1531, 1532, 1539, 1540, 1541, 1542, 2139, 2260, 2275, 2285, 2462, 2464, 2522, 2785, 3058, 3210, 3270, 3280, 4325, 4354, 4376, 4400, 4407, 11559, E4830
Comments: public access denied & no alternative without compromising National Security.
Reasons: Secured Area

FT. Jackson Bldg. 4325 & 4376
Jackson Blvd.
Ft. Jackson SC 29207
Landholding Agency: Army
Property Number: 21201510033
Status: Unutilized
Directions: 4325; 4376
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

Ft. Jackson Bldg. 2570
2570 Warehouse Rd.
Ft. Jackson SC 29207
Landholding Agency: Army
Property Number: 21201510034
Status: Unutilized
Directions: 2570

Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

3 Buildings
Fort Jackson
Ft. Jackson SC 29207
Landholding Agency: Army
Property Number: 21201510035
Status: Unutilized
Directions: Bldg. 2571; 2572; 2567
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

6 Buildings
Fort Jackson
Ft. Jackson SC 29207
Landholding Agency: Army
Property Number: 21201510036
Status: Unutilized
Directions: Bldg. 2580; 2590; 3500; 3510; 3511; 3521
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

20 Buildings
Fort Jackson
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201530051
Status: Unutilized
Directions: Building: 1920; 2253; 2495; 2500; 2510; 2512; 2520; 2522; 2524; 2530; 2545; 2533; 2558; 2562; 2563; 2567; 2570; 2571; 2572; 2580
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

20 Buildings
Fort Jackson
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201530052
Status: Unutilized
Directions: Buildings: 2590; 3220; 3290; 3295; 3500; 3510; 3511; 3521; 4205; 4210; 4215; 4225; 4230; 4235; 4325; 4376; 4470; 4475; 5578; 5579
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

4 Buildings
Fort Jackson
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201530054
Status: Unutilized
Directions: Building's: 9451; 9452; 9453; 9455
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

5 Buildings
Fort Jackson
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201530083
Status: Unutilized
Directions: 10612, 10614, 10624, 10625, 10628
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 5715
5715 Imboden Street
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201620025
Status: Unutilized
Directions: RPUID:308163
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
2545 ESSAYONS WAY
Fort Jackson SC 29207
Landholding Agency: Army
Property Number: 21201620027
Status: Unutilized
Directions: 2557: RPUID:308587; 2545: RPUID:310534; 2539: RPUID:310640; 12625: RPUID:604053; 2584: RPUID:180421; 2561: RPUID:310641; 4475: RPUID:307769; 2548: RPUID:308585;
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5713(RPUID: 308428)
Imoden St.
Ft. Jackson SC 29207
Landholding Agency: Army
Property Number: 21201620037
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Holston Army Ammo Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201030020
Status: Unutilized
Directions: 6, 8A, 24A, 25A, 40A, 101, 118, 143, 154
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

9 Bldgs.
Holston Army Ammo Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201030021
Status: Unutilized
Directions: 249, 252, 253, 254, 255, 256, 302B, 315, 331
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Tennessee

8 Bldgs.
Holston Army Ammo Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201030022
Status: Unutilized
Directions: 404, 405, 406, 407, 411, 414, 423, 427
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

9 Bldgs.
Holston Army Ammo Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201030023
Status: Unutilized
Directions: A–0, B–11, C–3A, F–3, G–1A, M–8, N–10A, O–5, D–6A
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

11 Bldgs.
Holston Army Ammo Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201030024
Status: Unutilized
Directions: YM–1, YM–2, YM–3, YM–4, YM–5, YM–6, YM–7, YM–8, YM–9, YM–10, YM–11
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

2 Buildings
Holston Army Amo Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201310037
Status: Unutilized
Directions: 328, 328A
Comments: located w/in secured area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

Building 50139
2280 Hwy 104 W. Suite 2
(Milan Army Ammunition Plant)
Milan TN 38358
Landholding Agency: Army
Property Number: 21201330012
Status: Unutilized
Directions: 50139
Comments: public access denied & no alternative method to gain access w/out compromising nat. security.
Reasons: Secured Area

J0139
Milan AAP
Milan TN 38358
Landholding Agency: Army
Property Number: 21201330073
Status: Unutilized
Comments: restricted area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

4 Buildings
Milan AAP
Milan TN 38358
Landholding Agency: Army
Property Number: 21201340035
Status: Excess
Directions: I0205; I0206; I0207; T0114
Comments: public access denied & no alternative method to gain access without compromising National Security.
Reasons: Secured Area

0302B
Holston Army Ammunition Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201410005
Status: Unutilized
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

A0018
Holston Army Ammunition Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201410031
Status: Underutilized
Comments: property is adjacent to a building that processes explosive materials as part of an acid manufacturing plant.
Reasons: Within 2000 ft. of flammable or explosive material

Building 348
Holston Army Ammunition Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201420025
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising National Security.
Reasons: Secured Area

Building 127
Holston Army Ammunition Plant
Kingsport TN 37660
Landholding Agency: Army
Property Number: 21201520031
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

2 Buildings
Milan APP
Milan TN 38358
Landholding Agency: Army
Property Number: 21201530098
Status: Excess
Directions: S0021; S0022
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Campbell
Ft. Campbell TN 42223
Landholding Agency: Army
Property Number: 21201640014
Status: Unutilized
Directions: 00712–610380; 03710–587231; A7156–617910; 00176–567327; 00711–606990
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Left Bank Recreation
(Access) Area
Old Hickory Lock & Dam Project
Old Hickory TN 37138
Landholding Agency: COE
Property Number: 31201710002
Status: Unutilized
Comments: documented deficiencies: extensive flooding damage; clear threat to physical safety; located within a floodway that has not been corrected or contained.
Reasons: Floodway Extensive deterioration

Texas

Laughlin Air Force,
2.66 acres of improved land
78843 Mitchell Blvd.
Del Rio TX 78843
Landholding Agency: Air Force
Property Number: 18201640001
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldg. 25
Brownwood
Brown TX 76801
Landholding Agency: Army
Property Number: 21201020033
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 00046
Ft. Bliss
El Paso TX
Landholding Agency: Army
Property Number: 21201120056
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1674
42nd & Old Ironsides
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201140065
Status: Excess
Reasons: Secured Area Contamination

5 Buildings
Ft. Wolters
Ft. Wolters TX 76067
Landholding Agency: Army
Property Number: 21201410004
Status: Excess
Directions: 1178, 1179, 1180, 1201, 1213?
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

4 Buildings
Fort Hood
Ft. Hood TX 76544
Landholding Agency: Army
Property Number: 21201440061
Status: Unutilized
Directions: 36019, 36027, 36028, 36043
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 01249
1249 Irwin Rd.
Fort Bliss TX 79916
Landholding Agency: Army
Property Number: 21201520044
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9111; RPUID: 180441
Hell on Wheels Avenue
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201540026
Status: Excess
Comments: documented deficiencies: property has holes in the structure that most likely will result in collapse if removed off-site; clear threat to physical safety.
Reasons: Extensive deterioration

16 Buildings
Fort Bliss
El Paso TX 79916
Landholding Agency: Army
Property Number: 21201540051
Status: Unutilized
Directions: 03682; 03693; 05041; 05043; 05044; 05045; 07013; 07021; 09495; 09683; 11269; 11519; 11520; 11626; 11660; 11682
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610016
Status: Excess
Directions: Building 4222 RPUID:312106; 56007 RPUID:172572
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

7 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610018
Status: Unutilized
Directions: 56448:956596; 56449:956597; 56171:312159; 8314:180917; 8400:180742; 9426:180261; 4261:312300
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Fort Hood
Fort Hood TX 76544
Landholding Agency: Army
Property Number: 21201610047
Status: Excess
Directions: 2033 RPUID:171493; 56616 RPUID:171884
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Red River Army Depot
Texarkana TX 75507
Landholding Agency: Army
Property Number: 21201630006
Status: Excess
Directions: 00909; 01027; 568
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Saginaw
Saginaw TX 76131
Landholding Agency: Army
Property Number: 21201630035
Status: Unutilized
Directions: 0006 (569487); 00016 (555193); 00029 (556778); 00030 (556779)
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

00031 (RPUID:556780)
Saginaw
Saginaw TX 76131
Landholding Agency: Army
Property Number: 21201630046
Status: Unutilized

Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

687 (RPUID: 368471)
Red River Army Depot
Texarkana TX 75507
Landholding Agency: Army
Property Number: 21201630047
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

6 Buildings
Red River Army depot
Texarkana TX 75507
Landholding Agency: Army
Property Number: 21201630052
Status: Excess
Directions: 1124 (218493); 1123 (218492); 396 (221605); 2369 (368512); 1176 (222650); 1158 (368416)
Comments: documented deficiencies: properties suffer from extensive roof damage; significant water damage due to roof leaks; structural integrity compromised; clear threat to physical safety.
Reasons: Extensive deterioration

Building 11107
Biggs Army Airfield Flight line
Fort Bliss TX 79916
Landholding Agency: Army
Property Number: 21201640012
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Utah

16 Bldgs.
Green River Test Complex
Green River UT 84525
Landholding Agency: Army
Property Number: 21201210043
Status: Unutilized
Directions: 50101, 50102, 50106, 50108, 50109, 50130, 50131, 50133, 50210, 50253, 50291, 50308, 50331, 50400
Comments: nat'l security concerns; no public access and no alternative method to gain access.
Reasons: Secured Area

14 Bldgs.
Green River Test Complex
Green River UT 84525
Landholding Agency: Army
Property Number: 21201210044
Status: Unutilized
Directions: 50001, 50002, 50003, 50006, 50019, 50020, 50022, 50024, 50027, 50029, 50031, 50032, 50040, 50043
Comments: nat'l security concerns; no public access and no alternative method to gain access.
Reasons: Secured Area

2 Bldgs.
Green River Test Complex
Green River UT 84525
Landholding Agency: Army
Property Number: 21201210096
Status: Unutilized
Directions: 50105, 50207
Comments: nat'l security concerns; no public access and no alternative method to gain access.
Reasons: Secured Area

Building Z2206 & Z2212
115500 Stark Rd.
Stockton UT 84071
Landholding Agency: Army
Property Number: 21201330027
Status: Unutilized
Comments: secured facility access denied to general public & no alter. method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

16 Buildings
DUGWAY PROVING GROUND
DUGWAY PROVING GROUND UT 84022
Landholding Agency: Army
Property Number: 21201540036
Status: Underutilized
Directions: 00001–RPUID:570563; 00003–RPUID:588352; 00005–RPUID:588352; 00007–RPUID:611072; 00011–RPUID:614435; 00020–RPUID: 611287; 00021–RPUID:614434; 00022–RPUID:570464; 00023–RPUID:599972; 00024–RPUID:575282; 00025–RPUID:586999; 00027–RPUID:570566; 00029–RPUID:587000; 00031–618225; 33–RPUID:599973; 37–RPUID:587002
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

20 Buildings
DUGWAY PROVING GROUND
DUGWAY PROVING GROUND UT 84022
Landholding Agency: Army
Property Number: 21201540037
Status: Underutilized
Directions: 00154–598832; 00156–595717; 00158–574114; 00162–603757; 00163–574115; 00164–585779; 00167–595718; 00171–586937; 00173–607725; 00175–574117; 00177–603576; 00180–575781; 00181–575670; 00183–574119; 00185–598833; 00186–595719; 00187–609946; 00197–609948; 00198–579166; 00201–600412
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

20 Buildings
DUGWAY PROVING GROUND
DUGWAY PROVING GROUND UT 84022
Landholding Agency: Army
Property Number: 21201540038
Status: Underutilized
Directions: 00205–609949; 00209–602438; 00256–583679; 00303–600093; 00306–616070; 00313–590335; 00321–587745; 00325–583680; 00329–573173; 00351–579174; 00361–600095; 5236–581055; 05362–579151; 05363–576303; 05367–573490; 05375–575942; 05381–578690; 05382–583591; 05383–599699; 05390–604657
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

14 Buildings
DUGWAY PROVING GROUND
DUGWAY PROVING GROUND UT 84022
Landholding Agency: Army
Property Number: 21201540039
Status: Underutilized
Directions: 00069–RPUID:599975; 00093–RPUID:618228; 00152–RPUID:621801; 00103–RPUID:587003; 00107–RPUID:611292; 00113–RPUID:605404; 00118–RPUID:590378; 00119–RPUID:606737; 00123–RPUID:577667; 00125–RPUID:577668; 00127–RPUID:607723; 00129–RPUID:574112; 00131–RPUID:577669; 00140–RPUID:606738
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Vermont

2 Buildings
Ethan Allen AFB
Colchester VT 05446
Landholding Agency: Army
Property Number: 21201640009
Status: Underutilized
Directions: 02415 (370592); 02425 (370594)?
Comments: documented deficiencies: holes in roof; cracks in walls; mostly likely to collapse; unsound foundation; clear threat to physical safety.
Reasons: Extensive deterioration

Virginia

Storage, Rocket Checkout
& Assembly Bldg. 1077
589 Worley Road
JBLE-Langley VA 23665
Landholding Agency: Air Force
Property Number: 18201620037
Status: Underutilized
Directions: RPUID:466439
Comments: public access denied and no alternative method to gain access without compromising national security; property located within floodway which has not been correct or contained.
Reasons: Floodway Secured Area

663 Darcy Pl
JBLE (Ft. Eustis)
Ft. Eustis VA
Landholding Agency: Air Force
Property Number: 18201640038
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Bldgs. 1106, 1109, 1110
Fort Belvoir
Fairfax VA 22060
Landholding Agency: Army
Property Number: 21201010037
Status: Unutilized
Reasons: Extensive deterioration

4 Bldgs.
Radford Army Ammo Plant
Montgomery VA 24013
Landholding Agency: Army
Property Number: 21201010038
Status: Unutilized
Directions: US042, US044, US45B, 51565
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

8 Bldgs.
Hampton Readiness Center
Hampton VA 23666

Landholding Agency: Army
Property Number: 21201020026
Status: Unutilized
Directions: 8, 9, 10, 12, 13, 14, 15, 23
Reasons: Extensive deterioration

4 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030030
Status: Unutilized
Directions: 1002, 1003, 1026, 1045
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

16 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030032
Status: Unutilized
Directions: 1666A, 1666B, 1668A, 1671A, 1671B, 1672A, 1672B, 1674, 1674A, 1674B, 1675, 1675A, 1675B, 1676, 1676A, 1676B
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

12 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030033
Status: Unutilized
Directions: 1751, 1754, 1762, 1765, 2002, 2003, 2007, 2026, 2047, 2048, 2049, 2050A
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

10 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030034
Status: Unutilized
Directions: 3621, 3652, 3655, 3658, 3675, 3675B, 3675C, 3678A, 3678B, 3678C
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

6 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030035
Status: Unutilized
Directions: 4703, 9101A, 9101B, 9102A, 9102B, 9103B
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

9 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030036
Status: Unutilized
Directions: 49102, 49103, 49126, 71022, 71032, 72215, 91248, 91253, 91254
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

18 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030038
Status: Unutilized
Directions: 98206, 98209, 98216, 98217, 98218, 98224, 98226, 98227, 98231, 98232, 98242, 98244, 98280, 98289, 98291, 98294, 98297, 98298
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

8 Bldgs.
Radford AAP
Montgomery VA 24143
Landholding Agency: Army
Property Number: 21201030039
Status: Unutilized
Directions: 98303, 98304, 98307, 98327, 98332, 98347, 98348, 98364
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 1132, 1133, 1134
Fort Belvoir
Fairfax VA 22060
Landholding Agency: Army
Property Number: 21201040033
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Radford AAP
Radford VA 24143
Landholding Agency: Army
Property Number: 21201040036
Status: Unutilized
Directions: 1000, 1010, 2000, 2010, 22116, USO43
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

1618B
Radford Army Ammo Plant
Rte. 114, P.O. Box 2
Radford VA
Landholding Agency: Army
Property Number: 21201110007
Status: Unutilized
Reasons: Secured Area

Bldg. 1618B
Rte. 114, P.O. Box 2
Radford Army Ammo Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201120063
Status: Unutilized
Reasons: Not accessible by road Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 1621
Rte., P.O. Box 2
Radford Army Ammo Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201120064
Status: Unutilized
Reasons: Contamination Not accessible by road Secured Area

Bldg. 98241
Rte., 114, P.O. Box 2
Radford Army Ammunition Plant
Radford VA
Landholding Agency: Army
Property Number: 21201120065
Status: Unutilized
Reasons: Not accessible by road Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 00731
null
Radford VA
Landholding Agency: Army
Property Number: 21201130009
Status: Excess
Reasons: Extensive deterioration Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 0731A
Rte. 114 P.O. Box 2
Radford VA
Landholding Agency: Army
Property Number: 21201130011
Status: Excess
Reasons: Extensive deterioration Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 07352
null
Radford VA 24143
Landholding Agency: Army
Property Number: 21201130012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Extensive Deterioration Secured Area

Bldgs. 00736 & 0736A
null
Radford VA 24143
Landholding Agency: Army
Property Number: 21201130013
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Extensive Deterioration Secured Area

4 Bldgs.
8000 Jefferson Davis Hwy
Defense Supply Center
Richmond VA 23297
Landholding Agency: Army
Property Number: 21201140063
Status: Unutilized
Directions: 00091, 00006, 00007, 00010
Reasons: Secured Area

Bldg. 00104
8000 Jefferson Davis Hwy
Richmond VA 23297
Landholding Agency: Army
Property Number: 21201140069
Status: Unutilized
Reasons: Secured Area

12 Bldgs.
Ft. Pickett Trng Ctr
Blackstone VA 23824
Landholding Agency: Army
Property Number: 21201210051
Status: Excess
Directions: T2823, T2826, T2828, T2829, T2838, T2860, T2861, T2856, T2862, T2863, T2864, T2865
Comments: nat'l security concerns; no public access and no alternative method to gain access.
Reasons: Secured Area

16 Bldgs.
Ft. Pickett Trng Ctr
Blackstone VA 23824
Landholding Agency: Army
Property Number: 21201220038
Status: Excess
Directions: T2814, T2815, T2816, T2817, T2823, T2826, T2827, T2828, T2829, T2838, T2841, T2856, T2860, T2861, T2863, T2862
Comments: Nat'l security concerns; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

12 Bldgs.
Ft. Pickett Trng Ctr
Blackstone VA 23824
Landholding Agency: Army

Property Number: 21201220042
Status: Excess
Directions: A1811, AT306, AT307, R0013, R0014, R0021, R0026, R0027, R0040, R0055, R0063, R0064
Comments: Nat'l security concerns; public access denied and no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

2 Buildings
114 P.O. Box 2
Radford VA 24143
Landholding Agency: Army
Property Number: 21201230047
Status: Unutilized
Directions: 2045, 2046
Comments: restricted area; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

26 Building
null
Radford VA 24143
Landholding Agency: Army
Property Number: 21201320007
Status: Unutilized
Directions: 1506A, 1506B, 1609, 1609A, 1609B, 1609C, 1616, 1616A, 1616B, 1616C, 2500, 2501, 2506, 2508, 2510, 2512, 2515, 2516, 2518, 2555, 2555A, 2560A, 2558, 2560, 3740, 9379
Comments: w/in restricted area, public assess denied & no alter. method w/out compromising Nat'l sec.
Reasons: Secured Area

2 Buildings
Fort Pickett Training Center
Plackstone VA 23824
Landholding Agency: Army
Property Number: 21201330054
Status: Unutilized
Directions: T1710, T2606
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

T1810
Fort Pickett Training Center
Blackstone VA 23824
Landholding Agency: Army
Property Number: 21201340022
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201410018
Status: Underutilized
Directions: 726, 730
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

2 Buildings
Radford Army Ammunition Plant
Rte. 114, P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201420029
Status: Underutilized
Directions: 726; 730
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

726 and 730
Radford Army Ammunition Plant
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201430002
Status: Underutilized
Directions: 726; 730
Comments: public access denied and no alternative without compromising national security.
Reasons: Secured Area

5 Buildings
Fort Pickett Training Center
Blackstone VA 23824
Landholding Agency: Army
Property Number: 21201440006
Status: Unutilized
Directions: T2362; T2363; T2364; T2411; T2603
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

6 Buildings
Fort Belvoir
Ft. Belvoir VA 22060
Landholding Agency: Army
Property Number: 21201440017
Status: Excess
Directions: 1151; 1906; 1141; 1186; 1194; 1195
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

Building 00215
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201510045
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

16 Buildings
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201520019
Status: Unutilized
Directions: Buildings 71063, 7106–02A, 71062, 49103B, 49103A, 49102B, 2560B, 2521, 2518B, 2518A, 2517B, 2517A, 2515A, 7106–03A, 71064, 7106–04A
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

16 Buildings
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201520020
Status: Unutilized
Directions: Buildings 71091, 71092A, 71101, 71101A, 7115, 7136, 2511, 2516A, 2516B, 2521, 2521A, 2554, 71102A, 71092, 71102, 71122
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Defense Supply Center
Richmond VA 25297
Landholding Agency: Army
Property Number: 21201530006
Status: Unutilized
Directions: 19 (RPWD: 268718); 20 (RPWD: 268698); 53 (RPWD: 238700)
Comments: public access denied and no alternative method to gain access without compromising National Security.
Reasons: Secured Area

Building 06202
Fort Lee; 19th Street
Ft. Lee VA 23801
Landholding Agency: Army
Property Number: 21201530100
Status: Unutilized
Comments: documented deficiencies: structural issues due to flooding; clear threat to personal safety.
Reasons: Extensive deterioration

06217
Fort Lee
Ft. Lee VA 23801
Landholding Agency: Army
Property Number: 21201540029
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

1555A
Radford Army Ammunition
Plant; Rte. 114 P.O. Box 2
Radford VA 24143
Landholding Agency: Army
Property Number: 21201540042
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national? security.
Reasons: Secured Area

5 Buildings
Sandston Armory
Sandston VA 23150
Landholding Agency: Army
Property Number: 21201610065
Status: Unutilized
Directions: Building T4504; T3704; T4500; T3702; T3700
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630007
Status: Unutilized
Directions: Buildings 4429B, 04429, 4429A, 04404, 04402, 47109, 47104, 4434A, 04434
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army

Property Number: 21201630008
Status: Unutilized
Directions: Building 49091, 9091A, 04906, 04721, 71010, 9092C, 9092B, 9092A, 9091C, 9091B
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630009
Status: Unutilized
Directions: Buildings 71062, 09481, 71064, 71101, 09354, 93613, 93622, 71063
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

8 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630010
Status: Unutilized
Directions: Building 9093C, 9094A, 9094C, 9104A, 06304, 49515, 1252B, 9093A
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630011
Status: Unutilized
Directions: Building 3101B, 3101A, 3093B, 3093A, 3349A, 93349, 9324B, 9324A, 3349B
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630012
Status: Unutilized
Directions: Buildings 93093, 07809, 6304B, 6304A, 07127, 07115, 07155, 07158, 72211
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630013
Status: Unutilized
Directions: Buildings 1729A, 01729, 1726C, 1726B, 1726A, 01726, 1730A, 01730, 1729C, 1729B
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

10 Buildings
Rte. 114 P.O. Box 2
Radford VA 21143–0002
Landholding Agency: Army
Property Number: 21201630014
Status: Unutilized
Directions: Buildings 1725C, 1725B, 1725A, 01666, 1659B, 1659A, 1658B, 1658A, 1650B, 1650A
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

9 Buildings
Rte. 114 P.O. Box 2
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630017
Status: Unutilized
Directions: Buildings 1604B, 1604A, 1604C, 22415, 224–6, 01650, 1600B, 1600C 1600A
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

16 Buildings
Radford Army Ammunition
Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201630036
Status: Unutilized
Directions: 01801; 1801A; 1801B; 1801C; 3509A; 02567; 01994; 03741; 03738; 03716; 03744; 04333; 4329E; 4329B; 4329A; 3741A
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

4 Buildings
Radford Army Ammunition Plant
Radford VA 24143–0002
Landholding Agency: Army
Property Number: 21201630043
Status: Unutilized
Directions: Building 43391, 33929, 33930, 9094B
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201630044
Status: Unutilized
Directions: 3349D; 3349C; 93614
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

17 Buildings
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201630045
Status: Unutilized
Directions: 04329; 03751; 22413; 33911; 03509; 03559; 09324; 9093B; 1730C; 1730B; 08028; 08026; 08013; 19803; 72214; 3349F; 3349E
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

03714
Radford Army Ammunition Plant
Radford VA 24143
Landholding Agency: Army
Property Number: 21201630050
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

St. Helena Annex
NSA Norfolk Naval Shipyard
Off S. Main St. S. of Interstate 464
Norfolk VA
Landholding Agency: Navy
Property Number: 77201710009
Status: Excess
Directions: Includes 12 acres of land
Comments: property located within floodway which has not been correct or contained; structurally deficient due to ground subsidence.
Reasons: Extensive deterioration Floodway

Washington

2135
Fairchild AFB–10 S. Twinning Ave.
Fairchild AFB WA 99011
Landholding Agency: Air Force
Property Number: 18201710009
Status: Unutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

15 Bldgs.
Fort Lewis
Pierce WA 98433
Landholding Agency: Army
Property Number: 21201030041
Status: Unutilized
Directions: 3417, 3418, 3423, 3424, 3427, 3428, 3429, 3430, 3433, 3434, 3435, 3436, 3439, 3442, 3444
Reasons: Extensive deterioration Secured Area

Bldgs. 00852 and 00853
Yakima Trng. Ctr.
Yakima WA 98901
Landholding Agency: Army
Property Number: 21201140001
Status: Unutilized
Reasons: Extensive deterioration

8995
American Lake Ave.
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201230021
Status: Unutilized
Comments: secured military cantonment area; public access denied & no alternative method to gain access w/out comprising Nat'l security.
Reasons: Secured Area

3 Buildings
joint Base Lewis-McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201310043
Status: Underutilized
Directions: 1158, 3151, 8066
Comments: secured military cantonment area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

10 Buildings

Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201310066
Status: Underutilized
Directions: 03154, 03156, 03157, 03158, 03160, 03161, 03163, 03164, 03165, 03167
Comments: secured military cantonment area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

5 Buildings
Division Dr.
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201320024
Status: Underutilized
Directions: 03131; 03135, 03139, 03317, 03320
Comments: secured military cantonment area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

3 Buildings
Libbey Ave.
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201320025
Status: Underutilized
Directions: 03316, 03322, 03330
Comments: secured military cantonment area; public access denied & no alternative method to gain access w/out compromising Nat'l security.
Reasons: Secured Area

23 Buildings
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201440047
Status: Underutilized
Directions: 07517; 07514; 07507; 07500; 03422; 03421; 03420; 03419; 03416; 03415; 03414; 03413; 03412; 03324; 03287; 03286; 03279; 03278; 03277; 03214;03212; 03213; 03080
Comments: public access denied and no alternative method to gain access w/out compromising national security.
Reasons: Secured Area

6 Buildings
Sloane St.
Joint Base Lewis McChord WA 03933
Landholding Agency: Army
Property Number: 21201510021
Status: Underutilized
Directions: 004ED; D0110; 14109; 09643; 03932; 03933
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

Joint Base Lewis McChord
Bldg. #08277
8277 Shoreline Beach Rd.
Pierce WA 98433
Landholding Agency: Army
Property Number: 21201510024
Status: Underutilized
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area Within airport runway clear zone

Yakima Training Ctr. Bldg. 223
223 Firing Center Road
Yakima WA 98901
Landholding Agency: Army
Property Number: 21201510029
Status: Underutilized
Comments: public access denied & no alternative method to gain access w/out compromising Nat'l Sec.
Reasons: Secured Area

Building 223
Joint Base Lewis McChord
JBLM WA 98433
Landholding Agency: Army
Property Number: 21201510043
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building #09623
9623 Rainier Drive
Joint Base Lewis- McChord WA 98433
Landholding Agency: Army
Property Number: 21201610019
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building #06071
6071 N 16th Street
Joint Base Lewis- McChord WA 98433
Landholding Agency: Army
Property Number: 21201610021
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security; located within an airport runway clear zone or military airfield.
Reasons: Secured Area

Building 02541
Firing Center Road
Yakima Training Center WA 98901
Landholding Agency: Army
Property Number: 21201610022
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Building 06071
6071 N 16th Street
Joint Base Lewis- McChord WA 98433
Landholding Agency: Army
Property Number: 21201610064
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security; property located within an airport runway clear zone or military airfield.
Reasons: Secured Area

Wyoming

3 Buildings
FE Warren AFB WY
FE Warren AFB WY 82005
Landholding Agency: Air Force
Property Number: 18201630009
Status: Unutilized
Directions: GHZG S–1, GHXX P–1, GHZT T–1
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

UNSUITABLE PROPERTIES

LAND

Alabama

5 Buildings
Ft. McClellan
Alexandria AL 36250
Landholding Agency: Army
Property Number: 21201620017
Status: Unutilized
Directions: R8434: RPUID:299453; R8437: RPUID:303405; C1395: RPUID:175953; C1312: RPUID:299704; C1320: RPUID:176206
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Connecticut

1.06 acres of Land
Naval Submarine Base New London
Groton CT 06349
Landholding Agency: Navy
Property Number: 77201710010
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Maryland

4 Concrete Pads
Aberdeen Proving Ground
Aberdeen MD 21005
Landholding Agency: Army
Property Number: 21201540056
Status: Unutilized
Directions: E3176–981045; E5335–981052; E5628–996138; E7226–981063
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Land 1
Brownwood
Brown TX 76801
Landholding Agency: Army
Property Number: 21201020034
Status: Unutilized
Reasons: Contamination

Utah

B–50000
Green River Test Complex
Green River UT 84525
Landholding Agency: Army
Property Number: 21201210047
Status: Unutilized
Comments: Nat'l security concerns; no public access and no alternative method to gain access.
Reasons: Secured Area

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Part III

National Labor Relations Board

29 CFR Part 102

Procedural Rules and Regulations; Final Rule

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules and Regulations

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The National Labor Relations Board amends its procedural Rules and Regulations to: Reflect modern technology, such as E-Filing, and eliminate references to telegraphs, carbon copies, and the requirements for hard copy submissions and multiple copies; use more plain language and eliminate legalistic terms such as ''therefrom,'' ''thereupon,'' ''therein,'' ''herein,'' and ''said;'' reorganize the Rules and add headings so that the subject matter is easier to find; incorporate current practices that had not been included in the published Rules, such as the Board's Alternative Dispute Resolution Program; and update and streamline procedural provisions of the FOIA regulations. The amendments also clarify the means by which documents are filed and service is made by the parties and the Board. They also promote the parties' use of E-Filing, which will facilitate sharing documents with the public. These revisions are procedural rather than substantive.

