



# FEDERAL REGISTER

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Vol. 82

Wednesday,

No. 39

March 1, 2017

Pages 12167–12288

OFFICE OF THE FEDERAL REGISTER



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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**21 CFR Parts 510, 516, 520, 522, 529, 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 Name

**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 November and December 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 the change of sponsorship of an application and a change of a sponsor's name.

**DATES:** This rule is effective March 1, 2017, except for amendments 2.a and 2.c to 21 CFR 510.600, and the amendments to 21 CFR 522.313c and 529.1186, which are effective March 13, 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](mailto: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 November and December 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 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 NOVEMBER AND DECEMBER 2016

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
November 10, 2016 ...	141-474	Elanco US, Inc., 2500 Innovation Way, Greenfield, IN 46140.	ITRAFUNGOL (itraconazole oral solution).	Cats .....	Original approval for the treatment of dermatophytosis caused by <i>Microsporum canis</i> in cats.	FOI Summary.
November 16, 2016 ...	141-443	Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.	ONSIOR (robenacoxib) Injection.	Dogs .....	Supplemental approval for the control of post-operative pain and inflammation associated with soft tissue surgery in dogs by subcutaneous injection; and for the use of oral tablets to complete the dosing regimen of a maximum of 3 days.	FOI Summary.
December 12, 2016 ...	141-452	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	SIMPARICA (sarolaner) Chewables.	Dogs .....	Supplemental approval for the treatment and control of infestations of <i>Ixodes scapularis</i> (black-legged tick) in dogs.	FOI Summary.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING NOVEMBER AND DECEMBER 2016—Continued

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
December 16, 2016 ...	141–473	Huvepharma AD, 5th Floor, 3A Nikolay Haytov Str., 1113 Sophia, Bulgaria.	LINCOMIX (lincomycin phosphate) plus STENOROL (halofuginone hydrobromide) Type C medicated feeds.	Chickens ..	Original approval for use in two-way, combination drug Type C medicated broiler feeds for control of necrotic enteritis and prevention of coccidiosis in broiler chickens.	FOI Summary.
December 21, 2016 ...	200–589	Med-Pharmex, Inc., 2727 Thompson Creek Rd., Pomona, CA 91767–1861.	FLORCON (florfenicol) 2.3% Concentrate Solution.	Swine .....	Original approval of a generic copy of NADA 141–206.	FOI Summary.
December 29, 2016 ...	141–475	VetDC, Inc., 320 E. Vine Dr., Suite 218, Fort Collins, CO 80524.	TANOVEA–CA1 (rabacfosadine for injection).	Dogs .....	Conditional approval for the treatment of lymphoma in dogs.	FOI Summary.

Following the conditional approval of NADA 141–175, VetDC, Inc. will now be included in the list of sponsors of approved applications in § 510.600(c) (21 CFR 510.600(c)).

## II. Change of Sponsorship

ECO LLC, 344 Nassau St., Princeton, NJ 08540 has informed FDA that it has

transferred ownership of, and all rights and interest in, ANADA 200–600 for WORMX (pyrantel pamoate) Flavored Tablets to Sergeant's Pet Care Products, Inc., 10077 S. 134th St., Omaha, NE 68138. The regulations will be amended to reflect this change of sponsorship.

## III. Withdrawals of Approval

During November and December 2016, the following sponsors requested that FDA withdraw approval of the NADAs listed in the following table because the products are no longer manufactured or marketed:

File No.	Sponsor	Product name	21 CFR section
135–773 .....	Baxter Healthcare Corp., One Baxter Pkwy., Deerfield, IL 60015.	AERRANE (isoflurane USP) .....	529.1186
200–421 .....	Hospira, Inc., 275 North Field Dr., Lake Forest, IL 60045.	Ceftiofur (ceftiofur sodium) for Injection.	522.313c

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADA 135–773 and ANADA 200–524, and all supplements and amendments thereto, is withdrawn, effective March 13, 2017. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect this voluntary withdrawal of approval. Following this withdrawal of approval, neither Baxter Healthcare Corp. nor Hospira, Inc. is the sponsor of an approved application.

## IV. Technical Amendments

iVaoes Animal Health, 4300 SW 73rd Ave., Suite 110, Miami, FL 33155 has informed FDA that it has changed its name to Ivaoes Animal Health. Accordingly, we are amending § 510.600(c) to reflect this change of sponsor name. We are also making several technical amendments to improve the accuracy of the regulations.

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 Part 516

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

### 21 CFR Parts 520, 522, and 529

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, 516, 520, 522, 529, 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.

■ 2. Amend § 510.600 as follows:

- a. Effective March 13, 2017, in the table in paragraph (c)(1), remove the entries for “Baxter Healthcare Corp.” and “Hospira, Inc.”;
- b. Effective March 1, 2017, in the table in paragraph (c)(1), revise the entry for “iVaoes Animal Health” and alphabetically add an entry for “VetDC, Inc.”;
- c. Effective March 13, 2017, in the table in paragraph (c)(2), remove the entries for “000409” and “010019”; and
- d. Effective March 1, 2017, in the table in paragraph (c)(2), revise the entry for “086064” and numerically add an entry for “086072”.



The revisions and additions 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
Ivaos Animal Health, 4300 SW 73rd Ave., Suite 110, Miami, FL 33155 .....						086064
VetDC, Inc., 320 E. Vine Dr., Suite 218, Fort Collins, CO 80524 .....						086072

(2) \* \* \*

Drug labeler code	Firm name and address					
086064 .....	Ivaos	Animal Health,	4300 SW 73rd Ave.,	Suite 110,	Miami, FL 33155.	
086072 .....	VetDC, Inc.,	320 E Vine Dr.,	Suite 218,	Fort Collins,	CO 80524.	

**PART 516—NEW ANIMAL DRUGS FOR MINOR USE AND MINOR SPECIES**

■ 3. The authority citation for part 516 continues to read as follows:

**Authority:** 360ccc, 360ccc–2, 371.

■ 4. Add § 516.2065 to read as follows:

**§ 516.2065 Rabacfosadine.**

(a) *Specifications.* Each vial of powder contains 16.4 milligrams (mg) rabacfosadine. Each milliliter of constituted solution contains 8.2 mg rabacfosadine.

(b) *Sponsor.* See No. 086072 in § 510.600(c) of this chapter.

(c) *Conditions of use in dogs—(1) Amount.* Administer rabacfosadine at 1 mg/kilogram body weight as a 30-minute intravenous infusion, once every 3 weeks, for up to 5 doses.

(2) *Indications for use.* For the treatment of lymphoma in dogs.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian. It is a violation of Federal law to use this product other than as directed in the labeling.

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

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

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

**§ 520.370 [Amended]**

■ 6. In § 520.370, in paragraph (c)(2), remove “(group G, -hemolytic)” and in its place add “(group G, beta-hemolytic)”.

■ 7. In § 520.955, revise paragraph (b) to read as follows:

**§ 520.955 Florfenicol.**

\* \* \* \* \*

(b) *Sponsors.* See Nos. 000061, 054925, and 058198 in § 510.600(c) of this chapter.

\* \* \* \* \*

■ 8. Add § 520.1189 to read as follows:

**§ 520.1189 Itraconazole.**

(a) *Specifications.* Each milliliter (mL) of solution contains 10 milligrams (mg) of itraconazole.