DATES: This rule will be effective on March 6, 2017.

FOR FURTHER INFORMATION CONTACT: Gary Shinners, Executive Secretary, National Labor Relations Board, 1015 Half Street SE., Washington, DC 20570, (202) 273–3737 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

Background on the Rulemaking

The changes are summarized below and grouped as follows: I. Global Changes; II. Definitions, Filing, and Service; III. Unfair Labor Practice Cases; IV. FOIA; and V. Other Sections.

I. Global Changes

Throughout the Rules the Board has eliminated requirements for filing multiple copies and references to antiquated technology, such as carbon paper, stenographic copies, and telegraphic communications. The Rules have also been revised to use plain language and eliminate terms such as ''therefrom.'' Time periods have been changed to multiples of 7, the use of gender specific pronouns has been minimized, and the term ''shall'' was replaced with ''must,'' ''will,'' or ''may'' as appropriate. The revisions also ensure that terms, such as E-Filing, and capitalization of titles, such as ''Regional Director'' and ''Administrative Law Judge,'' are consistent throughout the Rules. Changes were also made to ensure consistency in terminology by, for example, using only the term ''paragraph'' instead of using ''subsection'' interchangeably with ''paragraph.'' Where feasible, headings were added to facilitate finding particular rules.

II. Definitions, Filing, and Service

The filing and service requirements found in §§ 102.111 through 102.114 were moved to the beginning of part 102 so that these provisions, which apply to all parties and many different types of documents, are easily found in one location at the beginning of the Rules and not buried throughout the Rules. This change and others are discussed below in numerical sequence (based on where the material is located in the revised version).

A. Sections 102.1 Through 102.7

The changes convert subpart A to a definitions section and subpart B to a section that covers the service and filing of documents. The revisions renumber the definitions currently in §§ 102.1 through 102.8 as § 102.1(a) through (h). The service and filing provisions currently in §§ 102.111 through 102.114 are moved to §§ 102.2 through 102.5 to give them a higher profile position closer to the beginning of the Rules so that users who are not familiar with the Rules may find them more easily. Sections 102.6 and 102.7 are new and address notice to the Board of supplemental authority and signatures on E-Filed documents.

Section 102.2 (Formerly § 102.111), *Time requirements for filing with the Agency,* was reorganized and given headings. It first addresses filings, then extensions of time, and then late-filed documents. Other revisions are set forth below.

(a) *Time computation.* This paragraph was clarified with regard to the time for filing a responsive document. Specifically, it now provides that ''the designated period begins to run on the date the preceding document was required to be received by the Agency, even if the preceding document was filed prior to that date.'' This language was originally in § 102.112, which dealt with the date of service and the date of filing, but was moved here where it more logically fits. The last phrase was added to clarify what happens when a document is filed early.

(b) *Timeliness of filings.* This paragraph was updated to include E-Filing and specifies that E-Filed documents must be received on the due date by 11:59 p.m. of the receiving office's time zone. The Board deleted from this paragraph the language about extensions of time and placed that in a separate paragraph (c) below. This paragraph was also modified so that it directs the public to the Agency's Web site instead of appendix A for information on the official business hours of the Agency's offices, which will ensure that the public is provided with the most current information.

(c) *Extension of time to file.* This paragraph specifies that, except as otherwise provided in the Rules, a request for an extension of time to file a document must be filed no later than the date on which the document is due and that requests filed within 3 days of the due date must be grounded upon circumstances not reasonably foreseeable in advance. This paragraph was clarified to require that such requests be in writing and served simultaneously on the other parties. Language was added to encourage parties to seek agreement from the other parties for the extension, and to indicate the other parties' position in the extension of time request. Language was also added to require any party intending to file an opposition to the request to do so as soon as possible following receipt of the request.

(d) *Late-filed documents.* This paragraph codifies what has been permitted in practice.

Section 102.3 (Formerly § 102.112). *Date of service.* This section was revised to include a reference to email and was made more concise and reorganized for clarity.

Section 102.4 (Formerly § 102.113). *Methods of service of process and papers by the Agency; proof of service.* This section was revised to exclude service by telegraph and to provide that the Agency may serve documents by facsimile or email. General language authorizing email service was added to give the Agency flexibility to use this method where email service has been agreed to by the recipient. This section also adds authorization for service of subpoenas by private delivery service.

Section 102.5 (Formerly § 102.114). *Filing and service of papers by parties: Form of papers; manner and proof of filing or service.* Former § 102.114 articulated the requirements for service and filings by parties and the General Counsel, when acting as a party. This section was reordered to better match the chronology of events (for example, filings appear before service). Topic

headings were added for each paragraph to aid in navigating this section.

Paragraph (a) consolidates § 102.114(d) and other paragraphs that specified the form of filing (such as § 102.46(j)). The revisions change the font requirements from 12 points per inch to 12 point type with no more than 10.5 characters per inch, and add more detail to the spacing requirements. Multiple references to the requirement that briefs longer than 20 pages must contain a subject index and a table of cases are consolidated here.

Paragraph (b) specifies the means by which parties may file requests to exceed the page limits for documents. Previously this provision was located in a number of places.

Paragraph (c) is new and addresses E-Filing with the Agency. It provides that charges, petitions in representation proceedings, and showings of interest may be filed in paper format or by E-Filing, and that all other documents must be E-Filed unless the party filing also files an accompanying statement explaining why the party does not have access to the means for filing electronically or why filing electronically would impose an undue burden.

Paragraph (d) consolidates the oft-repeated requirement in the Rules that documents are to be filed with the Board in Washington, DC. For uniformity, it also specifies filing locations for the Regions and the Administrative Law Judges.

Paragraphs (e) and (f) continue the general limitation on filing documents via fax to encourage E-Filing instead.

Paragraph (e) limits the documents that may be filed via fax to unfair labor practice charges, petitions in representation cases, objections to elections, and requests for extension of time for filing documents with the Agency.

Paragraph (h) adds elements such as fax number and email address to the statement of service requirement. This paragraph was revised to eliminate language that restricted the types of documents that could be E-Filed, and permits E-Filing of charges, petitions in representation cases, and showings of interest.

Section 102.6 *Notice to the Administrative Law Judge or Board of Supplemental Authority.* This section is new and provides that authorities that come to a party's attention after the party's submission to the Administrative Law Judge or the Board has been filed may be brought to the Judge's or the Board's attention by the party promptly filing a letter with the Judge or the Board and simultaneously serving all other parties. The language of the section is based on *Reliant Energy,* 339 NLRB 66 (2003). The language specifies deadlines for responses.

Section 102.7 *Signature on documents E-Filed with the Agency.* This section is new and clarifies that E-filed documents may contain an electronic signature of the filer, which will have the same legal effect, validity, and enforceability as if signed manually.

III. Unfair Labor Practice Cases

The changes include: (a) In §§ 102.11 and 102.12, eliminating the requirement to submit an original copy of a charge filed by facsimile and making minor language changes to the contents of the charge; (b) in § 102.14 revising language regarding service of charges; (c) in § 102.19, eliminating the requirement that a Charging Party serve notice of appeal; (d) in § 102.24, adding language about replies and further responses to an opposition to a motion; (e) in the subpoena section (now § 102.32), including electronic data as well as the more traditional books and records; (f) in § 102.37, adding language about the unavailability of a judge; (g) in § 102.45, adding language about the Alternative Dispute Resolution (ADR) Program; and (h) in § 102.53, deleting the requirement that a Charging Party serve notice of appeal of a compliance determination and adding language specifically permitting the filing of an opposition to a compliance appeal. Those revisions are described more fully below.

A. Sections 102.11 and 102.12

Section 102.11 *Signature; sworn or declaration* was revised to eliminate the requirement to file an ''original'' and to provide an ''original'' for the Agency's records if filed by facsimile. This requirement had been added when the Rules first permitted filing by facsimile. The requirement to submit an original sometimes resulted in the mailed original being docketed as a new charge because someone did not realize it was a hard copy of a charge that had already been filed by facsimile. Because filings by facsimile have not been problematic, the language has been eliminated.

Section 102.12 *Contents* was revised to describe the person against whom the charge is filed as the ''Charged Party'' instead of the ''Respondent,'' as is the Agency's custom until a complaint issues. It was also revised to state that the charge should contain a ''brief statement of the conduct'' constituting the alleged unfair labor practices rather than a ''clear and concise statement of the facts.'' In practice, the Agency does not require or expect a factual recitation. A statement has been added providing that attachments to charges are not permitted.

B. Section 102.14 Service of Charge

(a) Charging Party's obligation to serve; methods of service. This paragraph was modified to add that the Charging Party may serve the charge on the Charged Party (Respondent) by email with the permission of the recipient and to remove the requirement that the permission of the recipient be obtained before serving the charge via facsimile transmission. The Rules retain the requirement that permission be obtained for service by email in case a party does not frequently check email.

(b) Service as courtesy by Region. This paragraph, which currently provides that the Regional Director will serve the charge by regular mail or facsimile transmission, was revised to reflect that charges may also be served in person, via private delivery service, by email, by any manner provided for in Rules 4 or 5 of the Federal Rules of Civil Procedure, or in any other agreed-upon manner. This change will permit service by more expedient means.

(c) Date of service of charge. In connection with the addition of email service (see paragraph (a) above), this provision was amended to show that, in the case of delivery by email, the date of service is the date the email is sent.

C. Section 102.19 Appeal to the General Counsel From Refusal To Issue or Reissue

This section was revised to eliminate the requirement that the Charging Party serve a copy of the appeal on all parties. This requirement was deemed unnecessary because the Office of Appeals routinely sends an acknowledgement letter notifying all parties of the appeal. Further, the existing rule specifically provides that the failure to serve a copy of the appeal does not invalidate the appeal. This requirement also sometimes led to confusion as to whether a party had to serve the appeal form on the other parties or had to serve the document explaining why the appeal should be granted, which might discuss specific affidavit evidence provided during the investigation.

D. Section 102.24 Motions; Where To File; Contents; Service on Other Parties; Promptness in Filing and Response; Default Judgment Procedures; Summary Judgment Procedures

A new paragraph was added addressing replies to an opposition to a motion and further responsive documents.

This section codifies the rule established by the Board in *D.L. Baker, Inc.,* 330 NLRB 521, fn. 4 (2000).

E. Section 102.31 Issuance of Subpoenas; Petitions To Revoke Subpoenas; Rulings on Claim of Privilege Against Self-Incrimination; Subpoena Enforcement Proceedings; Right To Inspect or Copy Data

Paragraph (a) of this section was revised to clarify that subpoenas can require production of ''electronic data'' as well as books, records, correspondence, and documents. Paragraph (b) was revised to reflect the current practice of allowing parties to file oppositions to petitions to revoke subpoenas and replies to oppositions, as well as the practice of allowing the party aggrieved by an adverse ruling to make the ruling and other filings part of the official record during a formal proceeding (rather than at the investigative stage of the proceeding). Paragraph (b) was also revised to reflect that petitions to revoke subpoenas filed in response to a subpoena issued upon request of the Contempt, Compliance, and Special Litigation Branch must be filed with that Branch, which shall refer the petition to the Board for ruling.

F. Section 102.36 Disqualification and Unavailability of Administrative Law Judges

This section was amended to add a paragraph (b) regarding the unavailability of Administrative Law Judges. This provision was previously in the Rules, but did not have a separate lettered paragraph.

G. Section 102.45 Administrative Law Judge's Decision; Contents of Record; Alternative Dispute Resolution Program

New paragraphs (c)(1) through (10) cover the Alternative Dispute Resolution (ADR) Program. The ADR Program provides for a neutral to assist in resolving unfair labor practice cases pending before the Board. Although the ADR pilot program was launched in December 2005 and was converted to permanent status in March 2009, it had not previously been incorporated in the Rules. Incorporating this provision in the Rules will help ensure that the public will be more fully aware of the ADR Program.

H. Section 102.53 Appeal of Compliance Determination to the General Counsel; General Counsel's Action; Request for Review by the Board; Board Action; Opposition to Appeal or Request for Review

Paragraph (a) of this section was revised to delete the requirement that the Charging Party serve a copy of the appeal on all other parties inasmuch as the Office of Appeals notifies all parties of the appeal.

A new paragraph (e) was added specifically to permit the filing of an opposition to the compliance appeal.

IV. FOIA

The revisions update and streamline procedural provisions of the FOIA regulations (§ 102.117). They are intended to make the regulations consistent with the restructuring of the Agency's Headquarters offices and centralization of the FOIA processing. *See* 78 FR 44981–82 (July 23, 2013). In addition, the changes make the FOIA regulations more readable and requester-friendly, including additional headings and subheadings, in accordance with the recommendations of the Office of Government Information Service (OGIS), the agency charged by Congress to review the regulations and policies of federal administrative agencies to improve compliance with the FOIA. They also reflect procedural changes mandated by the OPEN Government Act of 2007, Public Law 110–175, including, for example, the Agency's designation of a FOIA Officer, Chief FOIA Officer, and Public Liaison. Finally, they conform the Agency's regulations to the recently-enacted FOIA Improvement Act of 2016, Public Law 114–185 (June 30, 2016).

The changes explain that the FOIA Branch will handle all FOIA requests for Agency records, with the exception of Office of Inspector General records, which are handled by the Office of Inspector General. They also explain that all appeals for Agency documents will be decided by the Chief FOIA Officer, who is the Associate General Counsel for the Division of Legal Counsel.

The changes also set forth the various methods for submitting requests, and in particular, state that the Agency's preferred method of submission is through its Web site. Regarding requests for documents maintained by the Office of the Inspector General (OIG), the changes state that such requests should be submitted to the FOIA Branch, which will then forward such requests to the OIG for processing. This permits requesters to make requests for Inspector General documents through the Agency's Web site. Nonetheless, the revised Rules maintain the option for requesters to make requests directly to the Office of the Inspector General (by mail).

Some of the specific changes include:

- Section 102.117(a)(1) deletes a sentence stating the Agency's policy that discretionary disclosures may be made when there is no foreseeable harm to an interest protected by a FOIA exemption, as the FOIA Improvement Act now requires disclosure when there is no such foreseeable harm;
- Section 102.117(c)(1)(ii) updates the most significant procedural change, that all FOIA requests should be made to the FOIA Branch in Washington, DC, with electronic submissions being the preferred method for making requests, including requests to the Office of the Inspector General;
- Section 102.117(a)(2)(i)–(iii) is new and identifies the Agency's FOIA officials;
- Section 102.117(a)(3) is new and explains the authority of each of the FOIA officials to respond to requests and administrative appeals;
- Section 102.117(a)(4) deletes the list of records made available, as the FOIA itself provides what records are to be made available;
- Section 102.117(b)(2) was modified to specify that the Division of Legal Counsel will certify General Counsel records and that the Executive Secretary will continue to certify Board records;
- Section 102.117(c)(2)(v) was modified to provide 90 days, rather than 28 days, for a requester to file an administrative appeal of an adverse determination, as required by the FOIA Improvement Act;
- Section 102.117(c)(2)(vi) was modified to clarify that the Agency will provide requesters an opportunity to limit their requests so that the request may be processed within the statutory time periods.
- Several paragraphs have been modified to add that requesters will be notified of their right to seek assistance from the Agency's FOIA Public Liaison or the Office of Government Information Services, as required by the FOIA Improvement Act.

V. Other Sections

A. Section 102.96 Issuance of Complaint Promptly

This section was reworded to use plain language to make it more easily understandable.

B. Section 102.122 Subpart N—Reserved

This section dealt with Enforcement of Rights, Privileges, and Immunities Granted or Guaranteed Under Section 222(f), Communications Act of 1934 to Employees of Merged Telegraph Carriers. The section has been deleted because the original Section 222(f) to which this section refers was repealed, and the subpart and Section number have been reserved for future use.

C. Section 102.136 Establishment and Use of Advisory Committees

This section was revised to delete the reference to Office of Management and Budget Circular A–63 (rev. March 27, 1975) and Advisory Committee Management Guidance, 39 FR 12389–12391, because they are obsolete. Currently, each federal agency that sponsors advisory committees must adhere to the requirements established by the Federal Advisory Committee Act (FACA) as well as regulations promulgated by the U.S. General Services Administration's (GSA) Committee Management Secretariat. GSA has had the responsibility for overseeing the FACA since 1977. OMB Circular A–63 from 1975 and the Advisory Committee Management Guidance, 39 FR 12389–12391 were superseded by a 2001 Federal Advisory Committee Act (FACA) Final Rule. Accordingly, the references to the OMB Circular and Advisory Committee Management Guidance were deleted and replaced by a more generic reference to ''applicable rules and regulations.''

Appendix A—NLRB Official Office Hours (Local Times)

Appendix A was deleted because this information is already on the Agency's Web site, and would have to be modified frequently to keep it current. Section 102.2(b) directs the public to our Web site for this information.

Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Agency has determined that these rule amendments will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

These rule amendments will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This action is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. These amendments will not result in an annual effect on the economy of $100,000,000 or more or a major increase in costs or prices, nor will these amendments have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction

The amended regulations contain no additional information-collection or record-keeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

Public Participation

This rule is published as a final rule. The National Labor Relations Board considers this rule to be a procedural rule which is exempt from notice and public comment, pursuant to 5 U.S.C. 553(b)(3)(A), as a rule of ''agency organization, procedure, or practice.'' If you wish to contact the Agency, please do so at the above listed address. However, before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Labor management relations.

Gary Shinners,

Executive Secretary.

For the reasons stated in the preamble, the National Labor Relations Board amends 29 CFR part 102 as follows:

PART 102—RULES AND REGULATIONS, SERIES 8

■ 1. The authority citation for part 102 continues to read as follows:

Authority: Sections 1, 6, National Labor Relations Act (29 U.S.C. 151, 156). Section 102.117 also issued under section 552(a)(4)(A) of the Freedom of Information Act, as amended (5 U.S.C. 552(a)(4)(A)), and Section 102.117a also issued under section 552a(j) and (k) of the Privacy Act of 1974 (5 U.S.C. 552a(j) and (k)). Sections 102.143 through 102.155 also issued under section 504(c)(1) of the Equal Access to Justice Act, as amended (5 U.S.C. 504(c)(1)).

■ 2. Revise subparts A and B to read as follows:

Subpart A—Definitions

§ 102.1 Terms defined in Section 2 of the Act.

(a) *Definition of terms.* The terms *person, employer, employee, representative, labor organization, commerce, affecting commerce,* and *unfair labor practice* as used herein have the meanings set forth in Section 2 of the National Labor Relations Act, as amended by title I of the Labor Management Relations Act, 1947.

(b) *Act, Board, and Board agent.* The term *Act* means the National Labor Relations Act, as amended. The term *Board* means the National Labor Relations Board and must include any group of three or more Members designated pursuant to Section 3(b) of the Act. The term *Board agent* means any Member, agent, or agency of the Board, including its General Counsel.

(c) *General Counsel.* The term *General Counsel* means the General Counsel under Section 3(d) of the Act.

(d) *Region and Subregion.* The term *Region* means that part of the United States or any territory thereof fixed by the Board as a particular Region. The term *Subregion* means that area within a Region fixed by the Board as a particular *Subregion.*

(e) *Regional Director, Officer-in-Charge, and Regional Attorney.* The term *Regional Director* means the agent designated by the Board as the Regional Director for a particular Region, and also includes any agent designated by the Board as Officer-in-Charge of a Subregional office, but the Officer-in-Charge must have only such powers, duties, and functions appertaining to Regional Directors as have been duly delegated to such Officer-in-Charge. The term *Regional Attorney* means the attorney designated as Regional Attorney for a particular Region.

(f) *Administrative Law Judge and Hearing Officer.* The term *Administrative Law Judge* means the agent of the Board conducting the hearing in an unfair labor practice proceeding. The term *Hearing Officer* means the agent of the Board conducting the hearing in a proceeding under Section 9 or in a dispute proceeding under Section 10(k) of the Act.

(g) *State.* The term *State* includes the District of Columbia and all States, territories, and possessions of the United States.

(h) *Party.* The term *party* means the Regional Director in whose Region the proceeding is pending and any person named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any Board

proceeding, including, without limitation, any person filing a charge or petition under the Act, any person named as Respondent, as employer, or as party to a contract in any proceeding under the Act, and any labor organization alleged to be dominated, assisted, or supported in violation of Section 8(a)(1) or 8(a)(2) of the Act; but nothing herein should be construed to prevent the Board or its designated agent from limiting any party to participate in the proceedings to the extent of the party's interest only.

Subpart B—Service and Filings

Sec.

102.2 Time requirements for filings with the Agency.
102.3 Date of service.
102.4 Methods of service of process and papers by the Agency; proof of service.
102.5 Filing and service of papers by parties: Form of papers; manner and proof of filing or service.
102.6 Notice to the Administrative Law Judge or Board of supplemental authority.
102.7 Signature on documents E-Filed with the Agency.
102.8 [Reserved]

§ 102.2 Time requirements for filings with the Agency.

(a) *Time computation.* In computing any period of time prescribed or allowed by these Rules, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the next Agency business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays are be excluded in the computation. Except as otherwise provided, in computing the period of time for filing a responsive document, the designated period begins to run on the date the preceding document was required to be received by the Agency, even if the preceding document was filed prior to that date.

(b) *Timeliness of filings.* If there is a time limit for the filing of a motion, brief, exception, request for extension of time, or other paper in any proceeding, such document must be received by the Board or the officer or agent designated to receive such matter on or before the last day of the time limit for such filing or the last day of any extension of time that may have been granted. Non E-Filed documents must be received before the official closing time of the receiving office (see *www.nlrb.gov* setting forth the official business hours of the Agency's several offices). E-Filed documents must be received by 11:59 p.m. of the time zone of the receiving office. In construing this section of the Rules, the Board will accept as timely filed any document which is postmarked on the day before (or earlier than) the due date; documents which are postmarked on or after the due date are untimely. ''Postmarking'' must include timely depositing the document with a delivery service that will provide a record showing that the document was given to the delivery service in sufficient time for delivery by the due date, but in no event later than the day before the due date. However, the following documents must be received on or before the last day for filing:

(1) Charges filed pursuant to Section 10(b) of the Act (see also § 102.14).

(2) Applications for awards and fees and other expenses under the Equal Access to Justice Act.

(3) Petitions to revoke subpoenas.

(4) Requests for extensions of time to file any document for which such an extension may be granted.

(c) *Extension of time to file.* Except as otherwise provided, a request for an extension of time to file a document must be filed no later than the date on which the document is due. Requests for extensions of time filed within 3 days of the due date must be grounded upon circumstances not reasonably foreseeable in advance. Requests for extension of time must be in writing and must be served simultaneously on the other parties. Parties are encouraged to seek agreement from the other parties for the extension, and to indicate the other parties' position in the extension of time request. An opposition to a request for an extension of time should be filed as soon as possible following receipt of the request.

(d) *Late-filed documents.* (1) The following documents may be filed within a reasonable time after the time prescribed by these Rules only upon good cause shown based on excusable neglect and when no undue prejudice would result:

(i) In unfair labor practice proceedings, motions, exceptions, answers to a complaint or a backpay specification, and briefs; and

(ii) In representation proceedings, exceptions, requests for review, motions, briefs, and any responses to any of these documents.

(2) A party seeking to file such documents beyond the time prescribed by these Rules must file, along with the document, a motion that states the grounds relied on for requesting permission to file untimely. The specific facts relied on to support the motion must be set forth in affidavit form and sworn to by individuals with personal knowledge of the facts. The time for filing any document responding to the untimely document will not commence until the date a ruling issues accepting the untimely document. In addition, cross-exceptions are due within 14 days, or such further period as the Board may allow, from the date a ruling issues accepting the untimely filed documents.

§ 102.3 Date of service.

Where service is made by mail, private delivery service, or email, the date of service is the day when the document served is deposited in the United States mail, is deposited with a private delivery service that will provide a record showing the date the document was tendered to the delivery service, or is sent by email, as the case may be. Where service is made by personal delivery or facsimile, the date of service will be the date on which the document is received.

§ 102.4 Methods of service of process and papers by the Agency; proof of service.

(a) *Method of service for certain Agency-issued documents.* Complaints and compliance specifications (including accompanying notices of hearing, and amendments to either complaints or to compliance specifications), final orders of the Board in unfair labor practice cases and Administrative Law Judges' decisions must be served upon all parties personally, by registered or certified mail, by leaving a copy at the principal office or place of business of the person required to be served, by email as appropriate, or by any other method of service authorized by law.

(b) *Service of subpoenas.* Subpoenas must be served upon the recipient personally, by registered or certified mail, by leaving a copy at the principal office or place of business of the person required to be served, by private delivery service, or by any other method of service authorized by law.

(c) *Service of other Agency-issued documents.* Other documents may be served by the Agency by any of the foregoing methods as well as by regular mail, private delivery service, facsimile, or email.

(d) *Proof of service.* In the case of personal service, or delivery to a principal office or place of business, the verified return by the serving individual, setting forth the manner of such service, is proof of service. In the case of service by registered or certified mail, the return post office receipt is proof of service. However, these methods of proof of service are not

exclusive; any sufficient proof may be relied upon to establish service.

(e) *Service upon representatives of parties.* Whenever these Rules require or permit the service of pleadings or other papers upon a party, a copy must be served on any attorney or other representative of the party who has entered a written appearance in the proceeding on behalf of the party. If a party is represented by more than one attorney or representative, service upon any one of such persons in addition to the party satisfies this requirement. Service by the Board or its agents of any documents upon any such attorney or other representative may be accomplished by any means of service permitted by these Rules, including regular mail.