(b) *Sponsor.* See No. 058198 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1) Amount.* Administer 5 mg/kilogram (kg) (0.5 mL/kg) of body weight once daily on alternating weeks for 3 treatment cycles.

(2) *Indications for use.* For the treatment of dermatophytosis caused by *Microsporum canis* in cats.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

**§ 520.2041 [Amended]**

■ 9. In § 520.2041, in paragraph (b), remove “017135, 051311, and 066916” and in its place add “066916, 017135, and 051311”.

■ 10. In § 520.2086, revise paragraph (c)(2) to read as follows:

**§ 520.2086 Sarolaner.**

\* \* \* \* \*

(c) \* \* \*

(2) *Indications for use.* Kills adult fleas, and for the treatment and prevention of flea infestations (*Ctenocephalides felis*), and the treatment and control of tick infestations [*Amblyomma americanum* (lone star tick), *Amblyomma maculatum* (Gulf Coast tick), *Dermacentor variabilis* (American dog tick), *Ixodes scapularis* (black-legged tick), and *Rhipicephalus sanguineus* (brown dog tick)] for 1 month in dogs 6 months of age or older and weighing 2.8 pounds or greater.

\* \* \* \* \*

**§ 520.2325b [Amended]**

■ 11. In § 520.2325b, in paragraph (b), remove “050749” and in its place add “016592”.

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

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

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

**§ 522.313c [Amended]**

■ 13. Effective March 13, 2017, in § 522.313c, in paragraph (b), remove

“000409, 054771, and 068330” and in its place add “054771 and 068330”.

■ 14. In § 522.2075, revise paragraph (c) to read as follows:

**§ 522.2075 Robenacoxib.**

\* \* \* \* \*

(c) *Conditions of use*—(1) *Dogs*—(i) *Amount*. Administer 0.91 mg per pound (2 mg/kilogram (kg)) by subcutaneous injection, once daily, for a maximum of 3 days. After the initial subcutaneous dose, subsequent doses can be given by subcutaneous injection or as the oral tablet in dogs weighing at least 5.5 pounds (2.5 kg) and at least 4 months of age, for a maximum of 3 total doses over 3 days, not to exceed 1 dose per day. See § 520.2075(c)(1) of this chapter.

(ii) *Indications for use*. For the control of postoperative pain and inflammation associated with soft tissue surgery in

dogs at least 4 months of age for a maximum of 3 days.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cats*—(i) *Amount*. Administer 0.91 mg per pound (2 mg/kg) by subcutaneous injection, once daily, for a maximum of 3 days.

(ii) *Indications for use*. For the control of postoperative pain and inflammation associated with orthopedic surgery, ovariohysterectomy, and castration in cats at least 4 months of age for a maximum of 3 days.

(iii) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

**PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS**

■ 15. The authority citation for part 529 continues to read as follows:

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

**§ 529.1186 [Amended]**

■ 16. Effective March 13, 2017, in § 529.1186, in paragraph (b), remove “010019,”.

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

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

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

■ 18. In § 558.325, revise paragraph (e)(1)(ii) to read as follows:

**§ 558.325 Lincomycin.**

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

Lincomycin grams/ton	Combination in grams/ton	Indications for use	Limitations	Sponsor
(ii) 2	Halofuginone 2.72	Broiler chickens: For the control of necrotic enteritis caused or complicated by <i>Clostridium</i> spp. or other organisms susceptible to lincomycin; and the prevention of coccidiosis caused by <i>Eimeria tenella</i> , <i>E. necatrix</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. mivati</i> , and <i>E. maxima</i> .	Feed continuously as sole ration. Withdraw 4 days before slaughter. Do not feed to laying chickens or waterfowl. Halofuginone hydrobromide as provided by No. 016592 in § 510.600 of this chapter.	016592

\* \* \* \* \*

Dated: February 23, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017–03930 Filed 2–28–17; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 510, 522, and 529**

**[Docket No. FDA–2017–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 a new animal drug application (NADA) and an abbreviated

new animal drug application (ANADA) at the sponsors' requests because the products are no longer manufactured or marketed.

**DATES:** Withdrawal of approval is effective March 13, 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](mailto:sujaya.dessai@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** The sponsors of the following applications have requested that FDA withdraw approval of the NADA and ANADA listed in the following table because the products are no longer manufactured or marketed:

File No.	Sponsor	Product name	21 CFR section
135–773	Baxter Healthcare Corp., One Baxter Pkwy., Deerfield, IL 60015.	AERRANE (isoflurane USP)	529.1186
200–421	Hospira, Inc., 275 North Field Dr., Lake Forest, IL 60045.	Ceftiofur (ceftiofur Na) for Injection	522.313c

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 NADA 135-773 and ANADA 200-421, and all supplements and amendments thereto, is hereby withdrawn, effective March 13, 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 23, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-03931 Filed 2-28-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 876

[Docket No. FDA-2016-N-4661]

#### Gastroenterology-Urology Devices; Manual Gastroenterology-Urology Surgical Instruments and Accessories

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the identification of manual gastroenterology-urology surgical instruments and accessories to reflect that the device does not include specialized surgical instrumentation for use with urogynecologic surgical mesh specifically intended for use as an aid in the insertion, placement, fixation, or anchoring of surgical mesh during urogynecologic procedures ("specialized surgical instrumentation for use with urogynecologic surgical mesh"). These amendments are being made to reflect changes made in the recently issued final reclassification order for specialized surgical instrumentation for use with urogynecologic surgical mesh. **DATES:** This rule is effective March 1, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Sharon Andrews, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. G110, Silver Spring, MD 20993, 301-796-6529, [Sharon.Andrews@fda.hhs.gov](mailto:Sharon.Andrews@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** FDA is amending § 876.4730 (21 CFR 876.4730, Manual gastroenterology-urology surgical instrument and accessories), by adding language to the identification of the device to reflect that specialized surgical instrumentation for use with urogynecologic surgical mesh is no longer regulated under § 876.4730.

In the **Federal Register** of November 23, 1983 (48 FR 53012), FDA issued a final rule classifying manual gastroenterology-urology surgical instrument and accessories into class I under § 876.4730 (48 FR 53012 at 53025). Certain specialized surgical instrumentation for use with urogynecologic surgical mesh was regulated as class I devices under that regulation. In the **Federal Register** of January 6, 2017 (82 FR 1598), FDA issued a final order reclassifying specialized surgical instrumentation for use with urogynecologic surgical mesh from class I (general controls) exempt from premarket notification to class II (special controls) and subject to premarket notification. As a result of that final reclassification order, FDA is amending the identification at § 876.4730(a) to reflect that specialized surgical instrumentation for use with urogynecologic surgical mesh is now regulated under 21 CFR 884.4910.

FDA finds good cause for issuing this amendment as a final rule without notice and comment because this rule only updates the identification of the device under § 876.4730 to reflect changes made in the recently issued final reclassification order for specialized surgical instrumentation for use with urogynecologic surgical mesh (5 U.S.C. 553(b)(B)). In addition, FDA finds good cause for this amendment to become effective on the date of publication of this action. The Administrative Procedure Act allows an effective date less than 30 days after publication as "provided by the agency for good cause found and published with the rule" (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because the amendment to § 876.4730 does not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for this amendment to become effective on the date of publication of this action.