§ 102.5 Filing and service of papers by parties: Form of papers; manner and proof of filing or service.

(a) *Form of papers to be filed.* All papers filed with the Board, General Counsel, Regional Director, Administrative Law Judge, or Hearing Officer must be typewritten or otherwise legibly duplicated on 8½ by 11-inch plain white paper, and must have margins no less than one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there. Typeface that is single-spaced must not contain more than 10.5 characters per inch, and proportionally-spaced typeface must be 12 point or larger, for both text and footnotes. Condensed text is not permitted. The text must be double-spaced, but headings and footnotes may be single-spaced, and quotations more than two lines long may be indented and single-spaced. Case names must be italicized or underlined. Where any brief filed with the Board exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and other authorities cited.

(b) *Requests to exceed the page limits.* Requests for permission to exceed the page limits for documents filed with the Board must state the reasons for the requests. Unless otherwise specified, such requests must be filed not less than 10 days prior to the date the document is due.

(c) *E-Filing with the Agency.* Unless otherwise permitted under this section, all documents filed in cases before the Agency must be filed electronically (''E-Filed'') on the Agency's Web site (*www.nlrb.gov*) by following the instructions on the Web site. The Agency's Web site also contains certain forms that parties or other persons may use to prepare their documents for E-Filing. If the document being E-Filed is required to be served on another party to a proceeding, the other party must be served by email, if possible, or in accordance with paragraph (g) of this section. Unfair labor practice charges, petitions in representation proceedings, and showings of interest may be filed in paper format or E-Filed. A party who files other documents in paper format must accompany the filing with a statement explaining why the party does not have access to the means for filing electronically or why filing electronically would impose an undue burden. Notwithstanding any other provision in these Rules, if a document is filed electronically the filer need not also file a hard copy of the document, and only one copy of a document filed in hard copy should be filed. Documents may not be filed with the Agency via email without the prior approval of the receiving office.

(d) *Filing with the Agency by Mail or Delivery.* Documents to be filed with the Board are to be filed with the Office of the Executive Secretary in Washington, DC. Documents to be filed with the Regional Offices are to be filed with the Regional Office handling the case. Documents to be filed with the Division of Judges are to be filed with the Division office handling the matter.

(e) *Filing by fax with the Agency.* Only unfair labor practice charges, petitions in representation proceedings, objections to elections, and requests for extensions of time for filing documents will be accepted by the Agency if faxed to the appropriate office. Other documents may not be faxed. At the discretion of the receiving office, the person submitting a document by fax may be required simultaneously to file the original with the office by overnight delivery service. When filing a charge, a petition in a representation proceeding, or election objections by fax pursuant to this section, receipt of the faxed document by the Agency constitutes filing with the Agency. A failure to timely file or serve a document will not be excused on the basis of a claim that facsimile transmission could not be accomplished because the receiving machine was off-line or busy or unavailable for any other reason.

(f) *Service.* Unless otherwise specified, documents filed with the Agency must be simultaneously served on the other parties to the case including, as appropriate, the Regional Office in charge of the case. Service of documents by a party on other parties may be made personally, or by registered mail, certified mail, regular mail, email (unless otherwise provided for by these Rules), private delivery service, or by fax for documents of or under 25 pages in length. Service of documents by a party on other parties by any other means, including by fax for documents over 25 pages in length, is permitted only with the consent of the party being served. When a party does not have the ability to receive service by email or fax, or chooses not to accept service of a document longer than 25 pages by fax, the other party must be notified personally or by telephone of the substance of the filed document and a copy of the document must be served by personal service no later than the next day, by overnight delivery service, or by fax or email as appropriate. Unless otherwise specified elsewhere in these Rules, service on all parties must be made in the same manner as that used in filing the document with the Board, or in a more expeditious manner. When filing with the Board is done by hand, however, the other parties must be immediately notified of such action, followed by service of a copy in a manner designed to insure receipt by them by the close of the next business day. The provisions of this section apply to the General Counsel after a complaint has issued, just as they do to any other party, except to the extent that the provisions of § 102.4(a) provide otherwise.

(g) *Proof of service.* When service is made by registered or certified mail, the return post office receipt will be proof of service. When service is made by a private delivery service, the receipt from that service showing delivery will be proof of service. However, these methods of proof of service are not exclusive; any sufficient proof may be relied upon to establish service.

(h) *Statement of service.* The person or party filing a document with the Agency must simultaneously file a statement of service. Such statement must include the names of the parties served, the date and manner of service, and the location of service such as mailing address, fax number, or email address as appropriate. The Agency requires proof of service as defined in paragraph (g) of this section only if, subsequent to the receipt of the statement of service, a question is raised with respect to proper service. Failure to make proof of service does not affect the validity of the service.

(i) *Failure to properly serve.* Failure to comply with the requirements of this section relating to timeliness of service on other parties will be a basis for either:

(1) Rejecting the document; or

(2) Withholding or reconsidering any ruling on the subject matter raised by the document until after service has

been made and the served party has had reasonable opportunity to respond.

§ 102.6 Notice to the Administrative Law Judge or Board of supplemental authority.

Pertinent and significant authorities that come to a party's attention after the party's submission to the Administrative Law Judge or the Board has been filed may be brought to the Judge's or the Board's attention by the party promptly filing a letter with the judge or the Board and simultaneously serving all other parties. The body of the letter may not exceed 350 words. A party may file and serve on all other parties a response that is similarly limited. In unfair labor practice cases, the response must be filed no later than 14 days after service of the letter. In representation cases, the response must be filed no later than 7 days after service of the letter. No extension of time will be granted to file the response.

§ 102.7 Signature on documents E-Filed with the Agency.

Documents filed with the Agency by E-Filing may contain an electronic signature of the filer which will have the same legal effect, validity, and enforceability as if signed manually. The term ''electronic signature'' means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the document.

§ 102.8 [Reserved]

Subpart I—[Removed]

■ 4. Remove subpart I.

Subparts C Through H—[Redesignated Subparts D Through I]

■ 5. Redesignate subparts C through H as subparts D through I.

■ 6. Add new subpart C to read as follows:

Subpart C—Procedure Under Section 10(A) to (I) of the Act for the Prevention of Unfair Labor Practices

Sec.

102.9 Who may file; withdrawal and dismissal.
102.10 Where to file.
102.11 Signature; sworn; declaration.
102.12 Contents.
102.13 [Reserved]
102.14 Service of charge.
102.15 When and by whom issued; contents; service.
102.16 Hearing; change of date or place.
102.17 Amendment.
102.18 Withdrawal.
102.19 Appeal to the General Counsel from refusal to issue or reissue.
102.20 Answer to complaint; time for filing; contents; allegations not denied deemed admitted.
102.21 Where to file; service upon the parties; form.
102.22 Extension of time for filing.
102.23 Amendment.
102.24 Motions; where to file; contents; service on other parties; promptness in filing and response; default judgment procedures; summary judgment procedures.
102.25 Ruling on motions.
102.26 Motions; rulings and orders part of the record; rulings not to be appealed directly to the Board without special permission; requests for special permission to appeal.
102.27 Review of granting of motion to dismiss entire complaint; reopening of the record.
102.28 Filing of answer or other participation in proceedings not a waiver of rights.
102.29 Intervention; requisites; rulings on motions to intervene.
102.30 Depositions; examination of witnesses.
102.31 Issuance of subpoenas; petitions to revoke subpoenas; rulings on claim of privilege against self-incrimination; subpoena enforcement proceedings; right to inspect or copy data.
102.32 Payment of witness fees and mileage; fees of persons taking depositions.
102.33 Transfer of charge and proceeding from Region to Region; consolidation of proceedings in same Region; severance.
102.34 Who will conduct hearing; public unless otherwise ordered.
102.35 Duties and powers of Administrative Law Judges; stipulations of cases to Administrative Law Judges or to the Board; assignment and powers of settlement judges.
102.36 Disqualification and unavailability of Administrative Law Judges.
102.37 [Reserved]
102.38 Rights of parties.
102.39 Rules of evidence controlling so far as practicable.
102.40 Stipulations of fact admissible.
102.41 Objection to conduct of hearing; how made; objections not waived by further participation.
102.42 Filings of briefs and proposed findings with the Administrative Law Judge and oral argument at the hearing.
102.43 Continuance and adjournment.
102.44 [Reserved]
102.45 Administrative Law Judge's decision; contents of record; alternative dispute resolution program.
102.46 Exceptions and brief in support; answering briefs to exceptions; cross-exceptions and brief in support; answering briefs to cross-exceptions; reply briefs; failure to except; oral argument; filing requirements.
102.47 Filing of motion after transfer of case to Board.
102.48 No exceptions filed; exceptions filed; motions for reconsideration, rehearing, or reopening the record.
102.49 Modification or setting aside of Board order before record filed in court; action thereafter.
102.50 Hearings before the Board or a Board Member.
102.51 Settlement or adjustment of issues.
102.52 Compliance with Board order; notification of compliance determination.
102.53 Appeal of compliance determination to the General Counsel; General Counsel's action; request for review by the Board; Board action; opposition to appeal or request for review.
102.54 Issuance of compliance specification; consolidation of complaint and compliance specification.
102.55 Contents of compliance specification.
102.56 Answer to compliance specification.
102.57 Extension of date of hearing.
102.58 Withdrawal of compliance specification.
102.59 Hearing and posthearing procedures.

Subpart C—Procedure Under Section 10(A) to (I) of the Act for the Prevention of Unfair Labor Practices

§ 102.9 Who may file; withdrawal and dismissal.

Any person may file a charge alleging that any person has engaged in or is engaging in any unfair labor practice affecting commerce. The charge may be withdrawn, prior to the hearing, only with the consent of the Regional Director with whom such charge was filed; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the Administrative Law Judge designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 102.45, upon motion, with the consent of the Board. Upon withdrawal of any charge, any complaint based thereon will be dismissed by the Regional Director issuing the complaint, the Administrative Law Judge designated to conduct the hearing, or the Board.

§ 102.10 Where to file.

Except as provided in § 102.33, a charge must be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of those Regions.

§ 102.11 Signature; sworn; declaration.

Charges must be in writing and signed, and either must be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments or must contain a declaration by the person signing it,

under the penalty of perjury that its contents are true and correct (see 28 U.S.C. 1746).

§ 102.12 Contents.

(a) A charge must contain the following:

(1) The full name and address of the person making the charge.

(2) If the charge is filed by a labor organization, the full name and address of any national or international labor organization of which it is an affiliate or constituent unit.

(3) The full name and address of the person against whom the charge is made (referred to as the Charged Party).

(4) A brief statement of the conduct constituting the alleged unfair labor practices affecting commerce.

(b) Attachments to charges are not permitted.

§ 102.13 [Reserved]

§ 102.14 Service of charge.

(a) *Charging Party's obligation to serve; methods of service.* Upon the filing of a charge, the Charging Party is responsible for the timely and proper service of a copy upon the person against whom such charge is made. Service may be made personally, or by registered mail, certified mail, regular mail, private delivery service, or facsimile. With the permission of the person receiving the charge, service may be made by email or by any other agreed-upon method.

(b) *Service as courtesy by Regional Director.* The Regional Director will, as a matter of courtesy, serve a copy of the charge on the charged party in person, or send it to the charged party by regular mail, private delivery service, email or facsimile transmission, in any manner provided for in Rules 4 or 5 of the Federal Rules of Civil Procedure, or in any other agreed-upon method. The Region will not be responsible for such service.

(c) *Date of service of charge.* In the case of service of a charge by mail or private delivery service, the date of service is the date of deposit with the post office or other carrier. In the case of delivery by email, the date of service is the date the email is sent. In the case of service by other methods, including hand delivery or facsimile transmission, the date of service is the date of receipt.

§ 102.15 When and by whom issued; contents; service.

After a charge has been filed, if it appears to the Regional Director that formal proceedings may be instituted, the Director will issue and serve on all parties a formal complaint in the Board's name stating the alleged unfair labor practices and containing a Notice of Hearing before an Administrative Law Judge at a fixed place and at a time not less than 14 days after the service of the complaint. The complaint will contain:

(a) A clear and concise statement of the facts upon which the Board asserts jurisdiction, and

(b) A clear and concise description of the acts which are claimed to constitute unfair labor practices, including, where known, the approximate dates and places of such acts and the names of Respondent's agents or other representatives who committed the acts.

§ 102.16 Hearing; change of date or place.

(a) Upon the Regional Director's own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may extend the hearing date or change the hearing place, except that the Regional Director's authority to extend the hearing date is limited to the following circumstances:

(1) Where all parties agree or no party objects to extension of the hearing date;

(2) Where a new charge or charges have been filed which, if meritorious, might be appropriate for consolidation with the pending complaint;

(3) Where negotiations which could lead to settlement of all or a portion of the complaint are in progress;

(4) Where issues related to the complaint are pending before the General Counsel's Division of Advice or Office of Appeals; or

(5) Where more than 21 days remain before the scheduled hearing date.

(b) In circumstances other than those set forth in paragraph (a) of this section, motions to reschedule the hearing may be filed with the Division of Judges in accordance with § 102.24(a). When a motion to reschedule has been granted, the Regional Director issuing the complaint retains the authority to order a new hearing date and the responsibility to make the necessary arrangements for conducting the hearing, including its location and the transcription of the proceedings.

§ 102.17 Amendment.

A complaint may be amended upon such terms as may be deemed just, prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to § 102.45, upon motion, by the Administrative Law Judge designated to conduct the hearing; and after the case has been transferred to the Board pursuant to § 102.45, at any time prior to the issuance of an order based thereon, upon motion, by the Board.

§ 102.18 Withdrawal.

A complaint may be withdrawn before the hearing by the Regional Director on the Director's own motion.

§ 102.19 Appeal to the General Counsel from refusal to issue or reissue.

(a) If, after the charge has been filed, the Regional Director declines to issue a complaint or, having withdrawn a complaint pursuant to § 102.18, refuses to reissue it, the Director will so advise the parties in writing, accompanied by a simple statement of the procedural or other grounds for that action. The Charging Party may obtain a review of such action by filing the ''Appeal Form'' with the General Counsel in Washington, DC, and filing a copy of the ''Appeal Form'' with the Regional Director, within 14 days from the service of the notice of such refusal to issue or reissue by the Regional Director, except where a shorter period is provided by § 102.81. The Charging Party may also file a statement setting forth the facts and reasons upon which the appeal is based. If such a statement is timely filed, the separate ''Appeal Form'' need not be served. A request for extension of time to file an appeal must be in writing and be received by the General Counsel, and a copy of such request filed with the Regional Director, prior to the expiration of the filing period. Copies of the acknowledgment of the filing of an appeal and of any ruling on a request for an extension of time for filing of the appeal must be served on all parties. Consideration of an appeal untimely filed is within the discretion of the General Counsel upon good cause shown.

(b) Oral presentation in Washington, DC, of the appeal issues may be permitted by a party on written request made within 4 days after service of acknowledgement of the filing of an appeal. In the event such request is granted, the other parties must be notified and afforded, without additional request, a like opportunity at another appropriate time.

(c) The General Counsel may sustain the Regional Director's refusal to issue or reissue a complaint, stating the grounds of the affirmance, or may direct the Regional Director to take further action; the General Counsel's decision must be served on all the parties. A motion for reconsideration of the decision must be filed within 14 days of service of the decision, except as hereinafter provided, and must state with particularity the error requiring reconsideration. A motion for

reconsideration based upon newly discovered evidence which has become available only since the decision on appeal must be filed promptly on discovery of such evidence. Motions for reconsideration of a decision previously reconsidered will not be entertained, except in unusual situations where the moving party can establish that new evidence has been discovered which could not have been discovered by diligent inquiry prior to the first reconsideration.

§ 102.20 Answer to complaint; time for filing; contents; allegations not denied deemed admitted.

The Respondent must, within 14 days from the service of the complaint, file an answer. The Respondent must specifically admit, deny, or explain each of the facts alleged in the complaint, unless the Respondent is without knowledge, in which case the Respondent must so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the Respondent states in the answer that the Respondent is without knowledge, will be deemed to be admitted to be true and will be so found by the Board, unless good cause to the contrary is shown.

§ 102.21 Where to file; service upon the parties; form.

An original and four copies of the answer shall be filed with the Regional Director issuing the complaint. Immediately upon the filing of his answer, respondent shall serve a copy thereof on the other parties. An answer of a party represented by counsel or non-attorney representative shall be signed by at least one such attorney or non-attorney representative of record in his/her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney representative shall sign his/her answer and state his/her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him/her that he/she has read the answer; that to the best of his/her knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the action may proceed as though the answer had not been served. For a willful violation of this section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

§ 102.22 Extension of time for filing.

Upon the Regional Director's own motion or upon proper cause shown by any other party, the Regional Director issuing the complaint may by written order extend the time within which the answer must be filed.

§ 102.23 Amendment.

The Respondent may amend its answer at any time prior to the hearing. During the hearing or subsequently, the Respondent may amend the answer in any case where the complaint has been amended, within such period as may be fixed by the Administrative Law Judge or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Administrative Law Judge or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Administrative Law Judge or the Board.

§ 102.24 Motions; where to file; contents; service on other parties; promptness in filing and response; default judgment procedures; summary judgment procedures.

(a) All motions under §§ 102.22 and 102.29 made prior to the hearing must be filed in writing with the Regional Director issuing the complaint. All motions for default judgment, summary judgment, or dismissal made prior to the hearing must be filed in writing with the Board pursuant to the provisions of § 102.50. All other motions made prior to the hearing, including motions to reschedule the hearing under circumstances other than those set forth in § 102.16(a), must be filed in writing with the Chief Administrative Law Judge in Washington, DC, with the Associate Chief Judge in San Francisco, California, or with the Associate Chief Judge in New York, New York, as the case may be. All motions made at the hearing must be made in writing to the Administrative Law Judge or stated orally on the record. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to § 102.45, must be filed with the Administrative Law Judge, care of the Chief Administrative Law Judge in Washington, DC, the Associate Chief Judge in San Francisco, or the Associate Chief Judge in New York, as the case may be. Motions must briefly state the order or relief applied for and the grounds therefor. All motions filed with a Regional Director or an Administrative Law Judge as set forth in this paragraph (a) must be filed together with an affidavit of service on the parties. All motions filed with the Board, including motions for default judgment, summary judgment, or dismissal, must be filed with the Executive Secretary of the Board in Washington, DC, together with an affidavit of service on the parties. Unless otherwise provided in these Rules, motions, oppositions, and replies must be filed promptly and within such time as not to delay the proceeding.

(b) All motions for summary judgment or dismissal must be filed with the Board no later than 28 days prior to the scheduled hearing. Where no hearing is scheduled, or where the hearing is scheduled less than 28 days after the date for filing an answer to the complaint or compliance specification, whichever is applicable, the motion must be filed promptly. Upon receipt of the motion, the Board may deny the motion or issue a Notice to Show Cause why the motion may not be granted. If a Notice to Show Cause is issued, the hearing, if scheduled, will normally be postponed indefinitely. If a party desires to file an opposition to the motion prior to issuance of the Notice to Show Cause to prevent postponement of the hearing, it may do so. However, any such opposition must be filed no later than 21 days prior to the hearing. If a Notice to Show Cause is issued, an opposing party may file a response notwithstanding any opposition it may have filed prior to issuance of the notice. The time for filing the response must be fixed in the Notice to Show Cause. Neither the opposition nor the response must be supported by affidavits or other documentary evidence showing that there is a genuine issue for hearing. The Board in its discretion may deny the motion where the motion itself fails to establish the absence of a genuine issue, or where the opposing party's pleadings, opposition and/or response indicate on their face that a genuine issue may exist. If the opposing party files no opposition or response, the Board may treat the motion as conceded, and default judgment, summary judgment, or dismissal, if appropriate, will be entered.

(c) A party that has filed a motion may file a reply to an opposition to its motion within 7 days of receipt of the opposition, but in the interest of administrative finality, further responses are not permitted except where there are special circumstances warranting leave to file such a response.

§ 102.25 Ruling on motions.

An Administrative Law Judge designated by the Chief Administrative Law Judge, the Deputy Chief Administrative Law Judge, or an Associate Chief Administrative Law Judge as the case may be, will rule on all prehearing motions (except as provided in §§ 102.16, 102.22, 102.29, and 102.50), and all such rulings and orders will be issued in writing and a copy served on each of the parties. The Administrative Law Judge designated to conduct the hearing will rule on all motions after opening of the hearing (except as provided in § 102.47), and any related orders, if announced at the hearing, will be stated orally on the record; in all other cases, the Administrative Law Judge will issue such rulings and orders in writing and must cause a copy to be served on each of the parties, or will make the ruling in the decision. Whenever the Administrative Law Judge has reserved ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 102.50, the Board must rule on such motion.

§ 102.26 Motions; rulings and orders part of the record; rulings not to be appealed directly to the Board without special permission; requests for special permission to appeal.

All motions, rulings, and orders will become a part of the record, except that rulings on motions to revoke subpoenas will become a part of the record only upon the request of the party aggrieved thereby as provided in § 102.31. Unless expressly authorized by the Rules and Regulations, rulings by the Regional Director or by the Administrative Law Judge on motions and/or by the Administrative Law Judge on objections, and related orders, may not be appealed directly to the Board except by special permission of the Board, but will be considered by the Board in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Board pursuant to § 102.46. Requests to the Board for special permission to appeal from a ruling of the Regional Director or of the Administrative Law Judge, together with the appeal from such ruling, must be filed in writing promptly and within such time as not to delay the proceeding, and must briefly state the reasons special permission may be granted and the grounds relied on for the appeal. The moving party must simultaneously serve a copy of the request for special permission and of the appeal on the other parties and, if the request involves a ruling by an Administrative Law Judge, on the Administrative Law Judge. Any statement in opposition or other response to the request and/or to the appeal must be filed within 7 days of receipt of the appeal, in writing, and must be served simultaneously on the other parties and on the Administrative Law Judge, if any. If the Board grants the request for special permission to appeal, it may proceed immediately to rule on the appeal.

§ 102.27 Review of granting of motion to dismiss entire complaint; reopening of the record.

If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the Administrative Law Judge before the filing of the Judge's decision, any party may obtain a review of such action by filing a request with the Board in Washington, DC, stating the grounds for review, and, immediately on such filing must serve a copy on the Regional Director and on the other parties. Unless such request for review is filed within 28 days from the date of the order of dismissal, the case will be closed.

§ 102.28 Filing of answer or other participation in proceedings not a waiver of rights.

The right to make motions or to make objections to rulings upon motions will not be deemed waived by the filing of an answer or by other participation in the proceedings before the Administrative Law Judge or the Board.

§ 102.29 Intervention; requisites; rulings on motions to intervene.

Any person desiring to intervene in any proceeding must file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion must be filed with the Regional Director issuing the complaint; during the hearing, such motion must be made to the Administrative Law Judge. Immediately upon filing a written motion, the moving party must serve a copy on the other parties. The Regional Director will rule upon all such motions filed prior to the hearing, and will serve a copy of the rulings on the other parties, or may refer the motion to the Administrative Law Judge for ruling. The Administrative Law Judge will rule upon all such motions made at the hearing or referred to the Judge by the Regional Director, in the manner set forth in § 102.25. The Regional Director or the Administrative Law Judge, as the case may be, may, by order, permit intervention in person, or by counsel or other representative, to such extent and upon such terms as may be deemed proper.

§ 102.30 Depositions; examination of witnesses.

Witnesses must be examined orally under oath at a hearing, except that for good cause shown after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions must be in writing and set forth the reasons why the depositions may be taken, the name, mailing address and email address (if available) of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for taking the deposition, together with the name and mailing and email addresses of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the ''officer''). Such application must be made to the Regional Director prior to the hearing, and to the Administrative Law Judge during and subsequent to the hearing but before transfer of the case to the Board pursuant to § 102.45 or § 102.50. Such application must be served on the Regional Director or the Administrative Law Judge, as the case may be, and on all other parties, not less than 7 days (when the deposition is to be taken within the continental United States) and 15 days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or the Administrative Law Judge, as the case may be, will upon receipt of the application, if in the Regional Director's or Administrative Law Judge's discretion, good cause has been shown, make and serve on the parties an order specifying the name of the witness whose deposition is to be taken and the time, place, and designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order will be served on all the other parties by the Regional Director or on all parties by the Administrative Law Judge.

(b) The deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is held, including any Board agent authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) At the time and place specified in the order, the officer designated to take

the deposition will permit the witness to be examined and cross-examined under oath by all the parties appearing, and the witness's testimony will be reduced to type-writing by the officer or under his direction. All objections to questions or evidence will be deemed waived unless made at the examination. The officer will not have power to rule upon any objections but the objections will be noted in the deposition. The testimony must be subscribed by the witness to the satisfaction of the officer who will attach a certificate stating that the witness was duly sworn by the officer, that the deposition is a true record of the testimony and exhibits given by the witness, and that the officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because the witness is ill, dead, cannot be found, or refuses to sign it, such fact will be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer will immediately deliver the transcript, together with the certificate, in person, by registered or certified mail, or by E-File to the Regional Director or Division of Judges' office handling the matter.

(d) The Administrative Law Judge will rule upon the admissibility of the deposition or any part of the deposition.

(e) All errors or irregularities in compliance with the provisions of this section will be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 102.31 Issuance of subpoenas; petitions to revoke subpoenas; rulings on claim of privilege against self-incrimination; subpoena enforcement proceedings; right to inspect or copy data.

(a) The Board or any Board Member will, on the written application of any party, issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, electronic data, or documents, in their possession or under their control. The Executive Secretary has the authority to sign and issue any such subpoenas on behalf of the Board or any Board Member. Applications for subpoenas, if filed before the hearing opens, must be filed with the Regional Director. Applications for subpoenas filed during the hearing must be filed with the Administrative Law Judge. Either the Regional Director or the Administrative Law Judge, as the case may be, will grant the application on behalf of the Board or any Member. Applications for subpoenas may be made *ex parte.* The subpoena must show on its face the name and address of the party at whose request the subpoena was issued.

(b) Any person served with a subpoena, whether *ad testificandum* or *duces tecum,* if that person does not intend to comply with the subpoena, must, within 5 business days after the date of service of the subpoena, petition in writing to revoke the subpoena. The date of service for purposes of computing the time for filing a petition to revoke is the date the subpoena is received. All petitions to revoke subpoenas must be served on the party at whose request the subpoena was issued. A petition to revoke, if made prior to the hearing, must be filed with the Regional Director and the Regional Director will refer the petition to the Administrative Law Judge or the Board for ruling. Petitions to revoke subpoenas filed during the hearing must be filed with the Administrative Law Judge. Petitions to revoke subpoenas filed in response to a subpoena issued upon request of the Agency's Contempt, Compliance, and Special Litigation Branch must be filed with that Branch, which will refer the petition to the Board for ruling. Notice of the filing of petitions to revoke will be promptly given by the Regional Director, the Administrative Law Judge, or the Contempt, Compliance and Special Litigation Branch, as the case may be, to the party at whose request the subpoena was issued. The Administrative Law Judge or the Board, as the case may be, will revoke the subpoena if in their opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid. The Administrative Law Judge or the Board, as the case may be, will make a simple statement of procedural or other grounds for the ruling on the petition to revoke. The petition to revoke any opposition to the petition, response to the opposition, and ruling on the petition will not become part of the official record except upon the request of the party aggrieved by the ruling, at an appropriate time in a formal proceeding rather than at the investigative stage of the proceeding.