#### List of Subjects in 21 CFR Part 876

Gastroenterology-urology devices, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner

of Food and Drugs, 21 CFR part 876 is amended as follows:

#### PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for part 876 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Amend § 876.4730 by revising paragraph (a) to read as follows:

#### § 876.4730 Manual gastroenterology-urology surgical instrument and accessories.

(a) *Identification.* A manual gastroenterology-urology surgical instrument and accessories is a device designed to be used for gastroenterological and urological surgical procedures. The device may be nonpowered, hand-held, or hand-manipulated. Manual gastroenterology-urology surgical instruments include the biopsy forceps cover, biopsy tray without biopsy instruments, line clamp, nonpowered rectal probe, nonelectrical clamp, colostomy spur-crushers, locking device for intestinal clamp, needle holder, gastro-urology hook, gastro-urology probe and director, nonself-retaining retractor, laparotomy rings, nonelectrical snare, rectal specula, bladder neck spreader, self-retaining retractor, and scoop. A manual surgical instrument that is intended specifically for use as an aid in the insertion, placement, fixation, or anchoring of surgical mesh during urogynecologic procedures are classified under § 884.4910 of this chapter.

\* \* \* \* \*

Dated: February 23, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-03997 Filed 2-28-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

[Docket No. DEA-436]

#### Schedules of Controlled Substances: Placement of 10 Synthetic Cathinones Into Schedule I

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** With the issuance of this final rule, the Drug Enforcement Administration places 10 synthetic

cathinones: 4-methyl-*N*-ethylcathinone (4-MEC); 4-methyl-*alpha*-pyrrolidinopropiophenone (4-MePPP); *alpha*-pyrrolidinopentiophenone ( $\alpha$ -PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB e); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP); 4-fluoro-*N*-methylcathinone (4-FMC, flephedrone); 3-fluoro-*N*-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); *alpha*-pyrrolidinobutiophenone ( $\alpha$ -PBP) and their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, into schedule I of the Controlled Substances Act. This scheduling action is pursuant to the Controlled Substances Act which requires that such actions be made on the record after opportunity for a hearing through formal rulemaking. This rule continues the imposition of the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP.

**DATES:** *Effective date:* March 1, 2017.

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

**SUPPLEMENTARY INFORMATION:**

**Legal Authority**

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. 21 U.S.C. 801–971. Titles II and III are referred to as the “Controlled Substances Act” and the “Controlled Substances Import and Export Act,” respectively, and are collectively referred to as the “Controlled Substances Act” or the “CSA” for the purposes of this action. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of

controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Under the CSA, each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of scheduled substances is published at 21 CFR part 1308.

Pursuant to 21 U.S.C. 811(a)(1), the Attorney General may, by rule, “add to such a schedule or transfer between such schedules any drug or other substance if he \* \* \* finds that such drug or other substance has a potential for abuse, and \* \* \* makes with respect to such drug or other substance the findings prescribed by subsection (b) of section 812 of this title for the schedule in which such drug is to be placed \* \* \*.” The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion; (2) at the request of the Secretary of the Department of Health and Human Services (HHS);<sup>1</sup> or (3) on the petition of any interested party. 21 U.S.C. 811(a). This action was initiated on the Attorney General’s own motion, as delegated to the Administrator of the DEA, and is supported by, *inter alia*, a recommendation from the Assistant Secretary for Health of the HHS and an evaluation of all relevant data by the DEA. This action continues the imposition of the regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle 4-MEC, 4-MePPP,

<sup>1</sup> As set forth in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the Department of Health and Human Services (HHS) in carrying out the Secretary’s scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

$\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP.

**Background**

On January 28, 2014, the DEA published a notice of intent to temporarily place 4-methyl-*N*-ethylcathinone (4-MEC); 4-methyl-*alpha*-pyrrolidinopropiophenone (4-MePPP); *alpha*-pyrrolidinopentiophenone ( $\alpha$ -PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone); 4-fluoro-*N*-methylcathinone (4-FMC); 3-fluoro-*N*-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); and *alpha*-pyrrolidinobutiophenone ( $\alpha$ -PBP) into schedule I pursuant to the temporary scheduling provisions of the CSA. 79 FR 4429. On March 7, 2014, the DEA published a final order amending 21 CFR 1308.11(h) to temporarily place these 10 synthetic cathinones into schedule I of the CSA. 79 FR 12938. That final order, effective on the date of publication, was based on findings by the DEA that the temporary scheduling of these 10 synthetic cathinones was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Section 201(h)(2) of the CSA requires that the temporary control of these substances expires two years from the issuance date of the scheduling order, or on or before March 6, 2016. 21 U.S.C. 811(h)(2). However, the CSA also provides that the temporary scheduling may be extended for up to one year during the pendency of proceedings under 21 U.S.C. 811(a)(1). *Id.* Accordingly, on March 4, 2016, the DEA extended the temporary scheduling of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP by one year, until March 3, 2017. 81 FR 11429. Also, on March 4, 2016, the DEA published a notice of proposed rulemaking (NPRM) to permanently control 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP in schedule I of the CSA. 81 FR 11479. Specifically, the DEA proposed to add these 10 synthetic cathinones to 21 CFR 1308.11(d), hallucinogenic substances.

**DEA and HHS Eight Factor Analyses**

By letter dated March 2, 2016, the HHS provided the DEA with a scientific and medical evaluation document prepared by the FDA entitled “Basis for the Recommendation to Control 4-

methyl-*N*-ethylcathinone (4-MEC), 4-methyl-pyrrolidinopropiophenone (4-MePPP), alpha-pyrrolidinopentiophenone ( $\alpha$ -PVP), 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone), 2-(methylamino)-1-phenylpentan-1-one (pentedrone), 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone), 4-fluoro-*N*-methylcathinone (4-FMC), 3-fluoro-*N*-methylcathinone (3-FMC), 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone), alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP) and their salts in Schedule I of the Controlled Substances Act (CSA).” After considering the eight factors in 21 U.S.C. 811(c), including consideration of each substance’s abuse potential, legitimate medical use, and dependence liability, the Assistant Secretary of the HHS recommended that 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone,  $\alpha$ -PBP, and their salts be controlled in schedule I of the CSA. In response, the DEA conducted its own eightfactor analysis of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP. Both the DEA and HHS analyses are available in their entirety, under the tab “Supporting Documents” of the public docket of this action at <http://www.regulations.gov>, under FDMS Docket ID: DEA-2016-0004 (Docket No. DEA-436).<sup>2</sup>

#### **Determination To Schedule 4-MEC, 4-MePPP, $\alpha$ -PVP, Butylone, Pentedrone, Pentylone, 4-FMC, 3-FMC, Naphyrone, and $\alpha$ -PBP**

After a review of the available data, including the scientific and medical evaluations and the scheduling recommendations from the HHS, the DEA published an NPRM entitled “Schedules of Controlled Substances: Placement of 10 Synthetic Cathinones into Schedule I,” proposing to control 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone,  $\alpha$ -PBP, and their optical, positional and geometric isomers, salts and salts of isomers in schedule I of the CSA. 81 FR 11479, Mar. 4, 2016. The proposed rule provided an opportunity for interested persons to file a request for hearing in accordance with the DEA

regulations on or before April 4, 2016. No requests for such a hearing were received by the DEA. The NPRM also provided an opportunity for interested persons to submit written comments on the proposal on or before April 4, 2016.

#### **Comments Received**

The DEA received two comments on the proposed rule to control 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP in schedule I of the CSA. Both commenters were in opposition to the proposed scheduling of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP in schedule I of the CSA, but the reasons for the opposition were different. The first commenter associated the scheduling of these substances with the “War on Drugs,” which according to the commenter “has proven to be ineffective in past years in reducing the number of drug abuse victims in the United States.” The second commenter questioned the findings considered by the DEA to control 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP. Both commenters offered alternative methods to address problems related to drug abuse instead of scheduling the 10 synthetic cathinones in schedule I of the CSA.

#### *Opposition from First Commenter.*

The first commenter stated that he understood the DEA’s reasons for proposing to schedule 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP in schedule I of the CSA, but still opposed the control of these substances because, according to the commenter, it would neither reduce the number of drug users nor stop the production of illegal drugs. The commenter suggested that the DEA consider harm reduction solutions such as establishing drug clinics, finding jobs for prior offenders, and offering treatment and health care for drug users to address problems related to drug abuse.

*DEA Response:* Substances are controlled to protect the public health and safety. Pursuant to 21 U.S.C. 811(a), the CSA authorizes the DEA, under authority delegated by the Attorney General, to control any drug or other substance if it is found that the drug or other substance has a potential for abuse, and makes with respect to such drug or other substance the findings prescribed by 21 U.S.C. 812(b). After considering the eight factors in 21 U.S.C. 811(c), including consideration of each substance’s abuse potential,

legitimate medical use, safety and dependence liability, the Assistant Secretary of the HHS recommended that 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone,  $\alpha$ -PBP and their salts be controlled in schedule I of the CSA. The recommendations of the HHS to the DEA are binding on the DEA as to the scientific and medical matters. The DEA reviewed HHS’s scientific and medical evaluations and all other relevant data on these substances and concurs with the HHS evaluations and findings. The current scientific, medical and other evidence on 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP warrant control of these substances and their optical, positional, and geometric isomers, salts and salts of isomers in schedule I of the CSA.

While the DEA appreciates the commenter’s suggestions regarding the problems related to drug abuse, some of the suggested alternative solutions are outside the scope of the current scheduling action which pursuant to 21 U.S.C. 811 and 812 is to add drugs into one of the five schedules, remove drugs from the schedules, or transfer drugs within the schedules based on the drug’s potential for abuse, medicinal value, harmfulness, and psychological or physical dependence. However, please note that in addition to law enforcement operations to reduce the supply of illicit controlled drugs, the DEA also recommends and supports non-enforcement programs such as the DEA 360 and the DEA Demand Reduction Section programs. The DEA 360 strategy involves community outreach activities such as the dissemination of drug information to increase the public’s awareness about the dangers associated with drug use. The DEA’s Community Outreach and Prevention Support Section supports initiatives to reduce the demand for drugs and gives assistance to community coalitions and drug prevention initiatives.

Some of the alternative methods suggested by the commenter to address the problems related to drug abuse that are outside of the scope of the DEA are, in fact, part of the initiatives of other federal institutions. For example, the Office of National Drug Control Policy (ONDCP), a component of the Executive Office of the President of the United States that coordinates drug-control activities and related funding across the Federal government including the DEA, incorporates community-based prevention programs, policies and systems to divert non-violent drug offenders into treatment instead of jail,

<sup>2</sup> Although the published notice of proposed rulemaking stated that the DEA 8-factor analysis had been placed into the docket on <http://www.regulations.gov>, DEA discovered in preparing this final rule that it had in fact not been posted. However, this document was available for review at the DEA. The DEA posted the cited analysis to <http://www.regulations.gov> upon discovery of the omission.

outreach programs as well as other drug control policies in its long term plans to reduce drug use and its consequences.

*Opposition from Second Commenter.* The second commenter also opposed the control of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentadron, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP in schedule I of the CSA, but for different reasons than the first commenter. The second commenter maintained that the three arguments the DEA relied on in its proposed rule for the scheduling of the 10 synthetic cathinones: (1) “no medical or scientific use for these drugs;” (2) “there is a distinct public safety concern allowing these drugs to be sold;” and (3) “the use of this drug poses health concerns to those who use it,” were illogical and based on faulty premises or speculative data. The commenter also stated that the number of reported cases (or law enforcement drug reports) involving these substances, especially if considered over the defined five year period (*i.e.*, January 2010 through December 2015), along with the population of the United States, is “miniscule” which indicates that these substances do not pose a large public safety concern. For example, the commenter provided information that estimated the U.S. population for 2015 to be 320 million, and considered this with the 20,090 total reported cases for all ten substances, as well as the 84 reported cases for naphyrone alone, over the defined five year period. Extrapolating this data further, the commenter estimated 4,018 reported cases annually for all ten substances (*i.e.*, 20,090 divided by 5 = 4,018), potentially impacting 0.000013 percent of the U.S. population (4,018 divided by 320 million = 0.000013 percent), and 17 reported cases annually for naphyrone alone (84 divided by 5 = 17). Furthermore, the commenter stated that there is no toxicology, efficacy, or safety data on these 10 synthetic cathinones in human beings indicating that these substances actually cause harm. The commenter also expressed concern that the proposed scheduling of the 10 synthetic cathinones would prohibit or significantly restrict the use of these substances in scientific and medical research, and that schedule I placement would put barriers in place for clinicians or researchers who might be interested in investigating the potential benefits of these substances in patients. In addition, this commenter believed that the proposed rule was unduly burdensome, leading to increased regulation and costs with “little, if no impact” on deterring abuse of these 10 synthetic cathinones. As an alternative

to controlling these 10 synthetic cathinones, this commenter suggested “placing restrictions on who can sell products with these compounds in them, and a restriction of the quantity that can be sold to any individual,” and allowing States to regulate these substances.

*DEA Response:* Pursuant to 21 U.S.C. 811, the DEA considered the eight factors enumerated in 21 U.S.C. 811(c), the scientific and medical evaluations and scheduling recommendations from the HHS, and all other available data before making the required findings under 21 U.S.C. 812 to place these drugs into schedule I of the CSA. The DEA does not consider these finding to be illogical and based on faulty premises or speculative data. The summary of each factor as analyzed by the HHS and the DEA, and as considered by the DEA in this scheduling action, was provided in the proposed rule. The information in these factors is from legitimate sources such as peer reviewed publications, national statistics (*e.g.*, seizure numbers, surveys), law enforcement communications, medical examiner reports, etc.

As of March 7, 2014, the date the final order to temporarily place the 10 synthetic cathinones into schedule I of the CSA was published and became effective, all persons handling the 10 synthetic cathinones were subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances. Based on a review of the DEA’s records, each of the 43 registrations that have been identified to handle any of the 10 synthetic cathinones also handle other schedule I controlled substances. They have already established and implemented the systems and processes required to handle any of the 10 synthetic cathinones. Any additional cost to handle the one or more of the 10 synthetic cathinones is estimated to be minimal. Both the DEA and the HHS analyses have been made available in their entirety under “Supporting Documents” section of the public docket for this rule at <http://www.regulations.gov>, under FDMS Docket ID: DEA-2016-0004 (Docket No. DEA-436).<sup>3</sup>

As detailed in the HHS and DEA analyses and the HHS recommendation,

<sup>3</sup> Although the published notice of proposed rulemaking stated that the DEA 8-factor analysis had been placed into the docket on <http://www.regulations.gov>, DEA discovered in preparing this final rule that it had in fact not been posted. However, this document was available for review at the DEA. The DEA posted the cited analysis to <http://www.regulations.gov> upon discovery of the omission.