(c) Upon refusal of a witness to testify, the Board may, with the approval of the Attorney General of the United States, issue an order requiring any individual to give testimony or provide other information at any proceeding before the Board if, in the judgment of the Board:

(1) The testimony or other information from such individual may be necessary to the public interest; and

(2) Such individual has refused or is likely to refuse to testify or provide other information on the basis of the privilege against self-incrimination. Requests for the issuance of such an order by the Board may be made by any party. Prior to hearing, and after transfer of the proceeding to the Board, such requests must be made to the Board in Washington, DC, and the Board will take such action thereon as it deems appropriate. During the hearing, and thereafter while the proceeding is pending before the Administrative Law Judge, such requests must be made to the Administrative Law Judge. If the Administrative Law Judge denies the request, the ruling will be subject to appeal to the Board, in Washington, DC, in the manner and to the extent provided in § 102.26 with respect to rulings and orders by an Administrative Law Judge, except that requests for permission to appeal in this instance must be filed within 24 hours of the Administrative Law Judge's ruling. If no appeal is sought within such time, or if the appeal is denied, the ruling of the Administrative Law Judge becomes final and the denial becomes the ruling of the Board. If the Administrative Law Judge deems the request appropriate, the Judge will recommend that the Board seek the approval of the Attorney General for the issuance of the order, and the Board will take such action on the Administrative Law Judge's recommendation as it deems appropriate. Until the Board has issued the requested order, no individual who claims the privilege against self-incrimination will be required or permitted to testify or to give other information respecting the subject matter of the claim.

(d) Upon the failure of any person to comply with a subpoena issued upon the request of a private party, the General Counsel will, in the name of the Board but on relation of such private party, institute enforcement proceedings in the appropriate district court, unless in the judgment of the Board the enforcement of the subpoena would be inconsistent with law and with the

policies of the Act. Neither the General Counsel nor the Board will be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

(e) Persons compelled to submit data or evidence at a public proceeding are entitled to retain or, on payment of lawfully prescribed costs, to procure copies or transcripts of the data or evidence submitted by them. Persons compelled to submit data or evidence in the nonpublic investigative stages of proceedings may, for good cause, be limited by the Regional Director to inspection of the official transcript of their testimony, but must be entitled to make copies of documentary evidence or exhibits which they have produced.

§ 102.32 Payment of witness fees and mileage; fees of persons taking depositions.

Witnesses summoned before the Administrative Law Judge must be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the officer taking them are severally entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage will be paid by the party at whose instance the witnesses appear, and the persons taking the deposition will be paid by the party at whose instance the deposition is taken.

§ 102.33 Transfer of charge and proceeding from Region to Region; consolidation of proceedings in same Region; severance.

(a) Whenever the General Counsel deems it necessary to effectuate the purposes of the Act or to avoid unnecessary costs or delay, a charge may be filed with the General Counsel in Washington, DC, or, at any time after a charge has been filed with a Regional Director, the General Counsel may order that such charge and any proceeding regarding the charge be:

(1) Transferred to and continued before the General Counsel for investigation or consolidation with any other proceeding which may have been instituted in a Regional Office or with the General Counsel; or

(2) Consolidated with any other proceeding which may have been instituted in the same region; or

(3) Transferred to and continued in any other Region for the purpose of investigation or consolidation with any proceeding which may have been instituted in or transferred to such other region; or

(4) Severed from any other proceeding with which it may have been consolidated pursuant to this section.

(b) The provisions of §§ 102.9 through 102.32 will, insofar as applicable, govern proceedings before the General Counsel, pursuant to this section, and the powers granted to Regional Directors in such provisions will, for the purpose of this section, be reserved to and exercised by the General Counsel. After the transfer of any charge and any proceeding which may have been instituted with respect thereto from one Region to another pursuant to this section, the provisions of this subpart will, insofar as possible, govern such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.

(c) The Regional Director may, prior to hearing, exercise the powers in paragraphs (a)(2) and (4) of this section with respect to proceedings pending in the Director's Region.

(d) Motions to consolidate or sever proceedings after issuance of complaint must be filed as provided in § 102.24 and ruled upon as provided in § 102.25, except that the Regional Director may consolidate or sever proceedings prior to hearing upon the Director's own motion. Rulings by the Administrative Law Judge upon motions to consolidate or sever may be appealed to the Board as provided in § 102.26.

§ 102.34 Who will conduct hearing; public unless otherwise ordered.

The hearing for the purpose of taking evidence upon a complaint will be conducted by an Administrative Law Judge designated by the Chief Administrative Law Judge, Deputy Chief Administrative Law Judge, or any Associate Chief Judge, as the case may be, unless the Board or any Board Member presides. At any time, an Administrative Law Judge may be designated to take the place of the Administrative Law Judge previously designated to conduct the hearing. Hearings will be public unless otherwise ordered by the Board or the Administrative Law Judge.

§ 102.35 Duties and powers of Administrative Law Judges; stipulations of cases to Administrative Law Judges or to the Board; assignment and powers of settlement judges.

(a) The Administrative Law Judge will inquire fully into the facts as to whether the Respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. The Administrative Law Judge has authority, with respect to cases assigned to the Judge, between the time the Judge is designated and transfer of the case to the Board, subject to the Rules and Regulations of the Board and within its powers, to:

(1) Administer oaths and affirmations.

(2) Grant applications for subpoenas.

(3) Rule upon petitions to revoke subpoenas.

(4) Rule upon offers of proof and receive relevant evidence.

(5) Take or cause depositions to be taken whenever the ends of justice would be served.

(6) Regulate the course of the hearing and, if appropriate or necessary, to exclude persons or counsel from the hearing for contemptuous conduct and to strike all related testimony of witnesses refusing to answer any proper question.

(7) Hold conferences for the settlement or simplification of the issues by consent of the parties, but not to adjust cases.

(8) Dispose of procedural requests, motions, or similar matters, including motions referred to the Administrative Law Judge by the Regional Director and motions for default judgment, summary judgment, or to amend pleadings; also to dismiss complaints or portions thereof; to order hearings reopened; and, upon motion, to order proceedings consolidated or severed prior to issuance of Administrative Law Judge decisions.

(9) Approve stipulations, including stipulations of facts that waive a hearing and provide for a decision by the Administrative Law Judge. Alternatively, the parties may agree to waive a hearing and decision by an Administrative Law Judge and submit directly to the Executive Secretary a stipulation of facts, which, if approved, provides for a decision by the Board. A statement of the issues presented may be set forth in the stipulation of facts, and each party may also submit a short statement (no more than three pages) of its position on the issues. If the Administrative Law Judge (or the Board) approves the stipulation, the Judge (or the Board) will set a time for the filing of briefs. In proceedings before an Administrative Law Judge, no further briefs may be filed except by special leave of the Judge. In proceedings before the Board, answering briefs may be filed within 14 days, or such further period as the Board may allow, from the last date on which an initial brief may be filed. No further briefs may be filed except by special leave of the Board. At the conclusion of the briefing schedule, the Administrative Law Judge (or the Board) will decide the case or otherwise dispose of it.

(10) Make and file decisions, including bench decisions delivered within 72 hours after conclusion of oral

argument, in conformity with Public Law 89–554, 5 U.S.C. 557.

(11) Call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence.

(12) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case and/or supporting theory(ies).

(13) Take any other necessary action authorized by the Board's published Rules and Regulations.

(b) Upon the request of any party or of the Administrative Law Judge assigned to hear a case, or upon the Chief Judge, Deputy Chief Judge, or Associate Chief Judge's own motion, the Chief Judge, Deputy Chief Judge or an Associate Chief Judge may assign a Judge other than the trial judge to conduct settlement negotiations. In exercising this discretion, the Chief Judge, Deputy Chief Judge, or Associate Chief Judge making the assignment will consider, among other factors, whether there is reason to believe that resolution of the dispute is likely, the request for assignment of a settlement judge is made in good faith, and the assignment is otherwise feasible. However, no such assignment will be made absent the agreement of all parties to the use of this procedure.

(1) The settlement judge will convene and preside over conferences and settlement negotiations between the parties, assess the practicalities of a potential settlement, and report to the Chief Judge, Deputy Chief Judge, or Associate Chief Judge the status of settlement negotiations, recommending continuation or termination of the settlement negotiations. Where feasible, settlement conferences will be held in person.

(2) The settlement judge may require that the attorney or other representative for each party be present at settlement conferences and that the parties or agents with full settlement authority also be present or available by telephone.

(3) Participation of the settlement judge will terminate upon the order of the Chief Judge, Deputy Chief Judge, or Associate Chief Judges issued after consultation with the settlement judge. The conduct of settlement negotiations must not unduly delay the hearing.

(4) All discussions between the parties and the settlement judge will be confidential. The settlement judge must not discuss any aspect of the case with the trial judge, and no evidence regarding statements, conduct, offers of settlement, and concessions of the parties made in proceedings before the settlement judge will be admissible in any proceeding before the Board, except by stipulation of the parties. Documents disclosed in the settlement process may not be used in litigation unless voluntarily produced or obtained pursuant to subpoena.

(5) No decision of a Chief Judge, Deputy Chief Judge, or Associate Chief Judge concerning the assignment of a settlement judge or the termination of a settlement judge's assignment is appealable to the Board.

(6) Any settlement reached under the auspices of a settlement judge is subject to approval in accordance with the provisions of § 101.9 of the Board's Statements of Procedure.

§ 102.36 Disqualification and unavailability of Administrative Law Judges.

(a) An Administrative Law Judge may withdraw from a proceeding because of a personal bias or for other disqualifying reasons. Any party may request the Administrative Law Judge, at any time following the Judge's designation and before filing of the Judge's decision, to withdraw on grounds of personal bias or disqualification, by filing with the Judge promptly upon the discovery of the alleged facts a timely affidavit setting forth in detail the matters alleged to constitute grounds for disqualification. If, in the Administrative Law Judge's opinion, the affidavit is filed with due diligence and is sufficient on its face, the Judge will promptly disqualify himself/herself and withdraw from the proceeding. If the Administrative Law Judge does not disqualify himself/herself and withdraw from the proceeding, the Judge must rule upon the record, stating the grounds for that ruling, and proceed with the hearing, or, if the hearing has closed, the Judge will proceed with issuance of the decision, and the provisions of § 102.26, with respect to review of rulings of Administrative Law Judges, will apply.

(b) If the Administrative Law Judge designated to conduct the hearing becomes unavailable to the Board after the hearing has been opened, the Chief Administrative Law Judge, Deputy Chief Administrative Law Judge, or an Associate Chief Administrative Law Judge, as the case may be, may designate another Administrative Law Judge for the purpose of further hearing or other appropriate action.

§ 102.37 [Reserved]

§ 102.38 Rights of parties.

Any party has the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence, except that the Administrative Law Judge may limit the participation of any party as appropriate. Documentary evidence must be submitted in duplicate for the record with a copy to each party.

§ 102.39 Rules of evidence controlling so far as practicable.

The hearing will, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the Act of June 19, 1934 (U.S.C., title 28, Sections 723–B, 723–C).

§ 102.40 Stipulations of fact admissible.

Stipulations of fact may be introduced in evidence with respect to any issue.

§ 102.41 Objection to conduct of hearing; how made; objections not waived by further participation.

Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds of such objection, and included in the record. No such objection will be deemed waived by further participation in the hearing.

§ 102.42 Filings of briefs and proposed findings with the Administrative Law Judge and oral argument at the hearing.

Any party is entitled, upon request, to oral argument, for a reasonable period at the close of the hearing. Oral argument and any presentation of proposed findings and conclusions will be included in the transcript of the hearing. In the discretion of the Administrative Law Judge, any party may, upon request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the Administrative Law Judge, who may fix a reasonable time for such filing, but not in excess of 35 days from the close of the hearing. Requests for further extensions of time must be made to the Chief Administrative Law Judge, Deputy Chief Administrative Law Judge, or an Associate Chief Administrative Law Judge, as the case may be. Notice of the request for any extension must be immediately served on all other parties, and proof of service must be furnished. The brief or proposed findings and conclusions must be served on the other parties, and a statement of such service must be furnished. In any case in which the Administrative Law Judge believes that written briefs or proposed findings of fact and conclusions may not be

necessary, the Judge must notify the parties at the opening of the hearing or as soon thereafter as practicable that the Judge may wish to hear oral argument in lieu of briefs.

§ 102.43 Continuance and adjournment.

In the Administrative Law Judge's discretion, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement at the hearing by the Administrative Law Judge, or by other appropriate notice.

§ 102.44 [Reserved]

§ 102.45 Administrative Law Judge's decision; contents of record; alternative dispute resolution program.

(a) *Administrative Law Judge's decision.* After a hearing for the purpose of taking evidence upon a complaint, the Administrative Law Judge will prepare a decision. The decision will contain findings of fact, conclusions of law, and the reasons or grounds for the findings and conclusions, and recommendations for the proper disposition of the case. If the Respondent is found to have engaged in the alleged unfair labor practices, the decision will also contain a recommendation for such affirmative action by the Respondent as will effectuate the policies of the Act. The Administrative Law Judge will file the decision with the Board. If the Judge delivers a bench decision, promptly upon receiving the transcript the Judge will certify the accuracy of the pages of the transcript containing the decision; file with the Board a certified copy of those pages, together with any supplementary matter the Judge may deem necessary to complete the decision; and serve a copy on each of the parties. Upon the filing of the decision, the Board will enter an order transferring the case to the Board, setting forth the date of the transfer and will serve on all the parties copies of the decision and the order. Service of the Administrative Law Judge's decision and of the order transferring the case to the Board is complete upon mailing.

(b) *Contents of record.* The charge upon which the complaint was issued and any amendments, the complaint and any amendments, notice of hearing, answer and any amendments, motions, rulings, orders, the transcript of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the Administrative Law Judge's decision and exceptions, and any cross-exceptions or answering briefs as provided in § 102.46, constitutes the record in the case.

(c) *Alternative dispute resolution program.* The Alternative Dispute Resolution (ADR) Program is available to parties with unfair labor practice or compliance cases pending before the Board at any stage subsequent to the initial issuance of an Administrative Law Judge's decision or any other process involving the transfer to the Board of such cases. Participation in the ADR Program is voluntary, and a party that enters the ADR Program may withdraw any time after the first meeting with the neutral. No party will be charged fees or expenses for using the ADR Program.

(1) The parties may request participation in the ADR Program by contacting the program director. Deadlines for filing pleadings with the Board will be stayed effective the date that the case enters the ADR Program. If the case is removed from the ADR Program, the time period for filing will begin to run and will consist of the time period that remained when the case entered the ADR Program. Notice will be provided to the parties of the date the case enters the ADR Program and the date it is removed from the ADR Program.

(2) A case may remain in the ADR Program for 28 days from the first settlement meeting or until the parties reach a settlement, whichever occurs first. A request for extension of the stay beyond the 28 days will be granted only with the approval and in the discretion of both the neutral and the program director upon a showing that such an extension is supported by good cause.

(3) Once the case enters the ADR Program, the program director will arrange for the appointment of a neutral to assist the parties in settling the case.

(4) The preferred method of conducting settlement conferences is to have the parties or their representatives attend in person, and therefore the neutral will make every reasonable effort to meet with the participants face-to-face at the parties' location. Settlement conferences by telephone or through videoconference may be held if the parties so desire.

(5) Parties may be represented by counsel at the conferences, but representation by counsel is not required. However, each party must have in attendance a representative who has the authority to bind the party to the terms of a settlement agreement.

(6) The neutral may ask the parties to submit pre-conference memos setting forth the issues in dispute, prior settlement efforts, and anything else that the parties would like to bring to the neutral's attention. A party's memo will be treated as a confidential submission unless the party that prepared the memo authorizes its release to the other parties.

(7) Settlement discussions held under the ADR Program will be confidential. All documents submitted to the neutral and statements made during the ADR proceedings, including proposed settlement terms, are for settlement purposes only and are confidential. However, evidence otherwise admissible or discoverable will not be rendered inadmissible or undiscoverable because of its use in the ADR proceedings. No evidence as to what transpired during the ADR proceedings will be admissible in any administrative or court proceeding except to the extent it is relevant to determining the existence or meaning of a settlement agreement. The parties and their representatives will not discuss with the press any matters concerning settlement positions communicated during the ADR proceedings except by express written permission of the other parties. There will be no communication between the ADR Program and the Board on specific cases submitted to the ADR Program, except for procedural information such as case name, number, timing of the process, and status.

(8) The neutral has no authority to impose a settlement. Settlement agreements are subject to approval by the Board in accordance with its existing procedures for approving settlements.

(9) No party will at any time or in any proceeding take the position that participation in the ADR Program resulted in the waiver of any legal rights related to the underlying claims in the case, except as set forth in any settlement agreement.

(10) Nothing in the ADR Program is intended to discourage or interfere with settlement negotiations that the parties wish to conduct outside the ADR Program.

§ 102.46 Exceptions and brief in support; answering briefs to exceptions; cross-exceptions and brief in support; answering briefs to cross-exceptions; reply briefs; failure to except; oral argument; filing requirements.

(a) *Exceptions and brief in support.* Within 28 days, or within such further period as the Board may allow, from the date of the service of the order transferring the case to the Board, pursuant to § 102.45, any party may (in accordance with Section 10(c) of the Act and §§ 102.2 through 102.5 and 102.7) file with the Board in Washington, DC, exceptions to the Administrative Law Judge's decision or to any other part of

the record or proceedings (including rulings upon all motions or objections), together with a brief in support of the exceptions. The filing of exceptions and briefs is subject to the filing requirements of paragraph (h) of this section

(1) *Exceptions.* (i) Each exception must:

(A) Specify the questions of procedure, fact, law, or policy to which exception is taken;

(B) Identify that part of the Administrative Law Judge's decision to which exception is taken;

(C) Provide precise citations of the portions of the record relied on; and

(D) Concisely state the grounds for the exception. If a supporting brief is filed, the exceptions document must not contain any argument or citation of authorities in support of the exceptions; any argument and citation of authorities must be set forth only in the brief. If no supporting brief is filed, the exceptions document must also include the citation of authorities and argument in support of the exceptions, in which event the exceptions document is subject to the 50-page limit for briefs set forth in paragraph (h) of this section.

(ii) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged will be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

(2) *Brief in support of exceptions.* Any brief in support of exceptions must contain only matter that is included within the scope of the exceptions and must contain, in the order indicated, the following:

(i) A clear and concise statement of the case containing all that is material to the consideration of the questions presented.

(ii) A specification of the questions involved and to be argued, together with a reference to the specific exceptions to which they relate.

(iii) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page citations to the record and the legal or other material relied on.

(b) *Answering briefs to exceptions.* (1) Within 14 days, or such further period as the Board may allow, from the last date on which exceptions and any supporting brief may be filed, a party opposing the exceptions may file an answering brief to the exceptions, in accordance with the filing requirements of paragraph (h) of this section.

(2) The answering brief to the exceptions must be limited to the questions raised in the exceptions and in the brief in support. It must present clearly the points of fact and law relied on in support of the position taken on each question. Where exception has been taken to a factual finding of the Administrative Law Judge and the party filing the answering brief proposes to support the Judge's finding, the answering brief must specify those pages of the record which the party contends support the Judge's finding.

(c) *Cross-exceptions and brief in support.* Any party who has not previously filed exceptions may, within 14 days, or such further period as the Board may allow, from the last date on which exceptions and any supporting brief may be filed, file cross-exceptions to any portion of the Administrative Law Judge's decision, together with a supporting brief, in accordance with the provisions of paragraphs (a) and (h) of this section.

(d) *Answering briefs to cross-exceptions.* Within 14 days, or such further period as the Board may allow, from the last date on which cross-exceptions and any supporting brief may be filed, any other party may file an answering brief to such cross-exceptions in accordance with the provisions of paragraphs (b) and (h) of this section. Such answering brief must be limited to the questions raised in the cross-exceptions.

(e) *Reply briefs.* Within 14 days from the last date on which an answering brief may be filed pursuant to paragraphs (b) or (d) of this section, any party may file a reply brief to any such answering brief. Any reply brief filed pursuant to this paragraph (e) must be limited to matters raised in the brief to which it is replying, and must not exceed 10 pages. No extensions of time will be granted for the filing of reply briefs, nor will permission be granted to exceed the 10-page limit. The reply brief must be filed with the Board and served on the other parties. No further briefs may be filed except by special leave of the Board. Requests for such leave must be in writing and copies must be served simultaneously on the other parties.

(f) *Failure to except.* Matters not included in exceptions or cross-exceptions may not thereafter be urged before the Board, or in any further proceeding.

(g) *Oral argument.* A party desiring oral argument before the Board must request permission from the Board in writing simultaneously with the filing of exceptions or cross-exceptions. The Board will notify the parties of the time and place of oral argument, if such permission is granted. Oral arguments are limited to 30 minutes for each party entitled to participate. No request for additional time will be granted unless timely application is made in advance of oral argument.

(h) *Filing requirements.* Documents filed pursuant to this section must be filed with the Board in Washington, DC, and copies must also be served simultaneously on the other parties. Any brief filed pursuant to this section must not be combined with any other brief, and except for reply briefs whose length is governed by paragraph (e) of this section, must not exceed 50 pages in length, exclusive of subject index and table of cases and other authorities cited.

§ 102.47 Filing of motion after transfer of case to Board.

All motions filed after the case has been transferred to the Board pursuant to § 102.45 must be filed with the Board in Washington, DC, and served upon the other parties. Such motions must be printed or otherwise legibly duplicated.

§ 102.48 No exceptions filed; exceptions filed; motions for reconsideration, rehearing, or reopening the record.

(a) *No exceptions filed.* If no timely or proper exceptions are filed, the findings, conclusions, and recommendations contained in the Administrative Law Judge's decision will, pursuant to Section 10(c) of the Act, automatically become the decision and order of the Board and become its findings, conclusions, and order, and all objections and exceptions must be deemed waived for all purposes.

(b) *Exceptions filed.* (1) Upon the filing of timely and proper exceptions, and any cross-exceptions or answering briefs, as provided in § 102.46, the Board may decide the matter upon the record, or after oral argument, or may reopen the record and receive further evidence before a Board Member or other Board agent or agency, or otherwise dispose of the case.

(2) Where exception is taken to a factual finding of the Administrative Law Judge, the Board, in determining whether the finding is contrary to a preponderance of the evidence, may limit its consideration to such portions of the record as are specified in the exceptions, the supporting brief, and the answering brief.

(c) *Motions for reconsideration, rehearing, or reopening the record.* A party to a proceeding before the Board may, because of extraordinary circumstances, move for reconsideration, rehearing, or reopening of the record after the Board decision or order.

(1) A motion for reconsideration must state with particularity the material

error claimed and with respect to any finding of material fact, must specify the page of the record relied on. A motion for rehearing must specify the error alleged to require a hearing de novo and the prejudice to the movant from the error. A motion to reopen the record must state briefly the additional evidence sought to be adduced, why it was not presented previously, and that, if adduced and credited, it would require a different result. Only newly discovered evidence, evidence which has become available only since the close of the hearing, or evidence which the Board believes may have been taken at the hearing will be taken at any further hearing.

(2) Any motion pursuant to this section must be filed within 28 days, or such further period as the Board may allow, after the service of the Board's decision or order, except that a motion to reopen the record must be filed promptly on discovery of the evidence to be adduced.

(3) The filing and pendency of a motion under this provision will not stay the effectiveness of the action of the Board unless so ordered. A motion for reconsideration or rehearing need not be filed to exhaust administrative remedies.

§ 102.49 Modification or setting aside of Board order before record filed in court; action thereafter.

Within the limitations of the provisions of Section 10(c) of the Act, and § 102.48, until a transcript of the record in a case is filed in a court, within the meaning of Section 10 of the Act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter, the Board may proceed pursuant to § 102.50, insofar as applicable.

§ 102.50 Hearings before the Board or a Board Member.

Whenever the Board deems it necessary to effectuate the purposes of the Act or to avoid unnecessary costs or delay, it may, at any time, after a complaint has issued pursuant to § 102.15 or § 102.33, order that such complaint and any proceeding which may have been instituted with respect thereto be transferred to and continued before it or any Board Member. The provisions of this subpart, insofar as applicable, govern proceedings before the Board or any Board Member pursuant to this section, and the powers granted to Administrative Law Judges in such provisions will, for the purpose of this section, be reserved to and exercised by the Board or the Board Member who will preside.

§ 102.51 Settlement or adjustment of issues.

At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties have an opportunity to submit to the Regional Director, with whom the charge was filed, for consideration, facts, arguments, offers of settlement, or proposals of adjustment.

§ 102.52 Compliance with Board order; notification of compliance determination.

After entry of a Board order directing remedial action, or the entry of a court judgment enforcing such order, the Regional Director will seek compliance from all persons having obligations under the order. As appropriate, the Regional Director will make a compliance determination and notify the parties of that determination. A Charging Party adversely affected by a monetary, make-whole, reinstatement, or other compliance determination will be provided, on request, with a written statement of the basis for that determination.

§ 102.53 Appeal of compliance determination to the General Counsel; General Counsel's action; request for review by the Board; Board action; opposition to appeal or request for review.

(a) *Appeal of compliance determination to the General Counsel.* The Charging Party may appeal a compliance determination to the General Counsel in Washington, DC, within 14 days of the written statement of compliance determination as set forth in § 102.52. The appeal must contain a complete statement setting forth the facts and reasons upon which it is based and must identify with particularity the error claimed in the Regional Director's determination. The General Counsel may for good cause shown extend the time for filing an appeal.

(b) *General Counsel's action.* The General Counsel may affirm or modify the Regional Director's determination or take such other action deemed appropriate, and must state the grounds for that decision.

(c) *Request for review by Board.* Within 14 days after service of the General Counsel's decision, the Charging Party may file a request for review of that decision with the Board in Washington, DC. The request for review must contain a complete statement of the facts and reasons upon which it is based and must identify with particularity the error claimed in the General Counsel's decision. A copy of the request for review must be served simultaneously on all other parties and on the General Counsel and the Regional Director.

(d) *Board action.* The Board may affirm or modify the General Counsel's decision, or otherwise dispose of the matter as it deems appropriate. The denial of the request for review will constitute an affirmance of the General Counsel's decision.

(e) *Opposition to appeal or request for review.* Within 7 days of receipt of a compliance appeal or request for review, a party may file an opposition to the compliance appeal or request for review.

§ 102.54 Issuance of compliance specification; consolidation of complaint and compliance specification.

(a) If it appears that controversy exists with respect to compliance with a Board order which cannot be resolved without a formal proceeding, the Regional Director may issue and serve on all parties a compliance specification in the name of the Board. The specification will contain or be accompanied by a Notice of Hearing before an Administrative Law Judge at a specific place and at a time not less than 21 days after the service of the specification.

(b) Whenever the Regional Director deems it necessary to effectuate the purposes and policies of the Act or to avoid unnecessary costs or delay, the Regional Director may issue a compliance specification, with or without a notice of hearing, based on an outstanding complaint.

(c) Whenever the Regional Director deems it necessary to effectuate the purposes and policies of the Act or to avoid unnecessary costs or delay, the Regional Director may consolidate with a complaint and Notice of Hearing issued pursuant to § 102.15 a compliance specification based on that complaint. After opening of the hearing, the Board or the Administrative Law Judge, as appropriate, must approve consolidation. Issuance of a compliance specification is not a prerequisite or bar to Board initiation of proceedings in any administrative or judicial forum which the Board or the Regional Director determines to be appropriate for obtaining compliance with a Board order.

§ 102.55 Contents of compliance specification.

(a) *Contents of specification with respect to allegations concerning the amount of backpay due.* With respect to allegations concerning the amount of backpay due, the specification will specifically and in detail show, for each

employee, the backpay periods broken down by calendar quarters, the specific figures and basis of computation of gross backpay and interim earnings, the expenses for each quarter, the net backpay due, and any other pertinent information.

(b) *Contents of specification with respect to allegations other than the amount of backpay due.* With respect to allegations other than the amount of backpay due, the specification will contain a clear and concise description of the respects in which the Respondent has failed to comply with a Board or court order, including the remedial acts claimed to be necessary for compliance by the Respondent and, where known, the approximate dates, places, and names of the Respondent's agents or other representatives described in the specification.

(c) *Amendments to specification.* After the issuance of the Notice of Compliance Hearing but before the hearing opens, the Regional Director may amend the specification. After the hearing opens, the specification may be amended upon leave of the Administrative Law Judge or the Board, upon good cause shown.

§ 102.56 Answer to compliance specification.

(a) *Filing and service of answer to compliance specification.* Each Respondent alleged in the specification to have compliance obligations must, within 21 days from the service of the specification, file an answer with the Regional Director issuing the specification, and must immediately serve a copy on the other parties.