studies indicate that the abuse potential and pharmacological effects of the 10 synthetic cathinones are similar to those of certain schedule I and II substances. Preclinical studies indicated that the 10 synthetic cathinones, like cocaine (schedule II), methamphetamine (schedule II), methcathinone (schedule I), and MDMA (schedule I) have pharmacological effects at monoamine transporters. Furthermore, behavioral effects of the 10 synthetic cathinones in animals were found to be similar to those of schedule I and II substances which have a high potential for abuse. In humans, the 10 synthetic cathinones are expected to produce subjective responses similar to methamphetamine and cocaine based on drug discrimination studies in rodents. Accordingly, published case reports demonstrate that some of the 10 synthetic cathinones produce pharmacological effects including adverse effects that are characteristic of substances like MDMA, methamphetamine, and cocaine that have a stimulant effect. However, there is no currently accepted medical use in treatment in the United States for any of the 10 synthetic cathinones. There are reports of emergency room admissions and deaths associated with the abuse of synthetic cathinones in general. Regarding the 10 synthetic cathinones, butylone,  $\alpha$ -PVP, pentadron, and pentylone have been implicated in the deaths of individuals. Consequently, the abuse of the 10 synthetic cathinones presents the possibility of death and potential safety hazards to the health of individuals.

Law enforcement data indicate that the 10 synthetic cathinones are being abused. Since 2010, law enforcement encounters of the 10 synthetic cathinones have increased and have been encountered in nearly every State (47 States as of December 2015). Regardless of the number of encounters of these 10 synthetic cathinones, evidence indicates that the abuse of the 10 synthetic cathinones is widespread. Thus, taking into consideration the harm that these substances can cause as demonstrated in case reports and other related information, the DEA believes that there is potential for widespread harm to the public health.

The DEA also considered all other relevant data including public comments regarding the proposed scheduling before controlling these drugs. After careful consideration of preclinical studies, case reports, law enforcement data and all other relevant data and in accordance with 21 U.S.C. 811(a) and (b) and considering the factors enumerated in 21 U.S.C. 811(c),

the DEA finds that the 10 synthetic cathinones have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision, thus supporting their placement in schedule I of the CSA.

The DEA does not agree that placement of these substances in schedule I of the CSA precludes scientific research from being conducted using these substances. Persons interested in using any of the 10 synthetic cathinones for research purposes can do so provided that they have a DEA schedule I researcher registration and meet all other statutory and regulatory criteria. This registration can be obtained by submitting an application for schedule I registration in accordance with 21 CFR 1301.11, 1301.13, 1301.18 and 1301.32.

As for the commenter's suggestion to allow States to regulate these substances, the DEA has no statutory authority under the CSA to require states to regulate these substances. With regard to the suggestion by the commenter to place "restrictions on who can sell products with these compounds in them, and a restriction on the quantity that can be sold to any individual," the CSA and its implementing regulations do provide regulatory controls and administrative sanctions applicable to schedule I substances such as controls on persons who handle (manufacture, distribute, reverse distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess) schedule I substances.

### Scheduling Conclusion

After consideration of the relevant matter presented as a result of public comment, the scientific and medical evaluations and accompanying recommendations of the HHS, and the DEA's consideration of its own eight-factor analysis, the DEA finds that these facts and all other relevant data constitute substantial evidence of potential for abuse of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP. As such, the DEA is permanently scheduling 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP as controlled substances under the CSA.

### Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA

also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for the HHS and review of all other available data, the Administrator of the DEA, pursuant to 21 U.S.C. 811(a) and 21 U.S.C. 812(b)(1), finds that:

(1) 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP each have a high potential for abuse that is comparable to other schedule I and schedule II substances such as mephedrone, methylone, MDPV, methcathinone, MDMA, methamphetamine, and cocaine;

(2) 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP have no currently accepted medical use in treatment in the United States; and

(3) There is a lack of accepted safety for use of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP under medical supervision.

Based on these findings, the Administrator of the DEA concludes that 4-methyl-*N*-ethylcathinone (4-MEC); 4-methyl- $\alpha$ -pyrrolidinopropiophenone (4-MePPP);  $\alpha$ -pyrrolidinopropiophenone ( $\alpha$ -PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone); 4-fluoro-*N*-methylcathinone (4-FMC); 3-fluoro-*N*-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone);  $\alpha$ -pyrrolidinobutiophenone ( $\alpha$ -PBP) and their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of salts, isomers, and salts of isomers is possible, warrant control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

### Requirements for Handling 4-MEC, 4-MePPP, $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and $\alpha$ -PBP

4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP are currently scheduled on a temporary basis in schedule I<sup>4</sup> and are therefore currently subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, engaging in

<sup>4</sup> 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP are currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 79 FR 12938, Mar. 7, 2014.

research, conducting instructional activities or chemical analysis, or possession of schedule I controlled substances, including those listed below. These controls will continue on a permanent basis:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research, conducts instructional activities or chemical analysis with, or possesses) 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP, or who desires to handle 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821 and 823, and in accordance with 21 CFR 1301.71–1301.93.

3. *Labeling and Packaging.* All labels, labeling, and packaging for commercial containers of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP in accordance with a quota assigned pursuant to 21 U.S.C. 826, and in accordance with 21 CFR part 1303.

5. *Inventory.* Every DEA registrant required to keep records and who possesses any quantity of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and/or  $\alpha$ -PBP is required to maintain inventory of all stocks of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -PBP on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant must maintain records and submit reports pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR parts 1304 and 1317. Manufacturers and distributors must submit reports regarding 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and/or  $\alpha$ -PBP to the Automation of Reports and Consolidated Orders System (ARCOS) pursuant to 21 U.S.C. 827 and in accordance with 21 CFR 1304.33.

8. *Order Forms.* Every DEA registrant who distributes 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -PBP must continue to comply with the order form requirements, pursuant to 21 U.S.C. 828, and 21 CFR part 1305.

9. *Importation and Exportation.* All importation and exportation of 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentedrone, pentylone, 4-FMC, 3-FMC, naphyrone, and  $\alpha$ -



BBP must continue to be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentadone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -BBP not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

### Regulatory Analyses

#### *Executive Orders 12866 and 13563, Regulatory Planning and Review, and Improving Regulation and Regulatory Review*

In accordance with 21 U.S.C. 811(a), this final scheduling action is subject to formal rulemaking procedures done “on the record after opportunity for a hearing,” which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

#### *Executive Order 12988, Civil Justice Reform*

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

#### *Executive Order 13132, Federalism*

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

#### *Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

This rule does not have tribal implications warranting the application of Executive Order 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–602, has reviewed this final rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. On March 7, 2014, the DEA published a final order amending 21 CFR 1308.11(h) to temporarily place these ten synthetic cathinones into schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). 79 FR 12938. On March 4, 2016, the DEA published a final order extending the temporary placement of these substances in schedule I of the CSA for up to one year pursuant to 21 U.S.C. 811(h)(2). 81 FR 11429. The DEA estimates that all entities handling or planning to handle 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentadone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -BBP are currently registered to handle these substances. There are currently 43 registrants authorized to handle 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentadone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -BBP, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally.<sup>5</sup> These 43 registrants represent 31 entities, of which 11 are small entities based on RFA definition of “small entity” and Small Business Administration size standards. Therefore, the DEA estimates that 11 small entities are affected by this rule.

A review of the 43 registrants indicates that all entities that currently handle 4-MEC, 4-MePPP,  $\alpha$ -PVP, butylone, pentadone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -BBP also handle other schedule I controlled substances, and have established and implemented (or currently maintain) the systems and processes required to handle 4-MEC, 4-MePPP,  $\alpha$ -PVP,

<sup>5</sup> While analytical labs are required to obtain a registration for schedule I controlled substances, in order to handle any of the 10 synthetic cathinones, analytical labs are not required to identify the substances on their registration. Therefore, while every analytical lab that is authorized to handle schedule I controlled substances may handle any of the 10 synthetic cathinones, the DEA does not have a basis by which to estimate the number of analytical labs that actually handle the 10 synthetic cathinones. Since an analytical lab registered to handle schedule I controlled substances may manufacture or obtain any of the 10 synthetic cathinones without any modification to the analytical lab's registration, the DEA believes analytical labs' inventories of these substances are not significant and will have minimal impact on existing schedule I controlled substance storage space. Therefore, for the purposes of this analysis, the DEA assumes that no analytical lab is affected by this rule.

butylone, pentadone, pentylone, 4-FMC, 3-FMC, naphyrone, or  $\alpha$ -BBP. Therefore, the DEA anticipates that this rule will impose minimal or no economic impact on any affected entities; and thus, will not have a significant economic impact on any of the 11 affected small entities. Accordingly, the DEA has concluded that this rule will not have a significant economic impact on a substantial number of small entities.

### *Unfunded Mandates Reform Act of 1995*

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.*, the DEA has determined and certifies that this action would not result in any Federal mandate that may result “in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted for inflation) in any one year \* \* \*.” Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

### *Paperwork Reduction Act of 1995*

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

### *Congressional Review Act*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: “an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies to compete with foreign based companies in domestic and export markets.” However, pursuant to the CRA, the DEA has submitted a copy of this final rule to both Houses of Congress and to the Comptroller General.

### List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control,



Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended as follows:

## PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.11:

■ a. Add paragraphs (d)(59) through (68);

■ b. Remove paragraphs (h)(1) through (10);

■ c. Redesignate paragraphs (h)(11) through (19) as (h)(1) through (9); and

■ d. Remove reserved paragraphs (h)(20) through (22).

The additions read as follows:

### § 1308.11 Schedule I.

\* \* \* \* \*

(d) \* \* \*

(59) 4-methyl- <i>N</i> -ethylcathinone (4-MEC) .....	(1249)
(60) 4-methyl- <i>alpha</i> -pyrrolidinopropiophenone (4-MePPP) .....	(7498)
(61) <i>alpha</i> -pyrrolidinopentiophenone ( $\alpha$ -PVP) .....	(7545)
(62) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB) .....	(7541)
(63) 2-(methylamino)-1-phenylpentan-1-one (pentedrone) .....	(1246)
(64) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP) .....	(7542)
(65) 4-fluoro- <i>N</i> -methylcathinone (4-FMC; flephedrone) .....	(1238)
(66) 3-fluoro- <i>N</i> -methylcathinone (3-FMC) .....	(1233)
(67) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone) .....	(1258)
(68) <i>alpha</i> -pyrrolidinobutiophenone ( $\alpha$ -PBP) .....	(7546)

\* \* \* \* \*

Dated: February 22, 2017.

**Chuck Rosenberg,**

*Acting Administrator.*

[FR Doc. 2017-03974 Filed 2-28-17; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2017-0055]

#### Drawbridge Operation Regulation; Cape Fear River, Wilmington, NC

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Cape Fear Memorial Bridge which carries US 17 across the Cape Fear River, mile 26.8, at Wilmington, NC. The deviation is necessary to facilitate routine biennial maintenance and inspection of the lift span for the bridge. This deviation allows the bridge to remain in the closed-to-navigation position.

**DATES:** This deviation is effective from 9 a.m. on March 7, 2017, through 4 p.m. on March 17, 2017.

**ADDRESSES:** The docket for this deviation, [USCG-2017-0055] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary

deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398-6587, email [Mickey.D.Sanders2@uscg.mil](mailto:Mickey.D.Sanders2@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The North Carolina Department of Transportation, owner and operator of the Cape Fear Memorial Bridge that carries US 17 across the Cape Fear River, mile 26.8, at Wilmington, NC, has requested a temporary deviation from the current operating schedule to accommodate a routine biennial maintenance and inspection of the vertical lift span for the drawbridge. The bridge has a vertical clearance of 65 feet above mean high water (MHW) in the closed position and 135 feet above MHW in the open position.

The current operating schedule is set out in 33 CFR 117.822. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position for two separate four (4) day periods from 9 a.m. until 4 p.m. from March 7, 2017, through March 10, 2017, and from 9 a.m. until 4 p.m. from March 14, 2017, through March 17, 2017. During the closure periods, the bridge will open on signal if at least 3 hours notice is given. The bridge will open on signal at all other times.

The Cape Fear River is used by a variety of vessels including small commercial vessels, recreational vessels and tug and barge traffic. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so if at least 15 minutes notice is given. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels unable to pass

through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: February 23, 2017.

**Hal R. Pitts,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2017-03987 Filed 2-28-17; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[USCG-2014-1037]

**RIN 1625-AA00**

#### Safety Zone: Eastport Breakwater Terminal, Eastport, Maine

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule; change in effective period.

**SUMMARY:** The Coast Guard is extending the effective period of a safety zone in the vicinity of the Eastport Breakwater Terminal, Eastport, Maine. This safety zone was established on January 9, 2015 (80 FR 1344). This rule will extend the

effective period of the existing temporary final rule from January 30, 2017 until October 1, 2017. This rule will continue to restrict vessels from approaching within 100 yards of the eastern face of the Eastport Breakwater Terminal without authorization from the Captain of the Port (COTP) Sector Northern New England. This safety zone continues to be necessary due to the ongoing repairs to the breakwater following a partial collapse of the structure on December 4, 2014.

**DATES:** This rule is effective without actual notice from March 1, 2017 until October 1, 2017. For the purposes of enforcement, actual notice will be used from the date the rule was signed, January 17, 2017, until March 1, 2017.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2014–1037 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MSTC Chris Bains at Sector Northern New England; telephone (207) 347–5003, email [Chris.D.Bains@uscg.mil](mailto:Chris.D.Bains@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

#### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port  
DHS Department of Homeland Security  
NPRM Notice of Proposed Rulemaking  
TFR Temporary Final Rule  
U.S.C. United States Code  
USCG United States Coast Guard

#### II. Background Information and Regulatory History

On January 9, 2015 we published a TFR entitled “Safety Zone: Eastport Breakwater Terminal, Eastport, Maine” in the **Federal Register** (80 FR 1344). The effective period for this rule was from December 12, 2014 until on January 30, 2017. The Coast Guard is now extending the effective period of the safety zone in the vicinity of the Eastport Breakwater Terminal, Eastport, Maine until October 1, 2017.

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary

to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM with respect to this rule because publishing an NPRM would be impracticable and contrary to the public interest. The construction company was late in requesting an extension of the safety zone beyond the original construction completion date of January 30, 2017. As a result, the delay inherent in the NPRM process is contrary to the public interest and impracticable, as immediate action is needed to extend this safety zone in order to protect ports, waterways, and the maritime public.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the reasons discussed above. For the same reasons discussed in the preceding paragraph, the Coast Guard finds that waiting 30 days to make this rule effective would be impracticable and contrary to the public interest.