(b) *Form and contents of answer.* The answer to the specification must be in writing, signed and sworn to by the Respondent or by a duly authorized agent with appropriate power of attorney affixed, and contain the address of the Respondent. The answer must specifically admit, deny, or explain each allegation of the specification, unless the Respondent is without knowledge, in which case the Respondent must so state, such statement operating as a denial. Denials must fairly meet the substance of the allegations of the specification at issue. When a Respondent intends to deny only a part of an allegation, the Respondent must specify so much of it as is true and deny only the remainder. As to all matters within the knowledge of the Respondent, including but not limited to the various factors entering into the computation of gross backpay, a general denial will not suffice. As to such matters, if the Respondent disputes either the accuracy of the figures in the specification or the premises on which they are based, the answer must specifically state the basis for such disagreement, setting forth in detail the Respondent's position and furnishing the appropriate supporting figures.

(c) *Failure to answer or to plead specifically and in detail to backpay allegations of specification.* If the Respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the Respondent, find the specification to be true and enter such order as may be appropriate. If the Respondent files an answer to the specification but fails to deny any allegation of the specification in the manner required by paragraph (b) of this section, and the failure to deny is not adequately explained, such allegation will be deemed admitted as true, and may be so found by the Board without the taking of evidence supporting such allegation, and the Respondent will be precluded from introducing any evidence controverting the allegation.

(d) *Extension of time for filing answer to specification.* Upon the Regional Director's own motion or upon proper cause shown by any Respondent, the Regional Director issuing the compliance specification may, by written order, extend the time within which the answer to the specification must be filed.

(e) *Amendment to answer.* Following the amendment of the specification by the Regional Director, any Respondent affected by the amendment may amend its answer.

§ 102.57 Extension of date of hearing.

Upon the Regional Director's own motion or upon proper cause shown, the Regional Director issuing the compliance specification and Notice of Hearing may extend the hearing date.

§ 102.58 Withdrawal of compliance specification.

Any compliance specification and Notice of Hearing may be withdrawn before the hearing by the Regional Director upon the Director's own motion.

§ 102.59 Hearing and posthearing procedures.

After the issuance of a compliance specification and Notice of Hearing, the procedures provided in §§ 102.24 through 102.51 will be followed insofar as applicable.

Subpart E—Procedure for Unfair Labor Practice and Representation Cases Under Sections 8(b)(7) and 9(c) of the Act

■ 7. Revise §§ 102.73 through 102.76 to read as follows:

Sec.
102.73 Initiation of proceedings.
102.74 Complaint and formal proceedings.
102.75 Suspension of proceedings on the charge where timely petition is filed.
102.76 Petition; who may file; where to file; contents.

§ 102.73 Initiation of proceedings.

Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of Section 8(b)(7) of the Act, the Regional Director will investigate such charge, giving it the priority specified in subpart H of this part.

§ 102.74 Complaint and formal proceedings.

If it appears to the Regional Director that the charge has merit, formal proceedings will be instituted in accordance with the procedures described in §§ 102.15 through 102.51, insofar as they are applicable, and insofar as they are not inconsistent with the provisions of this subpart. If it appears to the Regional Director that issuance of a complaint is not warranted, the Director will decline to issue a complaint, and the provisions of § 102.19, including the provisions for appeal to the General Counsel, are applicable unless an election has been directed under §§ 102.77 and 102.78, in which event the provisions of § 102.81 are applicable.

§ 102.75 Suspension of proceedings on the charge where timely petition is filed.

If it appears to the Regional Director that issuance of a complaint may be warranted but for the pendency of a petition under Section 9(c) of the Act, which has been filed by any proper party within a reasonable time not to exceed 30 days from the commencement of picketing, the Regional Director will suspend proceedings on the charge and will proceed to investigate the petition under the expedited procedure provided below, pursuant to the first proviso to subparagraph (C) of Section 8(b)(7) of the Act.

§ 102.76 Petition; who may file; where to file; contents.

When picketing of an employer has been conducted for an object proscribed by Section 8(b)(7) of the Act, a petition for the determination of a question concerning representation of the employees of such employer may be

filed in accordance with the provisions of §§ 102.60 and 102.61, insofar as applicable, except that if a charge under § 102.73 has been filed against the labor organization on whose behalf picketing has been conducted, the petition will not be required to contain a statement that the employer declines to recognize the petitioner as the representative within the meaning of Section 9(a) of the Act; or that the union represents a substantial number of employees; or that the labor organization is currently recognized but desires certification under the Act; or that the individuals or labor organizations who have been certified or are currently recognized by the employer are no longer the representative; or, if the petitioner is an employer, that one or more individuals or labor organizations have presented to the petitioner a claim to be recognized as the exclusive representative of the employees in the unit claimed to be appropriate.

■ 8. In § 102.77, revise the section heading and paragraph (b) to read as follows:

§ 102.77 Investigation of petition by Regional Director; directed election.

* * * * *

(b) If, after the investigation of such petition or any petition filed under subpart D of this part, and after the investigation of the charge filed pursuant to § 102.73, it appears to the Regional Director that an expedited election under Section 8(b)(7)(C) of the Act is warranted, and that the policies of the Act would be effectuated thereby, the Regional Director shall forthwith proceed to conduct an election by secret ballot of the employees in an appropriate unit, or make other disposition of the matter, except that in any case in which it appears to the Regional Director that the proceeding raises questions which cannot be decided without a hearing, the Director may issue and cause to be served on the parties, individuals, and labor organizations involved a Notice of Hearing before a Hearing Officer at a time and place fixed therein. In this event, the method of conducting the hearing and the procedure following, shall be governed insofar as applicable by §§ 102.63 through 102.68.

Subpart F—Procedure for Referendum Under Section 9(e) of the Act

■ 9. Revise § 102.83 to read as follows:

§ 102.83 Petition for referendum under Section 9(e)(1) of the Act; who may file; where to file; withdrawal.

A petition to rescind the authority of a labor organization to make an agreement requiring as a condition of employment membership in such labor organization may be filed by an employee or group of employees on behalf of 30 percent or more of the employees in a bargaining unit covered by such an agreement. The petition shall be in writing and signed, and either must be sworn to before a notary public, Board agent, or other person duly authorized by law to administer oaths and take acknowledgments or must contain a declaration by the person signing it, under the penalties of the Criminal Code, that its contents are true and correct to the best of his knowledge and belief. One original of the petition must be filed with the Regional Director wherein the bargaining unit exists or, if the unit exists in two or more Regions, with the Regional Director for any of such Regions. A person filing a petition by facsimile must also file an original for the Agency's records, but failure to do so must not affect the validity of the filing by facsimile, if otherwise proper. A person filing a petition electronically need not file an original. The petition may be withdrawn only with the approval of the Regional Director with whom such petition was filed. Upon approval of the withdrawal of any petition the case will be closed.

■ 10. Revise § 102.84(l) to read as follows:

§ 102.84 Contents of petition to rescind authority.

* * * * *

(l) Evidence supporting the statement that 30 percent or more of the bargaining unit employees desire to rescind the authority of their employer and labor organization to enter into an agreement made pursuant to Section 8(a)(3) of the Act. Such evidence must be filed together with the petition, but must not be served on any other party.

* * * * *

■ 11. Revise §§ 102.85 through 102.88 to read as follows:

Sec.

102.85 Investigation of petition by Regional Director; consent referendum; directed referendum.
102.86 Hearing; posthearing procedure.
102.87 Method of conducting balloting; postballoting procedure.
102.88 Refusal to conduct referendum; appeal to Board.

102.85 Investigation of petition by Regional Director; consent referendum; directed referendum.

Where a petition has been filed pursuant to § 102.83, and it appears to the Regional Director that the petitioner has made an appropriate showing, in such form as the Regional Director may determine, that 30 percent or more of the employees within a unit covered by an agreement between their employer and a labor organization requiring membership in such labor organization desire to rescind the authority of such labor organization to make such an agreement, the Regional Director will proceed to conduct a secret ballot of the employees involved on the question whether they desire to rescind the authority of the labor organization to make such an agreement with their employer, except that, in any case in which it appears to the Regional Director that the proceeding raises questions which cannot be decided without a hearing, the Director may issue and cause to be served on the parties a Notice of Hearing before a Hearing Officer at a time and place fixed therein. The Regional Director will fix the time and place of the election, eligibility requirements for voting, and other arrangements of the balloting, but the parties may enter into an agreement, subject to the approval of the Regional Director, fixing such arrangements. In any such consent agreements, provision may be made for final determination of all questions arising with respect to the balloting by the Regional Director or upon grant of a request for review, by the Board.

§ 102.86 Hearing; posthearing procedure.

The method of conducting the hearing and the procedure following the hearing will be governed, insofar as applicable, by §§ 102.63 through 102.68.

§ 102.87 Method of conducting balloting; postballoting procedure.

The method of conducting the balloting and the postballoting procedure will be governed by the provisions of § 102.69, insofar as applicable.

§ 102.88 Refusal to conduct referendum; appeal to Board.

If, after a petition has been filed, and prior to the close of the hearing, it appears to the Regional Director that no referendum should be conducted, the Regional Director will dismiss the petition by administrative action. Such dismissal will be in writing and accompanied by a simple statement of the procedural or other grounds. The petitioner may obtain a review of such action by filing a request therefor with the Board in Washington, DC, and filing a copy of such request with the Regional Director and the other parties within 14 days from the service of notice of such dismissal. The request must contain a complete statement setting forth the facts and reasons upon which the request is based.

■ 12. Revise newly redesignated subpart G to read as follows:

Subpart G—Procedure to Hear and Determine Disputes Under Section 10(k) of the Act

Sec.
102.89 Initiation of proceedings.
102.90 Notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.
102.91 Compliance with determination; further proceedings.
102.92 Review of determination.
102.93 Alternative procedure.

§ 102.89 Initiation of proceedings.

Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of Section 8(b)(4)(D) of the Act, the Regional Director of the office in which such charge is filed or to which it is referred will, as soon as possible after the charge has been filed, serve on the parties a copy of the charge and will investigate such charge and if it is deemed appropriate to seek injunctive relief of a district court pursuant to Section 10(l) of the Act, the Regional Director will give it priority over all other cases in the office except other cases under Section 10(l) and cases of like character.

§ 102.90 Notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.

If it appears to the Regional Director that the charge has merit and the parties to the dispute have not submitted satisfactory evidence to the Regional Director that they have adjusted, or have agreed-upon methods for the voluntary adjustment of, the dispute out of which such unfair labor practice has arisen, the Regional Director will serve on all parties to such dispute a Notice of Hearing under Section 10(k) of the Act before a Hearing Officer at a time and place stated in the Notice. The hearing date will not be less than 10 days after service of the notice of the filing of the charge. The Notice of Hearing must contain a simple statement of the issues involved in such dispute. Such Notice will be issued promptly, and, in cases in which it is deemed appropriate to seek injunctive relief pursuant to Section 10(l) of the Act, will normally be issued within 5 days of the date upon which injunctive relief is first sought. Hearings will be conducted by a Hearing Officer, and the procedure will conform, insofar as applicable, to the procedure set forth in §§ 102.64 through 102.68. Upon the close of the hearing, the proceeding will be transferred to the Board, and the Board will proceed either promptly upon the record, or after oral argument, or the submission of briefs, or further hearing, to determine the dispute or otherwise dispose of the matter. Parties who desire to file a brief with the Board must do so within 7 days after the close of the hearing. However, no briefs will be filed in cases designated in the Notice of Hearing as involving the national defense, and the parties, after the close of the evidence, may argue orally upon the record their respective contentions and positions; except that, upon application for leave to file briefs expeditiously made to the Board in Washington, DC, after the close of the hearing, the Board may for good cause shown, grant leave to file briefs and set a time for filing. Simultaneously upon such filing, a copy must be served on the other parties. No reply brief may be filed except upon special leave of the Board.

§ 102.91 Compliance with determination; further proceedings.

If, after issuance of the determination by the Board, the parties submit to the Regional Director satisfactory evidence that they have complied with the determination, the Regional Director will dismiss the charge. If no satisfactory evidence of compliance is submitted, the Regional Director will proceed with the charge under Section 8(b)(4)(D) and Section 10 of the Act and the procedure prescribed in §§ 102.9 through 102.51 will, insofar as applicable, govern. However, if the Board determination is that employees represented by a Charged Union are entitled to perform the work in dispute, the Regional Director will dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

§ 102.92 Review of determination.

The record of the proceeding under Section 10(k) and the determination of the Board will become a part of the record in such unfair labor practice proceeding and may be subject to judicial review in proceedings to enforce or review the final order of the Board under Section 10(e) and (f) of the Act.

§ 102.93 Alternative procedure.

If, either before or after service of the Notice of Hearing, the parties submit to the Regional Director satisfactory evidence that they have adjusted the dispute, the Regional Director will dismiss the charge and will withdraw the Notice of Hearing if Notice has issued. If, either before or after issuance of the Notice of Hearing, the parties submit to the Regional Director satisfactory evidence that they have agreed-upon methods for the voluntary adjustment of the dispute, the Regional Director will defer action upon the charge and will withdraw the Notice of Hearing if Notice has issued. If it appears to the Regional Director that the dispute has not been adjusted in accordance with such agreed-upon methods and that an unfair labor practice within the meaning of Section 8(b)(4)(D) of the Act is occurring or has occurred, the Regional Director may issue a complaint under § 102.15, and the procedure prescribed in §§ 102.9 through 102.51 will, insofar as applicable, govern; and §§ 102.90 through 102.92 are inapplicable, except that if an agreed-upon method for voluntary adjustment results in a determination that employees represented by a Charged Union are entitled to perform the work in dispute, the Regional Director will dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

■ 13. Revise newly redesignated subpart H to read as follows:

Subpart H—Procedure in Cases Under Section 10(j), (l), and (m) of the Act

Sec.
102.94 Expeditious processing of Section 10(j) cases.
102.95 Priority of cases pursuant to Section 10(l) and (m) of the Act.
102.96 Issuance of complaint promptly.
102.97 Expeditious processing of Section 10(l) and (m) cases in successive stages.
102.94 Expeditious processing of Section 10(j) cases.

(a) Whenever temporary relief or a restraining order pursuant to Section 10(j) of the Act has been procured by the Board, the complaint which has been the basis for such temporary relief or restraining order will be heard expeditiously and the case will be given priority by the Board in its successive steps following the issuance of the complaint (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all other cases except cases of like character and cases under Section 10(l) and (m) of the Act.

(b) In the event the Administrative Law Judge hearing a complaint, concerning which the Board has procured temporary relief or a restraining order pursuant to Section 10(j), recommends a dismissal in whole or in part of such complaint, the chief law officer will promptly suggest to the district court which issued such temporary relief or restraining order the possible change in circumstances arising out of the findings and recommendations of the Administrative Law Judge.

§ 102.95 Priority of cases pursuant to Section 10(l) and (m) of the Act.

(a) Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of Section 8(b)(4)(A), (B), (C), 8(b)(7), or 8(e) of the Act, the Regional Office in which such charge is filed or to which it is referred will give it priority over all other cases in the office except cases of like character and cases under Section 8(b)(4)(D) in which it is deemed appropriate to seek injunctive relief of a district court pursuant to Section 10(l) of the Act.

(b) Whenever a charge is filed alleging the commission of an unfair labor practice within the meaning of Section 8(a)(3) or 8(b)(2), the Regional Office in which such charge is filed or to which it is referred will give it priority over all other cases in the office except cases of like character and cases under Section 10(l) of the Act.

§ 102.96 Issuance of complaint promptly.

Whenever injunctive relief pursuant to Section 10(l) of the Act is sought in district court, a complaint against the party or parties sought to be enjoined, covering the same subject matter as the application for injunctive relief, will be issued promptly, normally within 5 days of the date when injunctive relief is first sought, except in cases in which a Notice of Hearing under Section 10(k) of the Act has issued.

§ 102.97 Expeditious processing of Section 10(l) and (m) cases in successive stages.

(a) Any complaint issued pursuant to § 102.95(a) or, in a case in which it is deemed appropriate to seek injunctive relief of a district court pursuant to Section 10(l) of the Act, any complaint issued pursuant to § 102.93 or Notice of Hearing issued pursuant to § 102.90 will be heard expeditiously and the case will be given priority in such successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all cases except cases of like character.

(b) Any complaint issued pursuant to § 102.95(b) will be heard expeditiously and the case will be given priority in its successive steps following its issuance (until ultimate enforcement or dismissal by the appropriate circuit court of appeals) over all cases except cases of like character and cases under Section 10(l) of the Act.

■ 14. Revise the heading for newly redesignated subpart I to read as follows:

Subpart I—Advisory Opinions and Declaratory Orders Regarding Board Jurisdiction

■ 15. Revise §§ 102.99 through 102.110 to read as follows:

Sec.
102.99 Contents of petition for advisory opinion.
102.100 Notice of petition; service of petition.
102.101 Response to petition; service of response.
102.102 Intervention.
102.103 Proceedings before the Board; briefs; advisory opinions.
102.104 Withdrawal of petition.
102.105 Petitions for declaratory orders; who may file; where to file; withdrawal.
102.106 Contents of petition for declaratory order.
102.107 Notice of petition; service of petition.
102.108 Response to petition; service of response.
102.109 Intervention.
102.110 Proceedings before the Board; briefs; declaratory orders.

§ 102.99 Contents of petition for advisory opinion.

(a) A petition for an advisory opinion, when filed by an agency or court of a State or territory, must allege the following:

(1) The name of the agency or court.

(2) The names of the parties to the proceeding and the docket number.

(3) The nature of the proceeding, and the need for the Board's opinion on the jurisdictional issue to the proceeding.

(4) The general nature of the business involved in the proceeding and, where appropriate, the nature of and details concerning the employing enterprise.

(5) The findings of the agency or court or, in the absence of findings, a statement of the evidence relating to the commerce operations of such business and, where appropriate, to the nature of the employing enterprise.

(b) The petition or request must be submitted to the Board in Washington, DC.

§ 102.100 Notice of petition; service of petition.

Upon the filing of a petition, the petitioner must simultaneously serve, in the manner provided by § 102.5(g), a copy of the petition on all parties to the proceeding and on the Director of the Board's Regional Office having jurisdiction over the territorial area in which such agency or court is located. A statement of service must be filed with the petition as provided by § 102.5(h).

§ 102.101 Response to petition; service of response.

Any party served with such petition may, within 14 days after service thereof, respond to the petition, admitting or denying its allegations. The response must be filed with the Board in Washington, DC. The response must simultaneously be served on all other parties to the proceeding, and a statement of service must be filed in accordance with the provisions of § 102.5(h).

§ 102.102 Intervention.

Any person desiring to intervene must file a motion for intervention, stating the grounds upon which such person claims to have an interest in the petition. The motion must be filed with the Board in Washington, DC.

§ 102.103 Proceedings before the Board; briefs; advisory opinions.

The Board will thereupon proceed, upon the petition, responses, and submission of briefs, to determine whether, on the facts before it, the commerce operations of the employer involved are such that the Board would or would not assert jurisdiction. Such determination will be in the form of an advisory opinion and will be served on the parties. No briefs may be filed except upon special permission of the Board.

§ 102.104 Withdrawal of petition.

The petitioner may withdraw the petition at any time prior to issuance of the Board's advisory opinion.

§ 102.105 Petitions for declaratory orders; who may file; where to file; withdrawal.

Whenever both an unfair labor practice charge and a representation case relating to the same employer are contemporaneously on file in a Regional Office of the Board, and the General Counsel entertains doubt whether the Board would assert jurisdiction over the employer involved, the General Counsel may file a petition with the Board for a declaratory order disposing of the jurisdictional issue in the case. Such petition may be withdrawn at any time prior to the issuance of the Board's order.

§ 102.106 Contents of petition for declaratory order.

(a) A petition for a declaratory order must allege the following:

(1) The name of the employer.

(2) The general nature of the employer's business.

(3) The case numbers of the unfair labor practice and representation cases.

(4) The commerce data relating to the operations of such business.

(5) Whether any proceeding involving the same subject matter is pending before an agency or court of a State or territory.

(b) The petition must be filed with the Board in Washington, DC.

§ 102.107 Notice of petition; service of petition.

Upon filing a petition, the General Counsel will simultaneously serve a copy thereof on all parties and must file a statement of service as provided by § 102.5(h).

§ 102.108 Response to petition; service of response.

Any party to the representation or unfair labor practice case may, within 14 days after service, respond to the petition, admitting or denying its allegations. The response must be filed with the Board in Washington, DC. The response must be served on the General Counsel and all other parties, and a statement of service must be filed as provided by § 102.5(h).

§ 102.109 Intervention.

Any person desiring to intervene must file a motion for intervention, stating the grounds upon which such person claims to have an interest in the petition. The motion must be filed with the Board in Washington, DC.

§ 102.110 Proceedings before the Board; briefs; declaratory orders.

The Board will proceed, upon the petition, responses, and submission of briefs, to determine whether, on the facts before it, the commerce operations of the employer involved are such that the Board would or would not assert jurisdiction over the employer. Such determination will be made by a declaratory order, with like effect as in the case of other orders of the Board, and will be served on the parties. Any party desiring to file a brief must file the brief with the Board in Washington, DC, with a statement that copies are being served simultaneously on the other parties.

§§ 102.111 through 102.114 [Added and Reserved]

■ 16. Add reserved §§ 102.111 through 102.114 to subpart I.

■ 17. Revise subparts J through M to read as follows:

Subpart J—Certification and Signature of Documents

Sec.

102.115 Certification of Board papers and documents.
102.116 Signature on Board orders.

§ 102.115 Certification of Board papers and documents.

The Executive Secretary of the Board, or, in the event of the Executive Secretary's absence or disability, whomever may be designated by the Board in the Executive Secretary's place, will certify copies of all papers and documents which are a part of any of the files or records of the Board as necessary or desirable from time to time.

§ 102.116 Signature on Board orders.

The Executive Secretary, Deputy Executive Secretary, or an Associate Executive Secretary, or, in the event of their absence or disability, whomever may be designated by the Board in their place, is hereby authorized to sign all orders of the Board.

Subpart K—Records and Information

Sec.

102.117 Freedom of Information Act Regulations: Agency materials including formal documents available pursuant to the Freedom of Information Act; requests for described records; time limit for response; appeal from denial of request; fees for document search, duplication, and review; files and records not subject to inspection.
102.118 Present and former Board employees prohibited from producing documents and testifying; production of witnesses' statements after direct testimony.
102.119 Privacy Act Regulations: notification as to whether a system of records contains records pertaining to requesting individuals; requests for access to records, amendment of requests; fees for document duplication; files and records exempted from certain Privacy Act requirements.

§ 102.117 Freedom of Information Act Regulations: Agency materials including formal documents available pursuant to the Freedom of Information Act; requests for described records; time limit for response; appeal from denial of request; fees for document search, duplication, and review; files and records not subject to inspection.

(a)(1) *Introduction.* This subpart contains the Rules that the National Labor Relations Board (Agency) follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. The Rules in this subpart may be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (OMB Guidelines). Some records will be made available on the Agency's Web site at *www.nlrb.gov* to facilitate public access. Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552(a), are processed under § 102.119.

(2) *FOIA Officials.* The following are designated as the Agency's FOIA officials with responsibilities for complying with the FOIA:

(i) *FOIA Officer.* The Assistant General Counsel for the FOIA Branch is the Agency's designated FOIA Officer.

(ii) *Chief FOIA Officer.* The Associate General Counsel for the Division of Legal Counsel is the Agency's designated Chief FOIA Officer.

(iii) *FOIA Public Liaison.* The official(s) designated by the Chief FOIA Officer is the Agency's FOIA Public Liaison, with overall responsibilities for assisting in reducing delays, increasing transparency, understanding the status of requests, and assisting in the resolution of disputes. The designated FOIA Public Liaison is available on the Agency's Web site.

(3) *Authority to respond to requests and administrative appeals.* The FOIA Officer has the authority to act upon and respond on behalf of the Board and the General Counsel to all requests for Agency records, except for records maintained by the Agency's Office of the Inspector General. The Office of the Inspector General has the authority to respond to all requests for records maintained by that Office. The Chief FOIA Officer has the authority to respond on behalf of the Chairman of the Board and the General Counsel to all administrative appeals of adverse determinations. The Chief FOIA Officer's authority includes responding, on behalf of the Chairman of the Board, to appeals of initial determinations made by the Office of the Inspector General.

(4) *Records made available.* Records that are required by the FOIA under 5 U.S.C. 552(a)(2) may be accessed through the Agency's Web site at *www.nlrb.gov*.

(b)(1) *Formal documents.* The formal documents constituting the record in a case or proceeding are matters of official record and, until officially destroyed pursuant to applicable statutory authority, are available to the public pursuant to the procedures in this section.

(2) *Certification of records.* The Executive Secretary will certify copies of all formal documents maintained by the Board upon request made a reasonable time in advance of need and payment of lawfully prescribed costs. The Deputy General Counsel will certify copies of any record maintained by, or originating from, the Office of General Counsel and any division, branch, or office organizationally overseen by the Office of the General Counsel, including any Regional, Subregional, or Resident Office.

(c)(1) *Making FOIA requests to the Agency*—(i) *Content of requests*—(A) *Description of records sought.* Requests for records must be in writing and must reasonably describe the record so as to permit its identification and location. To the extent possible, requesters may include specific information, such as the NLRB case number, case name, date(s) of record(s) requested, and/or full name of the party, author, or recipient of the record(s) in question. Requesters should include as much detail as practicable about the records sought. Requesters may contact the FOIA Public Liaison to discuss the records sought and to receive assistance in describing the records.

(B) *Assumption of fees.* Requests must contain a specific statement assuming financial responsibility for the direct costs of responding to the request in accordance with paragraph (d)(2) of this section.

(C) *Specificity requirement.* Requests that do not reasonably describe the records sought or assume sufficient financial responsibility for responding to the request, or that otherwise fail to comply with this section, may delay the Agency's response to the request.

(ii) *Transmission of requests.* Requests for records maintained by the Agency should be made to the FOIA Branch, which is located in the Agency's Washington, DC headquarters. The FOIA Branch is responsible for responding to requests for records originating from, or maintained by, the Board and the Office of the General Counsel, including Regional, Subregional, and resident offices. Requests for records maintained by the Agency's Office of the Inspector General may be made directly to that office.

(A) Requesters may file FOIA requests electronically through the Agency's Web site (*https://www.nlrb.gov*), which is the preferred method of submission to allow for prompt receipt, including for requests for records maintained by the Agency's Office of the Inspector General. FOIA requests may also be made by mail to the Agency's Washington, DC headquarters address, by email to the Agency's designated mailbox, or by facsimile. The mailing address, email address, and facsimile number are available on the Agency's Web site.

(B) Requests not made through the Agency's Web site should be clearly marked to indicate that they contain a request for records under the Freedom of Information Act.

(C) Requests made to an Agency division, branch, or any office other than the FOIA Branch will be forwarded to the FOIA Branch by the receiving office, but in that event, the applicable time limit for response set forth in paragraph (i) of this section will be calculated from the date of receipt by the FOIA Branch. The receiving office will normally forward the request to the FOIA Branch within 10 days of the initial receipt.

(D) Requests made to the Agency for records that originated with another governmental agency may be referred to that agency.

(2) *Processing of FOIA requests*—(i) *Timing of response.* The Agency ordinarily responds to FOIA requests according to their order of receipt. An initial determination will be issued within 20 working days (*i.e.,* exempting Saturdays, Sundays, and legal public holidays) after the receipt of a request. Responsive records are released at the time of the determination or, if necessary, at a time thereafter on a rolling basis.

(ii) *Expedited treatment.* A request for expedited processing may be made at any time during the pendency of a FOIA request or appeal. Requests and appeals will be taken out of order and given expedited treatment when warranted. A requester must provide sufficient justification to grant such processing by showing that any one of the following circumstances exists:

(A) The lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(B) There is an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information; or

(C) The loss of substantial due process rights; or

(D)(*1*) There is widespread and exceptional media interest and possible questions exist about the government's integrity which may affect public confidence.

(*2*) Within 10 calendar days of receipt of a request for expedited processing, the Agency will decide whether to grant it and will notify the requester of the decision. Once the determination has been made to grant expedited processing, the request will be given priority and processed as soon as practicable. If a request for expedited processing is denied, the Agency will act expeditiously on any appeal of that decision.

(iii) *Initial determination of requests.* Within 20 working days after receipt of a request by the FOIA Branch, a determination will be made whether to comply with such request, and the requester will be notified in writing of that determination. In the case of requests made for records maintained by the Agency's Office of the Inspector General, that determination will be made by the Office of the Inspector General. Requesters will be made aware of their right to seek assistance from the Agency's FOIA Public Liaison.

(A) *Grants of requests.* If the determination is to comply with the request, the records will be made promptly available to the person making the request and, at the same time, a statement of any charges due in accordance with the fee schedule provisions of paragraph (d)(2) of this section will be provided.

(B) *Denials of requests.* If the determination is to deny the request in any respect, the requester will be notified in writing of that determination. The determination will set forth: The reason(s) for the denial; the name and title or position of each person responsible for the denial; and an estimate of the volume of records or information withheld, in number of pages or in some other reasonable form of estimation: However, this estimate does not need to be provided if the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption. The determination will also inform the requester of the right to seek dispute resolution services from the Agency's FOIA Public Liaison or the Office of Government Information Services, as well as the right to appeal the adverse determination under the administrative appeal provisions of paragraph (c)(2)(v) of this section.

(C) Adverse determinations may consist of: A determination to withhold any requested record in whole or in part; a determination that a requested record does not exist or cannot be located; a determination that what has been requested is not a record subject to the FOIA; a determination on any disputed fee matter, including a denial of a request for a fee waiver or reduction or placement in a particular fee category; and a denial of a request for expedited treatment. An adverse determination to an administrative appeal by the Chief FOIA Officer will be the final action of the Agency. An adverse determination will inform the requester of the right to seek dispute resolution services from the Agency's FOIA Public Liaison or the Office of Government Information Services, as well as the right to appeal the adverse determination under the administrative appeal provisions of paragraph (c)(2)(v) of this section.

(iv) *Records containing business information.* Business information

obtained by the Agency from a submitter will be disclosed under the FOIA only consistent with the procedures established in this section.

(A) For purposes of this section:

(*1*) *Business information* means commercial or financial information obtained by the Agency from a submitter that may be protected from disclosure under Exemption 4 of the FOIA.

(*2*) *Submitter* means any person or entity from whom the Agency obtains business information, directly or indirectly. The term includes corporations; state, local, and tribal governments; and foreign governments.

(B) A submitter of business information will use good faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire 10 years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period. The Agency will provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information wherever required under paragraph (c)(2)(iv)(C) of this section, except as provided in paragraph (c)(2)(iv)(F) of this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (c)(2)(iv)(D) of this section. The notice will either describe the business information requested or include copies of the requested records or record portions containing the information. When notification of a voluminous number of submitters is required, notification may be made by posting or publishing the notice in a place reasonably likely to accomplish notification.

(C) Notice will be given to a submitter whenever: The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or the Agency has reason to believe that the information may be protected from disclosure under Exemption 4.

(D) The Agency will allow a submitter a reasonable time to respond to the notice described in paragraph (c)(2)(iv)(B) of this section. If a submitter has any objection to disclosure, it is required to submit a detailed written statement. The statement must specify all grounds for withholding any portion of the information under any exemption of the FOIA and, in the case of Exemption 4, it must show why the information is a trade secret or commercial or financial information that is privileged or confidential. In the event that a submitter fails to respond to the notice within the time specified in it, the submitter will be considered to have no objection to disclosure of the information. Information provided by a submitter under this paragraph may itself be subject to disclosure under the FOIA.

(E) The Agency will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever the Agency decides to disclose business information over the objection of a submitter, the Agency will give the submitter written notice, which will include: A statement of the reason(s) why each of the submitter's disclosure objections was not sustained; a description of the business information to be disclosed; and a specified disclosure date, which will be a reasonable time subsequent to the notice.

(F) The notice requirements of paragraphs (c)(2)(iv)(B) and (E) of this section will not apply if: The Agency determines that the information may not be disclosed; the information lawfully has been published or has been officially made available to the public; disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 (3 CFR, 1988 Comp., p. 235); or the designation made by the submitter under paragraph (c)(2)(iv)(B) of this section appears obviously frivolous—except that, in such a case, the Agency will, within a reasonable time prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information.

(G) Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the Agency will promptly notify the submitter.

(H) Whenever the Agency provides a submitter with notice and an opportunity to object to disclosure under paragraph (c)(2)(iv)(B) of this section, the Agency will also notify the requester(s). Whenever the Agency notifies a submitter of its intent to disclose requested information under paragraph (c)(2)(iv)(E) of this section, the Agency will also notify the requester(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the Agency will notify the requester(s).

(v) *Administrative appeals.* (A) An appeal from an adverse determination made pursuant to paragraph (c)(2)(iii) of this section must be filed within 90 calendar days of the service of the notification of the adverse determination, in whole or in part. Appeals of adverse determinations made by the FOIA Officer or the Office of the Inspector General may be filed with the Division of Legal Counsel in Washington, DC.

(B) As provided in paragraph (c)(2)(iii) of this section, an adverse determination will notify the requester of the right to appeal the adverse determination and will specify where such appeal may be filed. Within 20 working days after receipt of an appeal, the Chief FOIA Officer will make a determination with respect to such appeal and will notify the requester in writing. If the determination is to grant the appeal, the responsive records will be made promptly available to the requester upon receipt of payment of any charges due in accordance with the provisions of paragraph (d)(2) of this section. If the appeal is denied, in whole or in part, the requester will be notified of the reasons for the decision, the name and title or position of any person responsible for the denial, and the provisions for judicial review of that determination under the provisions of 5 U.S.C. Section 552(4)(B).

(C) Before seeking judicial review of an adverse determination, a requester must first submit a timely administrative appeal.

(D) Even if no FOIA appeal is filed, the Chief FOIA Officer may, without regard to the time limit for filing of an appeal, initiate reconsideration of an adverse determination by issuing written notice to the requester. In such event, the time limit for making the determination will commence with the issuance of such notification.

(vi) *Extension of time to respond to requests.* In unusual circumstances as specified in this paragraph (c)(2)(vi), the Agency may extend the time limits prescribed in either paragraph (c)(2)(i) or (iv) of this section by written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected, and notifying the requester of the right to seek dispute resolution services from the Office of Government Information Services. The extension of time will not exceed 10 working days. As used in this paragraph (c)(2)(vi), *unusual circumstances* means, but only to the extent reasonably necessary to the proper processing of the particular request:

(A) The need to search for and collect the requested records from other offices in the Agency that are separate from the FOIA Branch;

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

(C)(*1*) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or with two or more offices in the Agency having a substantial subject matter interest in the request.

(*2*) If the request cannot be processed within the time limits prescribed above, the Agency will provide the requester with an opportunity to limit the request so that it may be processed within the 10-day extended time limit for response. The requester may also arrange an alternative time frame with the Agency for processing the request or a modified request. The Agency's FOIA Public Liaison is available to assist with any issues that may arise.

(vii) *Preservation of FOIA request files.* The Agency will preserve files created in response to requests for information under the FOIA and files created in responding to administrative appeals under the FOIA until disposition or destruction is authorized by Title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule 4.2, item 020. Records will not be disposed of or destroyed while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

(d)(1) *Fees.* For purposes of this section, the following definitions apply:

(i) *Direct costs* means those expenditures which are actually incurred in searching for and duplicating and, in the case of commercial use requests, reviewing documents to respond to a FOIA request.

(ii) *Search* refers to the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of material within documents and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format. The Agency will ensure that searches are done in the most efficient and least expensive manner reasonably possible.

(iii) *Duplication* refers to the process of making a copy of a record, or the information contained in it, necessary to respond to a FOIA request. Such copies can take the form of paper, microfilm, videotape, audiotape, or electronic records (*e.g.,* magnetic tape or disk), among others. The Agency will honor a requester's specified preference of form or format of disclosure if the record is readily reproducible with reasonable efforts in the requested form or format by the office responding to the request.

(iv) *Review* refers to the process of examining documents located in response to a request that is for commercial use to determine whether any portion of it is exempt from disclosure. It includes processing any documents for disclosure, *e.g.,* doing all that is necessary to redact and prepare them for disclosure. Review time includes time spent considering any formal objection to disclosure made by a business submitter under paragraph (c)(2)(iv) of this section, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(v) *Commercial use request* refers to a request from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.

(vi) *Educational institution* refers to a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research.

(vii) *Representative of the news media* refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term *news* means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in instances where they can qualify as disseminators of *news*) who make their products available for purchase or subscription by the general public. For ''freelance'' journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract is the clearest proof, but the Agency will also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for commercial use. However, a request for records supporting the news dissemination function of the requester will not be considered to be for a commercial use.

(viii) *Working days,* as used in this section, means calendar days excepting Saturdays, Sundays, and legal holidays.

(2) *Fee schedule.* Requesters will be subject to a charge of fees for the full allowable direct costs of document search, review, and duplicating, as appropriate, in accordance with the following schedules, procedures, and conditions:

(i) *Schedule of charges:*

(A) For each one-quarter hour or portion thereof of clerical time $3.10.

(B) For each one-quarter hour or portion thereof of professional time $9.25.

(C) For each sheet of duplication (not to exceed 8½ by 14 inches) of requested records $0.12.

(D) All other direct costs of preparing a response to a request will be charged to the requester in the same amount as incurred by the Agency. Such costs will include, but not be limited to: Certifying that records are true copies; sending records to requesters or receiving records from the Federal records storage centers by special methods such as express mail; and, where applicable, conducting computer searches for information and for providing information in electronic format.

(ii) Fees incurred in responding to information requests are to be charged in accordance with the following categories of requesters:

(A) Commercial use requesters will be assessed charges to recover the full direct costs for searching for, reviewing for release, and duplicating the records sought. Requesters must reasonably describe the records sought.

(B) Educational institution requesters will be assessed charges for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for commercial use, but are sought in furtherance of scholarly research. Requesters must reasonably describe the records sought.

(C) Requesters who are representatives of the news media will be assessed charges for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in paragraph (d)(1)(vii) of this section, and the request must not be made for commercial use. In reference to this

class of requester, a request for records supporting the news dissemination function of the requester will not be considered to be a request for commercial use. Requesters must reasonably describe the records sought.

(D) All other requesters, not elsewhere described, will be assessed charges to recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first 2 hours of search time will be furnished without charge. Requesters must reasonably describe the records sought.

(E) Absent a reasonably based factual showing that a requester may be placed in a particular user category, fees will be imposed as provided for in the commercial use requester category.

(iii) *Unusual fee circumstances.* (A) In no event will fees be imposed on any requester when the total charges are less than $5, which is the Agency's cost of collecting and processing the fee itself.

(B) If the Agency reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the Agency may aggregate those requests and charge accordingly. The Agency may presume that multiple requests of this type made within a 30-day period have been made to avoid fees. Where requests are separated by a longer period, the Agency will aggregate them only where there exists a solid basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(iv) *Requests for fee waiver or reduction.* Documents are to be furnished without charge or at reduced levels if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest. A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure. Where only some of the requested records satisfy the requirements for a fee waiver, a waiver will be granted for those records.

(v) *Failure to pay fees.* If a requester fails to pay chargeable fees that were incurred as a result of the Agency's processing of the information request, beginning on the 31st day following the date on which the notification of charges was sent, the Agency may assess interest charges against the requester in the manner prescribed in 31 U.S.C. Section 3717. Where appropriate, other steps permitted by federal debt collection statutes, including disclosure to consumer reporting agencies, use of collection agencies, and offset, will be used by the Agency to encourage payment of amounts overdue.

(vi) *Assumption of financial responsibility for processing requests.* Each request for records must contain a specific statement assuming financial liability, in full or to a specified maximum amount, for charges, in accordance with paragraphs (d)(2)(i) and (ii) of this section, which may be incurred by the Agency in responding to the request. If the anticipated charges exceed the maximum limit stated by the person making the request, or if the request contains no assumption of financial liability or charges, the requester will be notified and afforded an opportunity to assume financial liability. In either case, the request for records will not be deemed received for purposes of the applicable time limit for response until a written assumption of financial liability is received. The Agency may require a requester to make an advance payment of anticipated fees under the following circumstances:

(A) If the anticipated charges are likely to exceed $250, the Agency will notify the requester of the likely cost and obtain satisfactory assurance of full payment when the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment.

(B) If a requester has previously failed to pay fees that have been charged in processing a request within 30 days of the date the notification of fees was sent, the requester will be required to pay the entire amount of fees that are owed, plus interest as provided for in paragraph (d)(2)(v) of this section, before the Agency will process a further information request. In addition, the Agency may require advance payment of fees that the Agency estimates will be incurred in processing the further request before the Agency commences processing that request. When the Agency acts under paragraph (d)(2)(vi)(A) or (B) of this section, the administrative time limits for responding to a request or an appeal from initial determinations will begin to run only after the Agency has received the fee payments required in paragraph (d)(2) of this section.

(vii) *Fees may be charged even if no documents are provided.* Charges may be imposed even though the search discloses no records responsive to the request, or if records located are determined to be exempt from disclosure.

§ 102.118 Present and former Board employees prohibited from producing documents and testifying; production of witnesses' statements after direct testimony.

(a) *Prohibition on producing files and documents.* Except as provided in § 102.117 respecting requests cognizable under the Freedom of Information Act, no present or former employee or specially designated agent of the Agency will produce or present any files, documents, reports, memoranda, or records of the Board or of the General Counsel, whether in response to a *subpoena duces tecum* or otherwise, without the written consent of the Board or the Chairman of the Board if the document is in Washington, DC, and in control of the Board; or of the General Counsel if the document is in a Regional Office of the Board or is in Washington, DC, and in the control of the General Counsel.

(b) *Prohibition on testifying.* No present or former employee or specially designated agent of the Agency will testify on behalf of any party to any cause pending in any court or before the Board, or any other board, commission, or other administrative agency of the United States, or of any State, territory, or the District of Columbia, or any subdivisions thereof, with respect to any information, facts, or other matter coming to that person's knowledge in that person's official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board or of the General Counsel, whether in answer to a subpoena or otherwise, without the written consent of the Board or the Chairman of the Board if the person is in Washington, DC, and subject to the supervision or control of the Board or was subject to such supervision or control when formerly employed at the Agency; or of the General Counsel if the person is in a Regional Office of the Agency or is in Washington, DC, and subject to the supervision or control of the General Counsel or was subject to such supervision or control when formerly employed at the Agency. A request that such consent be granted must be in writing and must identify the documents to be produced, or the person whose testimony is desired, the

nature of the pending proceeding, and the purpose to be served by the production of the document or the testimony of the official.

(c) *Motion to quash subpoena.* Whenever any subpoena *ad testificandum* or subpoena *duces tecum,* the purpose of which is to adduce testimony or require the production of records as described above, has been served on any present or former employee or specially designated agent of the Agency, that person will, unless otherwise expressly directed by the Board or the Chairman of the Board or the General Counsel, as the case may be, move pursuant to the applicable procedure, whether by petition to revoke, motion to quash, or otherwise, to have such subpoena invalidated on the ground that the evidence sought is privileged against disclosure by this Rule.

(d) *Prohibition on disclosure of personal information.* No present or former employee or specially designated agent of the Agency will, by any means of communication to any person or to another agency, disclose personal information about an individual from a record in a system of records maintained by this Agency, as more fully described in the notices of systems of records published by this Agency in accordance with the provisions of Section (e)(4) of the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), or by the Notices of Government-wide Systems of Personnel Records published by the Civil Service Commission in accordance with those statutory provisions, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be in accordance with the provisions of Section (b)(1) through (11), both inclusive, of the Privacy Act of 1974, 5 U.S.C. 552a(b)(1) through (11).

(e) *Production of statement for cross-examination.* Notwithstanding the prohibitions of paragraphs (a) and (b) of this section, after a witness called by the General Counsel or by the Charging Party has testified in a hearing upon a complaint under Section 10(c) of the Act, the Administrative Law Judge must, upon motion of the Respondent, order the production of any statement, as defined paragraph (g) of this section, of such witness in the possession of the General Counsel which relates to the subject matter as to which the witness has testified.

(1) If the entire contents of any such statement relate to the subject matter of the testimony of the witness, the Administrative Law Judge must order the statement to be delivered directly to the respondent for examination and use for the purpose of cross-examination.

(2) If the General Counsel claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the Administrative Law Judge will order the General Counsel to deliver the statement for the inspection of the Administrative Law Judge *in camera.* Upon delivery, the Administrative Law Judge will excise the portions of such statement which do not relate to the subject matter of the testimony of the witness except that the Administrative Law Judge has discretion to decline to excise portions which, although not relating to the subject matter of the testimony of the witness, do relate to other matters raised by the pleadings. With the material excised, the Administrative Law Judge will then direct delivery of the statement to the Respondent for use on cross-examination. If any portion of the statement is withheld and the Respondent objects to the withholding, the General Counsel will preserve the entire text of the statement, and, if the Respondent files exceptions with the Board based upon such withholding, make the entire text available to the Board for the purpose of determining the correctness of the ruling of the Administrative Law Judge. If the General Counsel elects not to comply with an order of the Administrative Law Judge directing delivery to the Respondent of any statement, or portion thereof as the Administrative Law Judge may direct, the Administrative Law Judge will strike from the record the testimony of the witness.

(f) *Production of statement in postelection hearings.* The provisions of paragraph (e) of this section will also apply after any witness has testified in any postelection hearing pursuant to § 102.69(d) and any party has moved for the production of any statement, as defined in paragraph (g) of this section, of the witness in possession of any agent of the Board which relates to the subject matter as to which the witness has testified. The authority exercised by the Administrative Law Judge under paragraph (e) of this section will be exercised by the Hearing Officer presiding.

(g) *Definition of statement.* The term *statement* as used in this section means:

(1) A written statement made by the witness and signed or otherwise adopted or approved by the witness; or

(2) A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by the witness to an agent of the party obligated to produce the statement and recorded contemporaneously with the making of the oral statement.

§ 102.119 Privacy Act Regulations: notification as to whether a system of records contains records pertaining to requesting individuals; requests for access to records, amendment of requests; fees for document duplication; files and records exempted from certain Privacy Act requirements.

(a)(1) An individual will be informed whether a system of records maintained by the Agency contains a record pertaining to such individual. An inquiry may be made in writing or in person during normal business hours to the official of the Agency designated for that purpose and at the address set forth in a notice of a system of records published by this Agency, in a Notice of Systems of Government-wide Personnel Records published by the Office of Personnel Management, or in a Notice of Government-wide Systems of Records published by the Department of Labor. Copies of such notices, and assistance in preparing an inquiry, may be obtained from any Regional Office of the Board or at the Board offices in Washington, DC. The inquiry may contain sufficient information, as defined in the notice, to identify the record.

(2) Reasonable verification of the identity of the inquirer, as described in paragraph (e) of this section, will be required to assure that information is disclosed to the proper person. The Agency will acknowledge the inquiry in writing within 10 days (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment will supply the information requested. If, for good cause shown, the Agency cannot supply the information within 10 days, the inquirer will within that time period be notified in writing of the reasons therefor and when it is anticipated the information will be supplied. An acknowledgment will not be provided when the information is supplied within the 10-day period. If the Agency refuses to inform an individual whether a system of records contains a record pertaining to an individual, the inquirer will be notified in writing of that determination and the reasons therefor, and of the right to obtain review of that determination under the provisions of paragraph (f) of this section. The provisions of this paragraph (a)(2) do not apply to the extent that requested information from the relevant system of records has been exempted from this Privacy Act requirement.

(b)(1) An individual will be permitted access to records pertaining to such individual contained in any system of records described in the notice of system of records published by the Agency, or access to the accounting of disclosures from such records. The request for access must be made in writing or in person during normal business hours to the person designated for that purpose and at the address set forth in the published notice of system of records. Copies of such notices, and assistance in preparing a request for access, may be obtained from any Regional Office of the Board or at the Board offices in Washington, DC. Reasonable verification of the identity of the requester, as described in paragraph (e) of this section, will be required to assure that records are disclosed to the proper person. A request for access to records or the accounting of disclosures from such records will be acknowledged in writing by the Agency within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment will inform the requester whether access will be granted and, if so, the time and location at which the records or accounting will be made available. If access to the record of accounting is to be granted, the record or accounting will normally be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays) of the request, unless for good cause shown the Agency is unable to do so, in which case the individual will be informed in writing within that 30-day period of the reasons therefor and when it is anticipated that access will be granted. An acknowledgment of a request will not be provided if the record is made available within the 10-day period.

(2) If an individual's request for access to a record or an accounting of disclosure from such a record under the provisions of this paragraph (b) is denied, the notice informing the individual of the denial will set forth the reasons therefor and advise the individual of the right to obtain a review of that determination under the provisions of paragraph (f) of this section. The provisions of this paragraph (b)(2) do not apply to the extent that requested information from the relevant system of records has been exempted from this Privacy Act requirement.

(c) An individual granted access to records pertaining to such individual contained in a system of records may review all such records. For that purpose, the individual may be accompanied by a person of the individual's choosing, or the record may be released to the individual's representative who has written consent of the individual, as described in paragraph (e) of this section. A first copy of any such record or information will ordinarily be provided without charge to the individual or representative in a form comprehensible to the individual. Fees for any other copies of requested records will be assessed at the rate of 12 cents for each sheet of duplication.

(d) An individual may request amendment of a record pertaining to such individual in a system of records maintained by the Agency. A request for amendment of a record must be in writing and submitted during normal business hours to the person designated for that purpose and at the address set forth in the published notice for the system of records containing the record of which amendment is sought. Copies of such notices, and assistance in preparing a request for amendment, may be obtained from any Regional Office of the Board or at the Board offices in Washington, DC. The requester must provide verification of identity as described in paragraph (e) of this section, and the request must set forth the specific amendment requested and the reason for the requested amendment. The Agency will acknowledge in writing receipt of the request within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) and, whenever practicable, the acknowledgement will advise the individual of the determination of the request. If the review of the request for amendment cannot be completed and a determination made within 10 days, the review will be completed as soon as possible, normally within 30 days (Saturdays, Sundays, and legal public holidays excluded) of receipt of the request unless unusual circumstances preclude completing the review within that time, in which event the requester will be notified in writing within that 30-day period of the reasons for the delay and when the determination of the request may be expected. If the determination is to amend the record, the requester will be so notified in writing and the record will be amended in accordance with that determination. If any disclosures accountable under the provisions of 5 U.S.C. 552a(c) have been made, all previous recipients of the record which was amended must be advised of the amendment and its substance. If it is determined that the request may not be granted, the requester will be notified in writing of that determination and of the reasons therefor, and advised of the right to obtain review of the adverse determination under the provisions of paragraph (f) of this section. The provisions of this paragraph (d) do not apply to the extent that requested information from the relevant system of records has been exempted from this Privacy Act requirement.

(e) Verification of the identification of individuals required under paragraphs (a), (b), (c), and (d) of this section to assure that records are disclosed to the proper person will be required by the Agency to an extent consistent with the nature, location, and sensitivity of the records being disclosed. Disclosure of a record to an individual will normally be made upon the presentation of acceptable identification. Disclosure of records by mail may be made on the basis of the identifying information set forth in the request. Depending on the nature, location, and sensitivity of the requested record, a signed notarized statement verifying identity may be required by the Agency. Proof of authorization as representative to have access to a record of an individual must be in writing, and a signed notarized statement of such authorization may be required by the Agency if the record requested is of a sensitive nature.

(f)(1) Review may be obtained with respect to:

(i) A refusal, under paragraph (a) or (g) of this section, to inform an individual if a system of records contains a record concerning that individual;

(ii) A refusal, under paragraph (b) or (g) of this section, to grant access to a record or an accounting of disclosure from such a record; or

(iii) A refusal, under paragraph (d) of this section, to amend a record.

(iv) The request for review may be made to the Chairman of the Board if the system of records is maintained in the office of a Member of the Board, the Office of the Executive Secretary, the Office of the Solicitor, the Office of Congressional and Public Affairs, or the Division of Administrative Law Judges. Consistent with the provisions of Section 3(d) of the Act, and the delegation of authority from the Board to the General Counsel, the request may be made to the General Counsel if the system of records is maintained by an office of the Agency other than those enumerated above. Either the Chairman of the Board or the General Counsel may designate in writing another officer of the Agency to review the refusal of the request. Such review will be completed within 30 days (excluding Saturdays, Sundays, and legal public holidays)

from the receipt of the request for review unless the Chairman of the Board or the General Counsel, as the case may be, for good cause shown, extends such 30-day period.

(2) If, upon review of a refusal under paragraph (a) or (g) of this section, the reviewing officer determines that the individual may be informed of whether a system of records contains a record pertaining to that individual, such information will be promptly provided. If the reviewing officer determines that the information was properly denied, the individual will be so informed in writing with a brief statement of the reasons therefor.

(3) If, upon review of a refusal under paragraph (b) or (g) of this section, the reviewing officer determines that access to a record or to an accounting of disclosures may be granted, the requester will be so notified and the record or accounting will be promptly made available to the requester. If the reviewing officer determines that the request for access was properly denied, the individual will be so informed in writing with a brief statement of the reasons therefor, and of the right to judicial review of that determination under the provisions of 5 U.S.C. 552a(g)(1)(B).

(4) If, upon review of a refusal under paragraph (i) of this section, the reviewing official grants a request to amend, the requester will be so notified, the record will be amended in accordance with the determination, and, if any disclosures accountable under the provisions of 5 U.S.C. 552a(c) have been made, all previous recipients of the record which was amended will be advised of the amendment and its substance. If the reviewing officer determines that the denial of a request for amendment may be sustained, the Agency will advise the requester of the determination and the reasons therefor, and that the individual may file with the Agency a concise statement of the reason for disagreeing with the determination, and may seek judicial review of the Agency's denial of the request to amend the record. In the event a statement of disagreement is filed, that statement:

(i) Will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Agency, a brief statement summarizing the Agency's reasons for declining to amend the record; and

(ii) Will be supplied, together with any Agency statements, to any prior recipients of the disputed record to the extent that an accounting of disclosure was made.

(g) To the extent that portions of systems of records described in notices of Government-wide systems of records published by the Office of Personnel Management are identified by those notices as being subject to the management of an officer of this Agency, or an officer of the Agency is designated as the official to contact for information, access, or contents of those records, individual requests for access to those records, requests for their amendment, and review of denials of requests for amendment will be in accordance with the provisions of 5 CFR 297.101 through 297.501, as promulgated by the Office of Personnel Management. To the extent that portions of systems of records described in notices of Government-wide systems of records published by the Department of Labor are identified by those notices as being subject to the management of an officer of the Agency, or an officer of the Agency is designated as the official to contact for information, access, or contents of those records, individual requests for access to those records, requests for their amendment, and review of denials of requests for amendment will be in accordance with the provisions of this section. Review of a refusal to inform an individual whether such a system of records contains a record pertaining to that individual and review of a refusal to grant an individual's request for access to a record in such a system may be obtained in accordance with the provisions of paragraph (f) of this section.

(h) Pursuant to 5 U.S.C. 552a(j)(2), the system of records maintained by the Office of the Inspector General of the National Labor Relations Board that contains Investigative Files will be exempted from the provisions of 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), from 29 CFR 102.117(c) and (d), and from 29 CFR 102.119(a), (b), (c), (d), (e), and (f), insofar as the system contains investigatory material compiled for criminal law enforcement purposes.

(i) Pursuant to 5 U.S.C. 552a(k)(2), the system of records maintained by the Office of the Inspector General of the National Labor Relations Board that contains the Investigative Files must be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), from 29 CFR 102.117(c) and (d), and from 29 CFR 102.119(a), (b), (c), (d), (e), and (f), insofar as the system contains investigatory material compiled for law enforcement purposes not within the scope of the exemption at 29 CFR 102.119(h).

(j) Privacy Act exemptions contained in paragraphs (h) and (i) of this section are justified for the following reasons:

(1) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at that individual's request. These accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. Accounting for each disclosure would alert the subjects of an investigation to the existence of the investigation and the fact that they are subjects of the investigation. The release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation and could seriously impede or compromise the investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel, and their families and lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony.