#### III. Legal Authority and Need for Rule

The legal basis for the temporary rule is 33 U.S.C. 1231. On December 4, 2014, the southwest portion of the Eastport Breakwater Terminal collapsed into the protected harbor shoreward of the Breakwater in Eastport, Maine. The catastrophic collapse resulted in several vessels being damaged or destroyed, and left the remaining breakwater structure at risk of further collapse. This safety zone was established based on the analysis of an independent engineering firm that determined the remaining portion of the breakwater did not have the required lateral strength, nor was it designed to hold the weight of the forces thrust upon it. As a result, the remaining portion of the breakwater could have collapsed without warning. The COTP determined that a safety zone was necessary to protect the public from the safety hazards created by this emergency and the construction of a replacement breakwater.

In January 2015, contractors began working of the construction of a replacement breakwater. The COTP has determined that potential hazards associated with emergency repairs to the breakwater continue to be a safety concern. Construction of the replacement breakwater was originally scheduled to be completed by January 30, 2017. Significant delays in construction have resulted in an anticipated completion date in August 2017. To ensure the continued protection of personnel, vessels, and the marine environment in the navigable waters within the safety zone, the Coast

Guard is extending the effective period of the safety zone in the vicinity of the Eastport Breakwater Terminal to October 1, 2017.

#### IV. Discussion of Rule

For the reasons discussed above, the COTP is extending the period of a temporary safety zone in Eastport Harbor, ME. The safety zone will be bound inside an area within 4 points along the breakwater at 44°54′26″ N., 066°59′00″ W., 44°54′25″ N., 066°58′54″ W., 44°54′19″ N., 066°58′55″ W., 44°54′19″ N., 066°59′01″ W. No vessel may enter, transit, moor, or anchor within this safety zone unless authorized by the COTP or designated representative.

The COTP will cause public notifications to be made by all appropriate means including but not limited to Broadcast Notice to Mariners.

#### V. Regulatory Analyses

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

##### A. Regulatory Planning and Review

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

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The safety zone will be relatively short in duration and it covers only a small portion of the navigable waterways. Vessels may transit the navigable waterway outside of the safety zone. Moreover, vessels desiring entry into the safety zone may be authorized to do so by the COTP or designated representative. Advanced public notifications will also be made to the local maritime community by Broadcast Notice to Mariners.

##### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider

the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

principles and preemption requirements described in Executive Order 13132.

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

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

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your

message can be received without jeopardizing the safety or security of people, places, or vessels.

#### List of Subjects in 33 CFR Part 165

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

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

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–1037 to read as follows:

#### § 165.T01–1037 Safety Zone: Eastport Breakwater Terminal, Eastport, Maine.

(a) *Location.* The following area is a safety zone: All navigable waters, from surface to bottom, within the following position(s) 44°54′26″ N., 066°59′00″ W., 44°54′25″ N., 066°58′54″ W., 44°54′19″ N., 066°58′55″ W., 44°54′19″ N., 066°59′01″ W., (NAD). Friar Roads, Eastport, Maine. All positions are approximate.

(b) *Effective Period.* This rule is effective and enforced from 3:00 p.m. on January 30, 2017 to 11:59 p.m. October 1, 2017.

(c) *Notification.* Coast Guard Sector Northern New England will give actual notice to mariners for the purpose of enforcement of this temporary safety zone. Also, Sector Northern New England will notify the public to the greatest extent possible of any period in which the Coast Guard will suspend enforcement of this safety zone.

(d) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(3) The “designated representative” is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The designated representative may be on board a Coast Guard vessel, or on board a federal, state, or local agency vessel that is authorized to act in support of the Coast Guard.

(4) Upon being hailed by a U.S. Coast Guard vessel or his designated representatives by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Vessel operators desiring to enter or operate within this safety zone shall contact the Captain of the Port or his designated representatives via VHF channel 16 to obtain permission to do so.

Dated: January 17, 2017.

**M.A. Baroody,**

*Captain, U.S. Coast Guard, Captain of the Port, Northern New England.*

[FR Doc. 2017-03985 Filed 2-28-17; 8:45 am]

**BILLING CODE 9110-04-P**

## LIBRARY OF CONGRESS

### U.S. Copyright Office

#### 37 CFR Part 204

[Docket No. 2016-5]

#### Copyright Office Technical Amendments

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

**ACTION:** Partial withdrawal of final rule.

**SUMMARY:** This document withdraws a portion of the final rule that would revise the Office's Privacy Act regulations, because that section will have already been amended in a separate document by the time this rule is effective.

**DATES:** Effective March 1, 2017, the Copyright Office withdraws the amendments to 37 CFR 204.7 published at 82 FR 9364, on February 6, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Sarang V. Damle, General Counsel and Associate Register of Copyrights, *sdam@loc.gov*; Regan A. Smith, Deputy General Counsel, *resm@loc.gov*; or Erik Bertin, Deputy Director of Registration Policy and Practice, *ebertin@loc.gov*. Each person can be reached by telephone at 202-707-8040.

**SUPPLEMENTARY INFORMATION:** On February 2, 2017, the Office published a final rule creating procedures for the replacement or removal of certain "personally identifiable information" ("PII") from the Office's registration records. 82 FR 9004 (Feb. 2, 2017) ("PII Final Rule"). Among other things, the PII Final Rule rewrites 37 CFR 204.7. On February 6, 2017, the Office published a final rule that made several technical amendments to the regulations governing registration, recordation, licensing, and other services that the Office provides. 82 FR 9354 (Feb. 6,

2017) ("Technical Amendments Final Rule"). In that final rule, the Office made amendments to § 204.7 of its regulations. The amendments to § 204.7 in the Technical Amendments Final Rule were based on an earlier version of the section, and did not take into account the section as rewritten by the PII Final Rule. The PII Final Rule is scheduled to go into effect on March 6, 2017 and the Technical Amendments Final Rule goes into effect on March 8, 2017.

Thus, the Copyright Office is withdrawing the revisions to 37 CFR 204.7. The other revisions in the Technical Amendments Final Rule are not affected and will become effective on March 8, 2017, as provided in the final rule.

Dated: February 16, 2017.

**Karyn Temple Claggett,**

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

Approved by:

**Carla D. Hayden,**

*Librarian of Congress.*

Accordingly, amendatory instruction 55 in the final rule published in the **Federal Register** on February 6, 2017, at 82 FR 9364, is withdrawn as of March 1, 2017.

[FR Doc. 2017-03946 Filed 2-28-17; 8:45 am]

**BILLING CODE 1410-30-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Electronic Induction (eInduction®) Option

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service will revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to add an option to streamline the processing of drop shipments and expedited plant load mailings.

**DATES:** *Effective Date:* March 1, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Heather Dyer at (207) 482-7217 or Jacqueline Erwin at (202) 268-2158.

**SUPPLEMENTARY INFORMATION:** The Postal Service published a notice of proposed rulemaking on January 9, 2017 (82 FR 2293-2294) to add an option to streamline the processing of drop shipments and expedited plant load mailings, which included a 30-day comment period. The Postal Service received one customer comment.

## Comments on Proposed Changes and USPS Response

The Postal Service received 1 formal response on the proposed general language for the eInduction Option proposal. The responder was seeking additional information on a related technical guide to the programming intricacies for qualifying for the eInduction option. Since the general language for the DMM does not include nor will it incorporate technical guidance, the comments are not relevant to this Final Rule. The commentary was shared with the appropriate postal personnel for response.