(2) 5 U.S.C. 552a(c)(4) requires an agency to inform any person or other agency about any correction or notation of dispute made by the agency in accordance with subsection (d) of the Act. Since this system of records is being exempted from subsection (d) of the Act, concerning access to records, this section is inapplicable to the extent that this system of records will be exempted from subsection (d) of the Act.

(3) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to the individual, to request amendment to such records, to request a review of an agency decision not to amend such records, and to contest the information contained in such records. Granting access to records in this system of records could inform the subject of an investigation of an actual or potential criminal violation, of the existence of that investigation, of the nature and scope of the information and evidence obtained as to the individual's activities, or of the identity of confidential sources, witnesses, and law enforcement personnel and could provide information to enable the subject to avoid detection or apprehension. Granting access to such information could seriously impede or compromise an investigation, endanger the physical safety of confidential sources, witnesses, law enforcement personnel, and their families, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and disclose investigative

techniques and procedures. In addition, granting access to such information could disclose classified, security-sensitive, or confidential business information and could constitute an unwarranted invasion of the personal privacy of others.

(4) 5 U.S.C. 552a(e)(1) requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. The application of this provision could impair investigations and law enforcement because it is not always possible to detect the relevance or necessity of specific information in the early stages of an investigation. Relevance and necessity are often questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established. In addition, during the course of the investigation, the investigator may obtain information which is incidental to the main purpose of the investigative jurisdiction of another agency. Such information cannot readily be segregated. Furthermore, during the course of the investigation, the investigator may obtain information concerning the violation of laws other than those which are within scope of the investigator's jurisdiction. In the interest of effective law enforcement, OIG investigators may retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for other law enforcement agencies.

(5) 5 U.S.C. 552a(e)(2) requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The application of this provision could impair investigations and law enforcement by alerting the subject of an investigation, thereby enabling the subject to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, in certain circumstances, the subject of an investigation cannot be required to provide information to investigators and information must be collected from other sources. Furthermore, it is often necessary to collect information from sources other than the subject of the investigation to verify the accuracy of the evidence collected.

(6) 5 U.S.C. 552a(e)(3) requires an agency to inform each person whom it asks to supply information, on a form that can be retained by the person, of the authority under which the information is sought and whether disclosure is mandatory or voluntary; of the principal purposes for which the information is intended to be used; of the routine uses which may be made of the information; and of the effects on the person, if any, of not providing all or any part of the requested information. The application of this provision could provide the subject of an investigation with substantial information about the nature of that investigation that could interfere with the investigation. Moreover, providing such a notice to the subject of an investigation could seriously impede or compromise an undercover investigation by revealing its existence and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) 5 U.S.C. 552a(e)(4)(G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual, at the individual's request, if the system of records contains a record pertaining to the individual, how to gain access to such a record, and how to contest its content. Since this system of records is being exempted from subsection (f) of the Act, concerning agency rules, and subsection (d) of the Act, concerning access to records, these requirements are inapplicable to the extent that this system of records will be exempt from subsections (f) and (d) of the Act. Although the system would be exempt from these requirements, OIG has published information concerning its notification, access, and contest procedures because, under certain circumstances, OIG could decide it is appropriate for an individual to have access to all or a portion of the individual's records in this system of records.

(8) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of the sources of information, to protect the privacy and physical safety of confidential sources and witnesses, and to avoid the disclosure of investigative techniques and procedures. Although the system will be exempt from this requirement, OIG has published such a notice in broad generic terms.

(9) 5 U.S.C. 552a(e)(5) requires an agency to maintain its records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making any determination about the individual. Since the Act defines *maintain* to include the collection of information, complying with this provision could prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In collecting information for criminal law enforcement purposes, it is not possible to determine in advance what information is accurate, relevant, timely, and complete. Facts are first gathered and then placed into a logical order to prove or disprove objectively the criminal behavior of an individual. Material which seems unrelated, irrelevant, or incomplete when collected can take on added meaning or significance as the investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, thereby impeding effective law enforcement.

(10) 5 U.S.C. 552a(e)(8) requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. Complying with this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

(11) 5 U.S.C. 552a(f)(1) requires an agency to promulgate rules that establish procedures whereby an individual can be notified in response to the individual's request if any system of records named by the individual contains a record pertaining to the individual. The application of this provision could impede or compromise an investigation or prosecution if the subject of an investigation were able to use such rules to learn of the existence of an investigation before it could be completed. In addition, mere notice of the fact of an investigation could inform the subject and others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since this system would be exempt from subsection (d) of the Act, concerning access to records, the requirements of subsection (f)(2) through (5) of the Act, concerning agency rules for obtaining access to such records, are inapplicable to the extent that this system of records will be exempted from subsection (d) of the Act. Although this system would be exempt from the requirements of

subsection (f) of the Act, OIG has promulgated rules which establish agency procedures because, under certain circumstances, it could be appropriate for an individual to have access to all or a portion of the individual's records in this system of records.

(12) 5 U.S.C. 552a(g) provides for civil remedies if an agency fails to comply with the requirements concerning access to records under subsections (d)(1) and (3) of the Act; maintenance of records under subsection (e)(5) of the Act; and any other provision of the Act, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual. Since this system of records would be exempt from subsections (c) (3) and (4), (d), (e)(1), (2), and (3) and (4)(G) through (I), (e)(5), and (8), and (f) of the Act, the provisions of subsection (g) of the Act would be inapplicable to the extent that this system of records will be exempted from those subsections of the Act.

(k) Pursuant to 5 U.S.C. 552a(k)(2), the system of records maintained by the NLRB containing Agency Disciplinary Case Files (Nonemployees) are exempt from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) insofar as the system contains investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2).

(l) The Privacy Act exemption set forth in paragraph (k) of this section is claimed on the ground that the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, if applied to Agency Disciplinary Case Files, would seriously impair the ability of the NLRB to conduct investigations of alleged or suspected violations of the NLRB's misconduct rules, as set forth in paragraphs (j)(1), (3), (4), (7), (8), and (11) of this section.

(m) Pursuant to 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes that is contained in the Next Generation Case Management System (NxGen) (NLRB–33), are exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). This information was formerly contained within the following legacy systems, which remain accessible and which also are exempt pursuant to 5 U.S.C. 552a(k)(2), as follows:

(1) The following three legacy systems of records are exempt in their entirety from provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f), because the systems contain investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2): Case Activity Tracking System (CATS) and Associated Regional Office Files (NLRB–25), Regional Advice and Injunction Litigation System (RAILS) and Associated Headquarters Files (NLRB–28), and Appeals Case Tracking System (ACTS) and Associated Headquarters Files (NLRB–30).

(2) Pursuant to 5 U.S.C. 552a(k)(2), limited categories of information from the following four systems of records are exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f), insofar as the systems contain investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2):

(i) The legacy Judicial Case Management Systems-Pending Case List (JCMS–PCL) and Associated Headquarters Files (NLRB–21)—information relating to requests to file injunctions under 29 U.S.C. 160(j), requests to initiate federal court contempt proceedings, certain requests that the Board initiate litigation or intervene in non-Agency litigation, and any other investigatory material compiled for law enforcement purposes;

(ii) The legacy Solicitor's System (SOL) and Associated Headquarters Files (NLRB–23)—information relating to requests to file injunctions under 29 U.S.C. 160(j), requests to initiate federal court contempt proceedings, certain requests that the Board initiate litigation or intervene in non-Agency litigation, and any other investigatory material compiled for law enforcement purposes;

(iii) The legacy Special Litigation Case Tracking System (SPLIT) and Associated Headquarters Files (NLRB–27)—information relating to investigative subpoena enforcement cases, injunction and mandamus actions regarding Agency cases under investigation, bankruptcy case information in matters under investigation, Freedom of Information Act cases involving investigatory records, certain requests that the Board initiate litigation or intervene in non-Agency litigation, and any other investigatory material compiled for law enforcement purposes; and

(iv) The Freedom of Information Act Tracking System (FTS) and Associated Agency Files (NLRB–32)—information requested under the Freedom of Information Act, 5 U.S.C. 552, that relates to the Agency's investigation of unfair labor practice and representation cases or other proceedings described in paragraphs (m)(1) and (2) of this section.

(n) The reasons for exemption under 5 U.S.C. 552a(k)(2) are as follows:

(1) 5 U.S.C. 552a(c)(3) requires an agency to make the accounting of each disclosure of records available to the individual named in the record at such individual's request. These accountings must state the date, nature, and purpose of each disclosure of a record, and the name and address of the recipient. Providing such an accounting of investigatory information to a party in an unfair labor practice or representation matter under investigation could inform that individual of the precise scope of an Agency investigation, or the existence or scope of another law enforcement investigation. Accordingly, this Privacy Act requirement could seriously impede or compromise either the Agency's investigation, or another law enforcement investigation, by causing the improper influencing of witnesses, retaliation against witnesses, destruction of evidence, or fabrication of testimony.

(2) 5 U.S.C. 552a(d) requires an agency to permit an individual to gain access to records pertaining to such individual, to request amendment to such records, to request review of an agency decision not to amend such records, and, where the Agency refuses to amend records, to submit a statement of disagreement to be included with the records. Such disclosure of investigatory information could seriously impede or compromise the Agency's investigation by revealing the identity of confidential sources or confidential business information, or causing the improper influencing of witnesses, retaliation against witnesses, destruction of evidence, fabrication of testimony, or unwarranted invasion of the privacy of others. Amendment of the records could interfere with ongoing law enforcement proceedings and impose an undue administrative burden by requiring investigations to be continuously reinvestigated.

(3) 5 U.S.C. 552a(e)(1) requires an agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required by statute or by executive order of the President. This requirement could foreclose investigators from acquiring or receiving information the relevance and necessity of which is not readily apparent and could only be ascertained after a complete review and evaluation of all the evidence.

(4) 5 U.S.C. 552a(e)(4)(G) and (H) require an agency to publish a **Federal Register** notice concerning its procedures for notifying an individual, at the individual's request, if the system of records contains a record pertaining

to the individual, for gaining access to such a record, and for contesting its content. Because certain information from these systems of records is exempt from subsection (d) of the Act concerning access to records, and consequently, from subsection (f) of the Act concerning Agency rules governing access, these requirements are inapplicable to that information.

(5) 5 U.S.C. 552a(e)(4)(I) requires an agency to publish a **Federal Register** notice concerning the categories of sources of records in the system of records. Exemption from this provision is necessary to protect the confidentiality of sources of information, to protect against the disclosure of investigative techniques and procedures, to avoid threats or reprisals against informers by subjects of investigations, and to protect against informers refusing to give full information to investigators for fear of having their identities as sources revealed.

(6) 5 U.S.C. 552a(f) requires an agency to promulgate rules for notifying individuals of Privacy Act rights granted by subsection (d) of the Act concerning access and amendment of records. Because certain information from these systems is exempt from subsection (d) of the Act, the requirements of subsection (f) of the Act are inapplicable to that information.

Subpart L—Post-Employment Restrictions on Activities by Former Officers and Employees

Sec.
102.120 Post-employment restrictions on activities by former officers and employees.

§ 102.120 Post-employment restrictions on activities by former officers and employees.

Former officers and employees of the Agency who were attached to any of its Regional Offices or the Washington staff are subject to the applicable post-employment restrictions imposed by 18 U.S.C. 207. Guidance concerning those restrictions may be obtained from the Designated Agency Ethics Officer and any applicable regulations issued by the Office of Government Ethics.

Subpart M—Construction of Rules

Sec.
102.121 Rules to be liberally construed.
102.122 and 102.123 [Reserved]

§ 102.121 Rules to be liberally construed.

The Rules and Regulations in this part will be liberally construed to effectuate the purposes and provisions of the Act.

§§ 102.122 and 102.123 [Reserved]

Subpart N—[Removed and Reserved]

■ 18. Remove and reserve subpart N.

■ 19. Revise subpart O to read as follows:

Subpart O—Amendments

Sec.
102.124 Petitions for issuance, amendment, or repeal of rules.
102.125 Action on petition.

§ 102.124 Petitions for issuance, amendment, or repeal of rules.

Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original of such petition must be filed with the Board and must state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

§ 102.125 Action on petition.

Upon the filing of such petition, the Board will consider the same and may either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon, or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice will be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

Subpart P—*Ex Parte* Communications

■ 20. Revise § 102.126 to read as follows:

§ 102.126 Unauthorized communications.

(a) No interested person outside this Agency may, in an on-the-record proceeding of the types defined in § 102.128, make or knowingly cause to be made any prohibited *ex parte* communication to Board agents of the categories designated in that Section relevant to the merits of the proceeding.

(b) No Board agent of the categories defined in § 102.128, participating in a particular proceeding as defined in that section, may:

(i) Request any prohibited *ex parte* communications; or

(ii) Make or knowingly cause to be made any prohibited *ex parte* communications about the proceeding to any interested person outside this Agency relevant to the merits of the proceeding.

■ 21. Revise § 102.127(a) to read as follows:

§ 102.127 Definitions.

* * * * *

(a) The term *person outside this Agency,* to whom the prohibitions apply includes any individual outside this Agency, partnership, corporation, association, or other entity, or an agent thereof, and the General Counsel or the General Counsel's representative when prosecuting an unfair labor practice proceeding before the Board pursuant to Section 10(b) of the Act.

* * * * *

■ 22. Revise §§ 102.128 through 102. to read as follows:

Sec.
102.128 Types of on-the-record proceedings; categories of Board agents; duration of prohibition.
102.129 Communications prohibited.
102.130 Communications not prohibited.
102.131 Solicitation of prohibited communications.
102.132 Reporting of prohibited communications; penalties.
102.133 Penalties and enforcement.

§ 102.128 Types of on-the-record proceedings; categories of Board agents; duration of prohibition.

Unless otherwise provided by specific order of the Board entered in the proceeding, the prohibition of § 102.126 will be applicable in the following types of on-the-record proceedings to unauthorized *ex parte* communications made to the designated categories of Board agents who participate in the decision, from the stage of the proceeding specified until the issues are finally resolved by the Board for the purposes of that proceeding under prevailing rules and practices:

(a) In a pre-election proceeding pursuant to Section 9(c)(1) or 9(e), or in a unit clarification or certification amendment proceeding pursuant to Section 9(b) of the Act, in which a formal hearing is held, communications to the Regional Director and the Director's staff who review the record and prepare a draft of the decision, and Board Members and their staff, from the time the hearing is opened.

(b) In a postelection proceeding pursuant to Section 9(c)(1) or 9(e) of the Act, in which a formal hearing is held, communications to the Hearing Officer, the Regional Director and the Director's staff who review the record and prepare a draft of the report or decision, and Board Members and their staff, from the time the hearing is opened.

(c) In a postelection proceeding pursuant to Section 9(c)(1) or 9(e), or in a unit clarification or certification amendment proceeding pursuant to Section 9(b) of the Act, in which no formal hearing is held, communications to Board Members and their staff, from the time the Regional Director's report or decision is issued.

(d) In a proceeding pursuant to Section 10(k) of the Act, communications to Board Members and their staff, from the time the hearing is opened.

(e) In an unfair labor practice proceeding pursuant to Section 10(b) of the Act, communications to the Administrative Law Judge assigned to hear the case or to make rulings upon any motions or issues therein and Board Members and their staff, from the time the complaint and/or Notice of Hearing is issued, or the time the communicator has knowledge that a complaint or Notice of Hearing will be issued, whichever occurs first.

(f) In any other proceeding to which the Board by specific order makes the prohibition applicable, to the categories of personnel and from the stage of the proceeding specified in the order.

§ 102.129 Communications prohibited.

Except as provided in § 102.130, *ex parte* communications prohibited by § 102.126 include:

(a) Such communications, when written, if copies are not contemporaneously served by the communicator on all parties to the proceeding in accordance with the provisions of § 102.5(g).

(b) Such communications, when oral, unless advance notice is given by the communicator to all parties in the proceeding and adequate opportunity afforded to them to be present.

§ 102.130 Communications not prohibited.

Ex parte communications prohibited by § 102.126 do not include oral or written communications or requests:

(a) Which relate solely to matters which the Hearing Officer, Regional Director, Administrative Law Judge, or Board Member is authorized by law or Board Rules to entertain or dispose of on an *ex parte* basis.

(b) For information solely with respect to the status of a proceeding.

(c) Which all the parties to the proceeding agree, or which the responsible official formally rules, may be made on an *ex parte* basis.

(d) Proposing settlement or an agreement for disposition of any or all issues in the proceeding.

(e) Which concern matters of general significance to the field of labor-management relations or administrative practice and which are not specifically related to pending on-the-record proceedings.

(f) From the General Counsel to the Board when the General Counsel is acting as counsel for the Board.

§ 102.131 Solicitation of prohibited communications.

No person may knowingly and willfully solicit the making of an unauthorized *ex parte* communication by any other person.

§ 102.132 Reporting of prohibited communications; penalties.

(a) Any Board agent of the categories defined in § 102.128 to whom a prohibited oral *ex parte* communication is attempted to be made shall refuse to listen to the communication, inform the communicator of this rule, and advise the communicator that anything may be said in writing with copies to all parties. Any Board agent who receives, or who makes or knowingly causes to be made, an unauthorized *ex parte* communication will place or cause to be placed on the public record of the proceeding:

(1) The communication, if it was written;

(2) A memorandum stating the substance of the communication, if it was oral;

(3) All written responses to the prohibited communication; and

(4) Memoranda stating the substance of all oral responses to the prohibited communication.

(b) The Executive Secretary, if the proceeding is then pending before the Board, the Administrative Law Judge, if the proceeding is then pending before any such judge, or the Regional Director, if the proceeding is then pending before a Hearing Officer or the Regional Director, will serve copies of all such materials placed on the public record of the proceeding on all other parties to the proceeding and on the attorneys of record for the parties. Within 14 days after service of such copies, any party may file with the Executive Secretary, Administrative Law Judge, or Regional Director serving the communication, and serve on all other parties, a statement setting forth facts or contentions to rebut those contained in the prohibited communication. All such responses will be placed in the public record of the proceeding, and provision may be made for any further action, including reopening of the record which may be required under the circumstances. No action taken pursuant to this provision will constitute a waiver of the power of the Board to impose an appropriate penalty under § 102.133.

§ 102.133 Penalties and enforcement.

(a) Where the nature and circumstances of a prohibited communication made by or caused to be made by a party to the proceeding are such that the interests of justice and statutory policy may require remedial action, the Board, the Administrative Law Judge, or the Regional Director, as the case may be, may issue to the party making the communication a Notice to Show Cause, returnable before the Board within a stated period not less than 7 days from the date of issuance, why the Board may not determine that the interests of justice and statutory policy require that the claim or interest in the proceeding of a party who knowingly makes a prohibited communication, or knowingly causes a prohibited communication to be made may be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(b) Upon notice and hearing, the Board may censure, suspend, or revoke the privilege of practice before the Agency of any person who knowingly and willfully makes or solicits the making of a prohibited *ex parte* communication. However, before the Board institutes formal proceedings under this paragraph (b), it will first advise the person or persons concerned in writing that it proposes to take such action and that they may show cause, within a period to be stated in such written advice, but not less than 7 days from the date thereof, why it may not take such action.

(c) The Board may censure, or, to the extent permitted by law, suspend, dismiss, or institute proceedings for the dismissal of, any Board agent who knowingly and willfully violates the prohibitions and requirements of this rule.

§ 102.134 [Added and Reserved]

■ 23. Add reserved § 102.134 to subpart P.

■ 24. Revise subparts Q through S to read as follows:

Subpart Q—Procedure Governing Matters Affecting Employment-Management Agreements Under the Postal Reorganization Act

Sec.
102.135 Postal Reorganization Act.

§ 102.135 Postal Reorganization Act.

(a) *Employment-management agreements.* All matters within the jurisdiction of the National Labor Relations Board pursuant to the Postal Reorganization Act (chapter 12 of title 39, U.S. Code, as revised) are governed by the provisions of subparts A, B, C, D, F, G, H, J, K, L, M, O, and P of this part, insofar as applicable.

(b) *Inconsistencies.* To the extent that any provision of this subpart is

inconsistent with any provision of title 39, United States Code, the provision of title 39 governs.

(c) *Exceptions.* For the purposes of this subpart, references in the subparts cited in paragraphs (a) and (b) of this section to:

(1) *Employer* is deemed to include the Postal Service;

(2) *Act* will in the appropriate context mean *Postal Reorganization Act;*

(3) *Section 9(c) of the Act* and cited paragraphs will mean *39 U.S.C. 1203(c) and 1204;* and

(4) *Section 9(b) of the Act* will mean *39 U.S.C. 1202.*

Subpart R—Advisory Committees

Sec.

102.136 Establishment and use of advisory committees.

§ 102.136 Establishment and use of advisory committees.

Advisory committees may from time to time be established or used by the Agency in the interest of obtaining advice or recommendations on issues of concern to the Agency. The establishment, use, and functioning of such committees will be in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, applicable Rules and Regulations.

Subpart S—Open Meetings

Sec.

102.137 Public observation of Board meetings.
102.138 Definition of *meeting.*
102.139 Closing of meetings; reasons.
102.140 Action necessary to close meeting; record of votes.
102.141 Notice of meetings; public announcement and publication.
102.142 Transcripts, recordings, or minutes of closed meetings; public availability; retention.

§ 102.137 Public observation of Board meetings.

Every portion of every meeting of the Board will be open to public observation, except as provided in § 102.139, and Board Members will not jointly conduct or dispose of Agency business other than in accordance with the provisions of this subpart.

§ 102.138 Definition of *meeting.*

For purposes of this subpart, *meeting* means the deliberations of at least three Members of the full Board, or the deliberations of at least two Members of any group of three Board Members to whom the Board has delegated powers which it may itself exercise, where such deliberations determine or result in the joint conduct or disposition of official Agency business, but does not include deliberations to determine whether a meeting may be closed to public observation in accordance with the provisions of this subpart.

§ 102.139 Closing of meetings; reasons.

(a) Except where the Board determines that the public interest requires otherwise, meetings, or portions thereof, will not be open to public observation where the deliberations concern the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition by the Board of particular representation or unfair labor practice proceedings under Section 8, 9, or 10 of the Act, or any court proceedings collateral or ancillary thereto.

(b) Meetings, or portions thereof, may also be closed by the Board, except where it determines that the public interest requires otherwise, when the deliberations concern matters or information falling within the reasons for closing meetings specified in 5 U.S.C. 552b(c)(1) (secret matters concerning national defense or foreign policy); (c)(2) (internal personnel rules and practices); (c)(3) (matters specifically exempted from disclosure by statute); (c)(4) (privileged or confidential trade secrets and commercial or financial information); (c)(5) (matters of alleged criminal conduct or formal censure); (c)(6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy); (c)(7) (certain materials or information from investigatory files compiled for law enforcement purposes); or (c)(9)(B) (disclosure would significantly frustrate implementation of a proposed Agency action).

§ 102.140 Action necessary to close meeting; record of votes.

A meeting will be closed to public observation under § 102.139, only when a majority of the Board Members who will participate in the meeting vote to take such action.

(a) When the meeting deliberations concern matters specified in § 102.139(a), the Board Members will vote at the beginning of the meeting, or portion of the meeting, on whether to close such meeting, or portion of the meeting, to public observation, and on whether the public interest requires that a meeting which may properly be closed may nevertheless be open to public observation. A record of such vote, reflecting the vote of each Board Member, will be kept and made available to the public at the earliest practicable time.

(b) When the meeting deliberations concern matters specified in § 102.139(b), the Board will vote on whether to close such meeting, or portion of the meeting, to public observation, and on whether there is a public interest which requires that a meeting which may properly be closed may nevertheless be open to public observation. The vote will be taken at a time sufficient to permit inclusion of information concerning the open or closed status of the meeting in the public announcement of the vote. A single vote may be taken with respect to a series of meetings at which the deliberations will concern the same particular matters where such subsequent meetings are scheduled to be held within 30 days after the initial meeting. A record of such vote, reflecting the vote of each Board Member, will be kept and made available to the public within one day after the vote is taken.

(c) Whenever any person whose interests may be directly affected by deliberations during a meeting, or a portion of a meeting, requests that the Board close the meeting, or a portion of the meeting, to public observation for any of the reasons specified in 5 U.S.C. 552b(c)(5) (matters of alleged criminal conduct or formal censure), (c)(6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy), or (c)(7) (certain materials or information from investigatory files compiled for law enforcement purposes), the Board Members participating in the meeting, upon request of any one of its Members, will vote on whether to close such meeting, or a portion of the meeting, for that reason. A record of such vote, reflecting the vote of each Board Member participating in the meeting will be kept and made available to the public within 1 day after the vote is taken.

(d) After public announcement of a meeting as provided in § 102.141, a meeting, or portion of a meeting, announced as closed may be opened, or a meeting, or portion of a meeting, announced as open may be closed, only if a majority of the Board Members who will participate in the meeting determine by a recorded vote that Board business so requires and that an earlier announcement of the change was not possible. The change made and the vote of each Board Member on the change will be announced publicly at the earliest practicable time.

(e) Before a meeting may be closed pursuant to § 102.139, the Solicitor of the Board will certify that in the Solicitor's opinion the meeting may

properly be closed to public observation. The certification will set forth each applicable exemptive provision for such closing. Such certification will be retained by the Agency and made publicly available as soon as practicable.

§ 102.141 Notice of meetings; public announcement and publication.

(a) A public announcement setting forth the time, place, and subject matter of meetings or portions of meetings closed to public observation pursuant to the provisions of § 102.139(a) will be made at the earliest practicable time.

(b) Except for meetings closed to public observation pursuant to the provisions of § 102.139(a), the Agency will publicly announce each meeting to be held at least 7 days before the scheduled date of the meeting. The announcement will specify the time, place, and subject matter of the meeting, whether it is to be open to public observation or closed, and the name, address, and phone number of an Agency official designated to respond to requests for information about the meeting. The 7-day period for advance notice may be shortened only upon a determination by a majority of the Board Members who will participate in the meeting that Agency business requires that such meeting be called at an earlier date, in which event the public announcements will be made at the earliest practicable time. A record of the vote to schedule a meeting at an earlier date will be kept and made available to the public.

(c) Within 1 day after the vote to close a meeting, or any portion of a meeting, pursuant to the provisions of § 102.139(b), the Agency will make publicly available a full written explanation of its action closing the meeting, or portion of a meeting, together with a list of all persons expected to attend the meeting and their affiliation.

(d) If after public announcement required by paragraph (b) of this section has been made, the time and place of the meeting are changed, a public announcement will be made at the earliest practicable time. The subject matter of the meeting may be changed after the public announcement only if a majority of the Members of the Board who will participate in the meeting determine that Agency business so requires and that no earlier announcement of the change was possible. When such a change in subject matter is approved a public announcement of the change will be made at the earliest practicable time. A record of the vote to change the subject matter of the meeting will be kept and made available to the public.

(e) All announcements or changes issued pursuant to the provisions of paragraphs (b) and (d) of this section, or pursuant to provisions of § 102.140(d), will be submitted for publication in the **Federal Register** immediately following their release to the public.

(f) Announcements of meetings made pursuant to the provisions of this section shall be made publicly available by the executive secretary.

§ 102.142 Transcripts, recordings, or minutes of closed meetings; public availability; retention.

(a) For every meeting or portion of a meeting closed under the provisions of § 102.139, the presiding officer will prepare a statement setting forth the time and place of the meeting and the persons present, which statement will be retained by the Agency. For each such meeting or portion of a meeting there will also be maintained a complete transcript or electronic recording of the proceedings, except that for meetings closed pursuant to § 102.139(a) the Board may, in lieu of a transcript or electronic recording, maintain a set of minutes fully and accurately summarizing any action taken, the reasons for taking the action, and views on the action taken, documents considered, and the Board Members' vote on each roll call vote.

(b) The Agency will promptly make available to the public copies of transcripts, recordings, or minutes maintained as provided in accordance with paragraph (a) of this section, except to the extent the items contain information which the Agency determines may be withheld pursuant to the provisions of 5 U.S.C. 552(c). Copies of transcripts or minutes, or transcriptions of electronic recordings including the identification of speakers, will, to the extent determined to be publicly available, be furnished to any person, subject to the payment of duplication costs in accordance with the schedule of fees set forth in § 102.117(c)(2)(iv), and the actual cost of transcription.

(c) The Agency will maintain a complete verbatim copy of the transcript, a complete electronic recording, or a complete set of the minutes for each meeting or portion of a meeting closed to the public, for a period of at least one year after the close of the Agency proceeding of which the meeting was a part, but in no event for a period of less than 2 years after such meeting.

Subpart T—Awards of Fees and Other Expenses

■ 25. Revise § 102.143(a) through (d) and (g) to read as follows:

§ 102.143 *Adversary adjudication* defined; entitlement to award; eligibility for award.

(a) The term *adversary adjudication,* as used in this subpart, means unfair labor practice proceedings pending before the Board on a complaint and backpay proceedings under §§ 102.52 through 102.59 pending before the Board on a Notice of Hearing at any time after October 1, 1984.

(b) A Respondent in an adversary adjudication who prevails in that proceeding, or in a significant and discrete substantive portion of that proceeding, and who otherwise meets the eligibility requirements of this section, is eligible to apply for an award of fees and other expenses allowable under the provisions of § 102.145.

(c) Applicants eligible to receive an award are as follows:

(1) An individual with a net worth of not more than $2 million;

(2) A sole owner of an unincorporated business who has a net worth of not more than $7 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in Section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, unit of local government, or public or private organization with a net worth of not more than $7 million and not more than 500 employees.

(d) For the purpose of eligibility, the net worth and number of employees of an applicant will be determined as of the date of the complaint in an unfair labor practice proceeding or the date of the Notice of Hearing in a backpay proceeding.

* * * * *

(g) The net worth and number of employees of the applicant and all of its affiliates will be aggregated to determine eligibility. Any individual, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will

be considered an affiliate for purposes of this part, unless such treatment would be unjust and contrary to the purposes of the Equal Access to Justice Act (94 Stat. 2325) in light of the actual relationship between the affiliated entities. In addition, financial relationships of the applicant other than those described in this paragraph may constitute special circumstances that would make an award unjust.

* * * * *

■ 26. Revise § 102.145(b) and (c) to read as follows:

§ 102.145 Allowable fees and expenses.

* * * * *

(b) No award for the attorney or agent fees under these Rules may exceed $75 per hour. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent, or expert witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the following matters will be considered:

(1) If the attorney, agent, or expert witness is in practice, that person's customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant; and

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the adversary adjudicative proceeding.

* * * * *

■ 27. Revise § 102.146 to read as follows:

§ 102.146 Rulemaking on maximum rates for attorney or agent fees.

Any person may file with the Board a petition under § 102.124 for rulemaking to increase the maximum rate for attorney or agent fees. The petition should specify the rate the petitioner believes may be established and explain fully why the higher rate is warranted by an increase in the cost of living or a special factor (such as the limited availability of qualified attorneys or agents for the proceedings involved).

■ 28. Revise § 102.147(a) through (c) and (e) through (h) to read as follows:

§ 102.147 Contents of application; net worth exhibit; documentation of fees and expenses.

(a) An application for an award of fees and expenses under the Act must identify the applicant and the adversary adjudication for which an award is sought. The application must state the particulars in which the applicant has prevailed and identify the positions of the General Counsel in that proceeding that the applicant alleges were not substantially justified. Unless the applicant is an individual, the application must also state the number, category, and work location of employees of the applicant and its affiliates and describe briefly the type and purpose of its organization or business.

(b) The application must include a statement that the applicant's net worth does not exceed $2 million (if an individual) or $7 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such Section; or

(2) It states that it is a cooperative association as defined in Section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application must state the amount of fees and expenses for which an award is sought.

* * * * *

(e) The application must be signed by the applicant or an authorized officer or attorney of the applicant. It must also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true.

(f) Each applicant, except a qualified tax-exempt organization or cooperative association, must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 102.143(g)) when the adversary adjudicative proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The Administrative Law Judge may require an applicant to file such additional information as may be required to determine its eligibility for an award.

(g)(1) Unless otherwise directed by the Administrative Law Judge, the net worth exhibit will be included in the public record of the fee application proceeding. An applicant that objects to public disclosure of information in any portion of the exhibit may submit that portion of the exhibit in a sealed envelope labeled *Confidential Financial Information,* accompanied by a motion to withhold the information from public disclosure. The motion must describe the information sought to be withheld and explain, in detail, why public disclosure of the information would adversely affect the applicant and why disclosure is not required in the public interest. The exhibit must be served on the General Counsel but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information may not be withheld from disclosure, it will be placed in the public record of the proceeding.

(2) If the Administrative Law Judge grants the motion to withhold from public disclosure, the exhibit will remain sealed, except to the extent that its contents are required to be disclosed at a hearing. The granting of the motion to withhold from public disclosure will not determine the availability of the document under the Freedom of Information Act in response to a request made under the provisions of § 102.117. Notwithstanding that the exhibit may be withheld from public disclosure, the General Counsel may disclose information from the exhibit to others if required in the course of an investigation to verify the claim of eligibility.

(h) The application must be accompanied by full documentation of the fees and expenses for which an award is sought. A separate itemized statement must be submitted for each professional firm or individual whose services are covered by the application, showing the dates and the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

■ 29. Revise §§ 102.148 through 102.155 to read as follows:

Sec.
102.148 When an application may be filed; place of filing; service; referral to Administrative Law Judge; stay of proceeding.
102.149 Filing of documents; service of documents; motions for extension of time.
102.150 Answer to application; reply to answer; comments by other parties.
102.151 Settlement.
102.152 Further proceedings.
102.153 Administrative Law Judge's decision; contents; service; transfer of case to the Board; contents of record in case.
102.154 Exceptions to Administrative Law Judge's decision; briefs; action of the Board.
102.155 Payment of award.

§ 102.148 When an application may be filed; place of filing; service; referral to Administrative Law Judge; stay of proceeding.

(a) An application may be filed after entry of the final order establishing that the applicant has prevailed in an adversary adjudication proceeding or in a significant and discrete substantive portion of that proceeding, but in no case later than 30 days after the entry of the Board's final order in that proceeding. The application for an award must be filed with the Board in Washington, DC, together with a certificate of service. The application must be served on the Regional Director and on all parties to the adversary adjudication in the same manner as other pleadings in that proceeding, except as provided in § 102.147(g)(1) for financial information alleged to be confidential.

(b) Upon filing, the application will be referred by the Board to the Administrative Law Judge who heard the adversary adjudication upon which the application is based, or, in the event that proceeding had not previously been heard by an Administrative Law Judge, it will be referred to the Chief Administrative Law Judge for designation of an Administrative Law Judge, in accordance with § 102.34, to consider the application. When the Administrative Law Judge to whom the application has been referred is or becomes unavailable, the provisions of §§ 102.34 and 102.36 will apply.

(c) Proceedings for the award of fees, but not the time limit of this section for filing an application for an award, will be stayed pending final disposition of the adversary adjudication in the event any person seeks reconsideration or review of the decision in that proceeding.

(d) For purposes of this section the withdrawal of a complaint by a Regional Director under § 102.18 will be treated as a final order, and an appeal under § 102.19 will be treated as a request for reconsideration of that final order.

§ 102.149 Filing of documents; service of documents; motions for extension of time.

(a) All motions and pleadings after the time the case is referred by the Board to the Administrative Law Judge until the issuance of the Administrative Law Judge's decision must be filed with the Administrative Law Judge together with proof of service. Copies of all documents filed must be served on all parties to the adversary adjudication.

(b) Motions for extensions of time to file motions, documents, or pleadings permitted by § 102.150 or by § 102.152 must be filed with the Chief Administrative Law Judge, the Deputy Chief Administrative Law Judge, or an Associate Chief Administrative Law Judge, as the case may be, no later than 3 days before the due date of the document. Notice of the request must be immediately served on all other parties and proof of service furnished.

§ 102.150 Answer to application; reply to answer; comments by other parties.

(a) Within 35 days after service of an application, the General Counsel may file an answer to the application. Unless the General Counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file a timely answer may be treated as a consent to the award requested. The filing of a motion to dismiss the application will stay the time for filing an answer to a date 35 days after issuance of any order denying the motion. Within 21 days after service of any motion to dismiss, the applicant may file a response. Review of an order granting a motion to dismiss an application in its entirety may be obtained by filing a request with the Board in Washington, DC, pursuant to § 102.27.

(b) If the General Counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate toward a settlement. The filing of such a statement will extend the time for filing an answer for an additional 35 days.

(c) The answer must explain in detail any objections to the award requested and identify the facts relied on in support of the General Counsel's position. If the answer is based on alleged facts not already in the record of the adversary adjudication, supporting affidavits must be provided or a request made for further proceedings under § 102.152.

(d) Within 21 days after service of an answer, the applicant may file a reply. If the reply is based on alleged facts not already in the record of the adversary adjudication, supporting affidavits must be provided or a request made for further proceedings under § 102.152.

(e) Any party to an adversary adjudication other than the applicant and the General Counsel may file comments on a fee application within 35 days after it is served and on an answer within 21 days after it is served. A commenting party may not participate further in the fee application proceeding unless the Administrative Law Judge determines that such participation is required in order to permit full exploration of matters raised in the comments.

§ 102.151 Settlement.

The applicant and the General Counsel may agree on a proposed settlement of the award before final action on the application. If a prevailing party and the General Counsel agree on a proposed settlement of an award before an application has been filed, the proposed settlement must be filed with the application. All such settlements are subject to approval by the Board.

§ 102.152 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the documents in the record. The Administrative Law Judge, however, upon request of either the applicant or the General Counsel, or on the General Counsel's own initiative, may order further proceedings, including an informal conference, oral argument, additional written submission, or an evidentiary hearing. An evidentiary hearing will be held only when necessary for resolution of material issues of fact.

(b) A request that the Administrative Law Judge order further proceedings under this section must specifically identify the disputed issues and the evidence sought to be adduced, and must explain why the additional proceedings are necessary to resolve the issues.

(c) An order of the Administrative Law Judge scheduling further proceedings will specify the issues to be considered.

(d) Any evidentiary hearing held pursuant to this section will be open to the public and will be conducted in accordance with §§ 102.30 through 102.43, except §§ 102.33, 102.34, and 102.38.

(e) Rulings of the Administrative Law Judge are reviewable by the Board only in accordance with the provisions of § 102.26.

§ 102.153 Administrative Law Judge's decision; contents; service; transfer of case to the Board; contents of record in case.

(a) Upon conclusion of proceedings under §§ 102.147 through 102.152, the Administrative Law Judge will prepare a decision, which will include written findings and conclusions as necessary to dispose of the application. The Administrative Law Judge will transmit the decision to the Board. Upon receipt of the decision, the Board will enter an order transferring the case to the Board and will serve copies on all the parties of the Judge's decision and the Board's order, setting forth the date of the transfer.

(b) The record in a proceeding on an application for an award of fees and expenses includes the application and any amendments or attachments, the net worth exhibit, the answer and any amendments or attachments, any reply to the answer, any comments by other parties, motions, rulings, orders, stipulations, written submissions, the transcript of any oral argument, the transcript of any hearing, exhibits, and depositions, together with the Administrative Law Judge's decision and exceptions, any cross-exceptions or answering briefs as provided in § 102.46, and the record of the adversary adjudication upon which the application is based.

§ 102.154 Exceptions to Administrative Law Judge's decision; briefs; action of the Board.

Procedures before the Board, including the filing of exceptions to the Administrative Law Judge's decision and briefs, and action by the Board, will be in accordance with §§ 102.46, 102.47, 102.48, and 102.50. The Board will issue a decision on the application or remand the proceeding to the Administrative Law Judge for further proceedings.

§ 102.155 Payment of award.

To obtain payment of an award made by the Board, the applicant must submit to the Director of the Division of Administration, a copy of the Board's final decision granting the award, accompanied by a statement that the applicant will not seek court review of the decision. If such statement is filed, the Agency will pay the amount of the award within 60 days, unless judicial review of the award or of the underlying decision has been sought.

Subpart U—Debt-Collection Procedures by Administrative Offset

■ 30. Revise § 102.156 to read as follows:

§ 102.156 Administrative offset; purpose and scope.

The regulations in this subpart specify the Agency procedures that will be followed to implement the administrative offset procedures set forth in the Debt Collection Act of 1982 (Pub. L. 97–365), 31 U.S.C. 3716.

■ 31. Revise § 102.157(e) to read as follows:

§ 102.157 Definitions.

* * * * *

(e) A debt is considered *delinquent* if it has not been paid by the date specified in the Agency's initial demand letter (§ 102.161), unless satisfactory payment arrangements have been made by that date, or if, at any time thereafter, the debtor fails to satisfy the debtor's obligations under a payment agreement with the Agency.

■ 32. Revise § 102.159 to read as follows:

§ 102.159 Exclusions.

(a)(1) The Agency is not authorized by the Debt Collection Act of 1982 (31 U.S.C. 3716) to use administrative offset with respect to:

(i) Debts owed by any State or local government;

(ii) Debts arising under or payments made under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States; or

(iii) When a statute explicitly provides for or prohibits using administrative offset to collect the claim or type of claim involved.

(2) No claim that has been outstanding for more than 10 years after the Board's right to collect the debt first accrued may be collected by means of administrative offset, unless facts material to the right to collect the debt were not known, and could not reasonably have been known, by the official of the Agency who was charged with the responsibility to discover and collect such debts until within 10 years of the initiation of the collection action. A determination of when the debt first accrued may be made according to existing laws regarding the accrual of debts, such as under 28 U.S.C. 2415. Unless otherwise provided by contract or law, debts or payments owed the Board which are not subject to administrative offset under 31 U.S.C. 3716 may be collected by administrative offset under the common law or other applicable statutory authority, pursuant to this paragraph (a) or Board regulations established pursuant to such other statutory authority.

(b) Collection by offset against a judgment obtained by a debtor against the United States will be accomplished in accordance with 31 U.S.C. 3728.

■ 33. Revise § 102.160(a) and (d) to read as follows:

§ 102.160 Agency responsibilities.

(a) The Agency will provide appropriate written or other guidance to Agency officials in carrying out this subpart, including the issuance of guidelines and instructions. The Agency will also take such administrative steps as may be appropriate to carry out the purposes and ensure the effective implementation of this subpart.

* * * * *

(d) Administrative offset must be considered by the Agency only after attempting to collect a claim under 31 U.S.C. 3711(a).

■ 34. Revise § 102.161 to read as follows:

§ 102.161 Notification.

(a) The Agency must send a written demand to the debtor in terms which inform the debtor of the consequences of failure to cooperate. In the demand letter, the Agency must provide the name of an Agency employee who can provide a full explanation of the claim. When the Agency deems it appropriate to protect the Government's interests (for example, to prevent the statute of limitations, 28 U.S.C. 2415, from expiring), written demand may be preceded by other appropriate actions.

(b) In accordance with guidelines established by the Agency, the Agency official responsible for collection of the debt must send written notice to the debtor, informing the debtor, as appropriate, of the:

(1) Nature and amount of the Board's claim;

(2) Date by which payment is to be made (which normally may be not more than 30 days from the date that the initial notification was mailed or hand delivered);

(3) Agency's intent to collect by administrative offset and of the debtor's rights in conjunction with such an offset;

(4) Agency's intent to collect, as appropriate, interest, penalties, administrative costs and attorneys fees;

(5) Rights of the debtor to a full explanation of the claim, of the opportunity to inspect and copy Agency records with respect to the claim and to dispute any information in the Agency's records concerning the claim;

(6) Debtor's right to administrative appeal or review within the Agency concerning the Agency's claim and how such review must be obtained;

(7) Debtor's opportunity to enter into a written agreement with the Agency to repay the debt; and

(8) Date on which, or after which, an administrative offset will begin.

■ 35. Revise § 102.163 to read as follows:

§ 102.163 Opportunity for repayment.

(a) The Agency must afford the debtor the opportunity to repay the debt or enter into a repayment plan which is agreeable to the Agency and is in a written form signed by the debtor. The Agency may deem a repayment plan to be abrogated if the debtor, after the repayment plan is signed, fails to comply with the terms of the plan.

(b) The Agency has discretion and may exercise sound judgment in determining whether to accept a repayment agreement in lieu of administrative offset.

■ 36. Revise § 102.164(e) to read as follows:

§ 102.164 Review of the obligation.

* * * * *

(e) Nothing in this subpart will preclude the Agency from *sua sponte* reviewing the obligation of the debtor, including reconsideration of the Agency's determination concerning the debt, and the accuracy, timeliness, relevance, and completeness of the information on which the debt is based.

Subpart V—Debt-Collection Procedures by Federal Income Tax Refund Offset

■ 37. Revise § 102.168 to read as follows:

§ 102.168 Federal income tax refund offset; purpose and scope.

The regulations in this subpart specify the Agency procedures that will be followed to implement the federal income tax refund offset procedures set forth in 26 U.S.C. 6402(d) of the Internal Revenue Code (Code), 31 U.S.C. 3720A, and 301.6402–6 of the Treasury Regulations on Procedure and Administration (26 CFR 301.6402–6). This statute and the implementing regulations of the Internal Revenue Service (IRS) at 26 CFR 301.6402–6 authorize the IRS to reduce a tax refund by the amount of a past-due legally enforceable debt owed to the United States. The regulations apply to past-due legally enforceable debts owed to the Agency by individuals and business entities. The regulations are not intended to limit or restrict debtor access to any judicial remedies to which the debtor may otherwise be entitled.

■ 38. Revise § 102.169(a) and (b) to read as follows:

§ 102.169 Definitions.

(a) *Tax refund offset* refers to the IRS income tax refund offset program operated under authority of 31 U.S.C. 3720A.

(b) *Past-due legally enforceable debt* is a delinquent debt administratively determined to be valid, whereon no more than 10 years have lapsed since the date of delinquency (unless reduced to judgment), and which is not discharged under a bankruptcy proceeding or subject to an automatic stay under 11 U.S.C. 362.

* * * * *

■ 39. Revise § 102.170(a)(3), (b), (c), and (d) to read as follows:

§ 102.170 Agency referral to IRS for tax referral effect; Agency responsibilities.

(a) * * *

(3) The amount of the debt; and

* * * * *

(b) The Agency will ensure the confidentiality of taxpayer information as required by the IRS in its Tax Information Security Guidelines.

(c) As necessary, the Agency will submit updated information at the times and in the manner prescribed by the IRS to reflect changes in the status of debts or debtors referred for tax refund offset.

(d) Amounts erroneously offset will be refunded by the Agency or the IRS in accordance with the Memorandum of Understanding.

■ 40. Revise § 102.173(a) to read as follows:

§ 102.173 Relation to other collection efforts.

(a) Tax refund offset is intended to be an administrative collection remedy to be used consistent with IRS requirements for participation in the program, and the costs and benefits of pursuing alternative remedies when the tax refund offset program is readily available. To the extent practical, the requirements of the program will be met by merging IRS requirements into the Agency's overall requirements for delinquent debt collection.

* * * * *

■ 41. Revise § 102.174(a), (b) introductory text, (b)(2), and (d) to be read as follows:

§ 102.174 Debtor notification.

(a) The Agency must send appropriate written demand to the debtor in terms which inform the debtor of the consequences of failure to repay debts or claims owed to the Board.

(b) Before the Agency refers a debt to the IRS for tax refund offset, it will make a reasonable attempt to notify the debtor that:

* * * * *

(2) Unless the debt is repaid or a satisfactory repayment agreement is established within 60 days thereafter, the debt will be referred to the IRS for offset from any overpayment of tax remaining after taxpayer liabilities of greater priority have been satisfied; and

* * * * *

(d) The notification required by paragraph (b) of this section and sent to the address specified in paragraph (c) of this section may, at the option of the Agency, be incorporated into demand letters required by paragraph (a) of this section.

■ 42. Revise § 102.175 to read as follows:

§ 102.175 Agency review of the obligation.

(a) The Agency official responsible for collection of the debt will consider any evidence submitted by the debtor as a result of the notification required by § 102.174 and notify the debtor of the result. If appropriate, the debtor will also be advised where and to whom to request a review of any unresolved dispute.

(b) The debtor will be granted 30 days from the date of the notification required by paragraph (a) of this section to request a review of the determination of the Agency official responsible for collection of the debt on any unresolved dispute. The debtor will be advised of the result.

§ 102.176 [Removed and Reserved]

■ 43. Remove and reserve § 102.176.

■ 44. Revise subpart W to read as follows:

Subpart W—Misconduct by Attorneys or Party Representatives

Sec.

102.177 Exclusion from hearings; refusal of witness to answer questions; misconduct by attorneys and party representatives before the Agency; procedures for processing misconduct allegations.

§ 102.177 Exclusion from hearings; refusal of witness to answer questions; misconduct by attorneys and party representatives before the Agency; procedures for processing misconduct allegations.

(a) Any attorney or other representative appearing or practicing before the Agency must conform to the standards of ethical and professional conduct required of practitioners before

the courts, and the Agency will be guided by those standards in interpreting and applying the provisions of this section.

(b) Misconduct by any person at any hearing before an Administrative Law Judge, Hearing Officer, or the Board may be grounds for summary exclusion from the hearing. Notwithstanding the procedures set forth in paragraph (e) of this section for handling allegations of misconduct, the Administrative Law Judge, Hearing Officer, or Board has the authority in the proceeding in which the misconduct occurred to admonish or reprimand, after due notice, any person who engages in misconduct at a hearing.

(c) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper may, in the discretion of the Administrative Law Judge or Hearing Officer, be grounds for striking all testimony previously given by such witness on related matters.

(d) Misconduct by an attorney or other representative at any stage of any Agency proceeding, including but not limited to misconduct at a hearing, may be grounds for discipline. Such misconduct of an aggravated character may be grounds for suspension and/or disbarment from practice before the Agency and/or other sanctions.

(e) All allegations of misconduct pursuant to paragraph (d) of this section, except for those involving the conduct of Agency employees, will be handled in accordance with the following procedures:

(1) Allegations that an attorney or party representative has engaged in misconduct may be brought to the attention of the Investigating Officer by any person. The Investigating Officer, for purposes of this paragraph (e)(1), is the head of the Division of Operations-Management, or designee.

(2) The Investigating Officer or designee will conduct such investigation as is deemed appropriate and will have the usual powers of investigation provided in Section 11 of the Act. Following the investigation, the Investigating Officer will make a recommendation to the General Counsel, who will make the determination whether to institute disciplinary proceedings against the attorney or party representative. The General Counsel's authority to make this determination is not delegable to the Regional Director or other personnel in the Regional Office. If the General Counsel determines not to institute disciplinary proceedings, all interested persons will be notified of the determination, which is final.

(3) If the General Counsel decides to institute disciplinary proceedings against the attorney or party representative, the General Counsel or designee will serve the respondent with a complaint which will include: A statement of the acts which are claimed to constitute misconduct including the approximate date and place of such acts together with a statement of the discipline recommended; notification of the right to a hearing before an Administrative Law Judge with respect to any material issues of fact or mitigation; and an explanation of the method by which a hearing may be requested. The complaint will not be issued until the respondent has been notified of the allegations in writing and has been afforded a reasonable opportunity to respond.

(4) Within 14 days of service of the disciplinary complaint, the Respondent must file an answer admitting or denying the allegations, and may request a hearing. If no answer is filed or no material issue of fact or relevant to mitigation warranting a hearing is raised, the matter may be submitted directly to the Board. If no answer is filed, then the allegations will be deemed admitted.

(5) Sections 102.24 through 102.51, rules applicable to unfair labor practice proceedings, apply to disciplinary proceedings under this section to the extent that they are not contrary to the provisions of this section.

(6) The hearing will be conducted at a reasonable time, date, and place. In setting the hearing date, the Administrative Law Judge will give due regard to the Respondent's need for time to prepare an adequate defense and the need of the Agency and the Respondent for an expeditious resolution of the allegations.

(7) The hearing will be public unless otherwise ordered by the Board or the Administrative Law Judge.

(8) Any person bringing allegations of misconduct or filing a petition for disciplinary proceedings against an attorney or party representative will be given notice of the scheduled hearing. Any such person will not be a party to the disciplinary proceeding, however, and will not be afforded the rights of a party to call, examine or cross-examine witnesses and introduce evidence at the hearing, to file exceptions to the Administrative Law Judge's decision, or to appeal the Board's decision.

(9) The Respondent will, upon request, be provided with an opportunity to read the transcript or listen to a recording of the hearing.

(10) The General Counsel must establish the alleged misconduct by a preponderance of the evidence.

(11) At any stage of the proceeding prior to hearing, the Respondent may submit a settlement proposal to the General Counsel, who may approve the settlement or elect to continue with the proceedings. Any formal settlement reached between the General Counsel and the Respondent, providing for entry of a Board order reprimanding, suspending, disbarring or taking other disciplinary action against the Respondent, is subject to final approval by the Board. In the event any settlement, formal or informal, is reached after opening of the hearing, such settlement must be submitted to the Administrative Law Judge for approval. In the event the Administrative Law Judge rejects the settlement, either the General Counsel or the Respondent may appeal such ruling to the Board as provided in § 102.26.

(12) If it is found that the Respondent has engaged in misconduct in violation of paragraph (d) of this section, the Board may issue a final order imposing such disciplinary sanctions as it deems appropriate, including, where the misconduct is of an aggravated character, suspension and/or disbarment from practice before the Agency, and/or other sanctions.

(f) Any person found to have engaged in misconduct warranting disciplinary sanctions under paragraph (d) of this section may seek judicial review of the administrative determination.

Subpart X—Special Procedures When the Board Lacks a Quorum

■ 45. Revise §§ 102.179 through 102.182 to read as follows:

Sec.

102.179 Motions for default judgment, summary judgment, or dismissal referred to Chief Administrative Law Judge.
102.180 Requests for special permission to appeal referred to Chief Administrative Law Judge.
102.181 Administrative and procedural requests referred to Executive Secretary.
102.182 Representation cases should be processed to certification.

§ 102.179 Motions for default judgment, summary judgment, or dismissal referred to Chief Administrative Law Judge.

During any period when the Board lacks a quorum, all motions for default judgment, summary judgment, or dismissal filed or pending pursuant to § 102.50 will be referred to the Chief Administrative Law Judge in Washington, DC, for ruling. Such rulings by the Chief Administrative Law

Judge, and orders in connection therewith, may not be appealed directly to the Board, but will be considered by the Board in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Board pursuant to § 102.46.

§ 102.180 Requests for special permission to appeal referred to Chief Administrative Law Judge.

During any period when the Board lacks a quorum, any request for special permission to appeal filed or pending pursuant to § 102.26 will be referred to the Chief Administrative Law Judge in Washington, DC, for ruling. Such rulings by the Chief Administrative Law Judge, and orders in connection therewith, may not be appealed directly to the Board, but will be considered by the Board in reviewing the record if exception to the ruling or order is included in the statement of exceptions filed with the Board pursuant to § 102.46.

§ 102.181 Administrative and procedural requests referred to Executive Secretary.

During any period when the Board lacks a quorum, administrative and procedural requests that would normally be filed with the Office of the Executive Secretary for decision by the Board prior to the filing of a request for review under § 102.67, or exceptions under §§ 102.46 and 102.69, will be referred to the Executive Secretary for ruling. Rulings by the Executive Secretary, and orders in connection therewith, may not be appealed directly to the Board, but will be considered by the Board if such matters are raised by a party in its request for review or exceptions.

§ 102.182 Representation cases should be processed to certification.

During any period when the Board lacks a quorum, the second proviso of § 102.67(b) regarding the automatic impounding of ballots will be suspended. To the extent practicable, all representation cases may continue to be processed and the appropriate certification should be issued by the Regional Director notwithstanding the pendency of a request for review, subject to revision or revocation by the Board pursuant to a request for review filed in accordance with this subpart.

Appendix A [Removed]

■ 46. Remove appendix A.

[FR Doc. 2017–01288 Filed 2–23–17; 8:45 am]

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