## Summary of Changes To Be Implemented

The Electronic Induction (eInduction®) option is a process that streamlines the preparation and induction (how and where the mail physically enters the Postal Service mailstream) of drop shipments and expedited plant load mailings. eInduction links scans of Intelligent Mail container barcodes (IMcb) to the electronic documentation (eDoc) information, allowing the Postal Service to verify that postage was paid prior to accepting a mailer shipped container. eInduction eliminates the need for paper PS Forms 8125, 8125-CD, 8017, and manual reconciliation at the entry facility. Correct postage payment is verified both at the entry facility and during post-induction processing in *PostalOne!*.

Mailers who would like to use the eInduction option must meet eligibility requirements and request authorization by contacting the Facility Access Shipping Tracking (FAST®) Helpdesk. Business Mailer Support will provide final authorization. Additional information, including information regarding verification and associated assessments, is provided in Publication 6850, *Publication for Streamlined Mail Acceptance for Letters and Flats*, available at: <https://postalpro.usps.com/node/581>.

## List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

**PART 111—[AMENDED]**

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

**Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)**

\* \* \* \* \*

**700 Special Standards**

\* \* \* \* \*

**705 Advanced Preparation and Special Postage Payment Systems**

\* \* \* \* \*

[Add new section 20.0, to read as follows:]

**20.0 eInduction Option**

**20.1 Description**

Electronic Induction (eInduction) is an electronic alternative to using the following paper PS Forms: 8125, 8125C, 8125CD, and 8017 for all containers entered at the dock of a processing facility or claiming a Destination Delivery Unit (DDU) discount. eInduction uses Intelligent Mail container barcode (IMcb) scans to determine container payment and delivery status, and verifies payment and entry location by matching IMcb scan data to electronic documentation (eDoc) information. Containers are eligible for eInduction at certain designated facilities. Additional information, including information regarding verification and associated assessments, is provided in Publication 6850, *Publication for Streamlined Mail Acceptance for Letters and Flats*, at <https://postalpro.usps.com/node/581>.

**20.2 Approval**

Mailers may seek authorization to participate in the eInduction program by contacting Business Mailer Support (BMS); see 608.8 for contact information.

**20.3 General Eligibility Standards**

First-Class Mail, Periodicals, USPS Marketing Mail letters and flats, and Bound Printed Matter presorted or carrier route barcoded flats and packages are eligible for eInduction. All containers entered under eInduction must:

a. Be labeled with a USPS placard and a unique Intelligent Mail container

barcode. All required pallets and similar containers (such as all-purpose containers, hampers, and gaylords) and all containers prepared under 8.0 must display container placards that include accurately encoded Intelligent Mail container barcodes (IMcb) as described in 708.6.6. Mailing documentation must indicate each container participating in eInduction.

b. Be part of a mailing using an approved electronic method to transmit a postage statement and mailing documentation to the *PostalOne!* system.

c. Not include containers included on paper 8125/8017 forms.

d. Be included on a scheduled FAST appointment when entered at a USPS processing facility.

**20.4 Additional Standards**

**20.4.1 Special Support for Continuous Mailers**

Mailers who cannot generate a finalized postage statement two hours before container entry may request approval for an eInduction Continuous Mailer ID, (MID). Once approved, mailers using an authorized Continuous MID in the IMcb may enter any container with the approved MID in the IMcb prior to the receipt of electronic documentation. Mailers are required to submit an eDoc and generate a finalized postage statement for all eInduction Continuous MID containers within one calendar day of the unload scan. Mailers may request authorization for a continuous MID through the Business Customer Gateway. The USPS must approve the mailer request before the mailer may participate in the continuous MID process.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

**Stanley F. Mires,**  
*Attorney, Federal Compliance.*

[FR Doc. 2017–03912 Filed 2–28–17; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE**

**39 CFR Part 111**

**Seamless Acceptance Program**

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service will revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to add the mail preparation requirements governing participation in the Seamless Acceptance Program.

**DATES:** *Effective Date:* March 1, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Heather Dyer at (207) 482–7217 or Jacqueline Erwin at (202) 268–2158.

**SUPPLEMENTARY INFORMATION:** The Postal Service published a notice of proposed rulemaking on January 13, 2017, (82 FR 4231–4232) to add the mail preparation requirements governing participation in the Seamless Acceptance Program, which included a 30-day comment period. The Postal Service received one customer comment.

**Comments on Proposed Changes and USPS Response**

The Postal Service received 1 formal response on the proposed general language for the Seamless Acceptance Program proposal. The responder was seeking additional information on a related technical guide to the programming intricacies for qualifying for the Seamless option. Since the general language for the DMM does not include nor will it incorporate technical guidance, the comments are not relevant to this Final Rule. The commentary was shared with the appropriate postal personnel for response.

**Summary of Changes To Be Implemented**

Seamless Acceptance is an option for entering commercial mailings. It leverages full-service mailing technology by using scans from USPS® mail processing equipment and hand held devices to automate verification and payment for commercial First-Class Mail cards, letters, and flats, Periodicals, USPS Marketing Mail letters and flats, and Bound Printed Matter flats. Mailers may participate in the Seamless Acceptance Program by contacting the *PostalOne!* Helpdesk at 1–800–522–9085. To participate in the Seamless Acceptance Program, mailers must meet the standards in DMM 705.22.0. Additional information, including information regarding verification and associated assessments under the Seamless Acceptance Program, is provided in Publication 6850, *Publication for Streamlined Mail Acceptance for Letters and Flats*, at <https://postalpro.usps.com/node/581>.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

**PART 111—[AMENDED]**

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

**Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)**

\* \* \* \* \*

**700 Special Standards**

\* \* \* \* \*

**705 Advanced Preparation and Special Postage Payment Systems**

\* \* \* \* \*

[Add new section 22.0, to read as follows:]

**22.0 Seamless Acceptance Program**

**22.1 Description**

Seamless Acceptance uses Intelligent Mail barcodes, electronic documentation (eDoc), and scans from USPS mail processing equipment and hand held devices, to automate verification of and payment for First-Class Mail cards, letters, and flats, Periodicals, USPS Marketing Mail letters and flats, and Bound Printed Matter flats. Additional information, including information regarding verification and associated assessments on the Seamless Acceptance Program is available in Publication 6850, *Publication for Streamlined Mail Acceptance for Letters and Flats*, available at <https://postalpro.usps.com/node/581>.

**22.2 Approval**

Mailers may seek authorization to participate in the Seamless Acceptance Program by contacting the *PostalOne!* Helpdesk at 1–800–522–9085.

**22.3 Basic Standards**

First-Class Mail, Periodicals, and USPS Marketing Mail letters and flats and BPM barcoded flats are potentially eligible for Seamless Acceptance. All mailpieces, including basic and nonautomation, must be prepared as outlined in 23.0; mailers must meet the following standards:

- a. Meet all the content and price eligibility standards for the price claimed.
- b. Prepare 90% Full-Service eligible volume.

c. Participate in the Seamless Parallel Program.

d. Participate in eInduction under 20.0 for DMU-verified origin entry or destination entry-drop shipments.

**22.3.1 Intelligent Mail Barcode Exception**

Under special circumstances where mailers are unable to use an Intelligent Mail Barcode on every piece an exception may be granted by Business Mailer Support (BMS); see 608.8 for contact information.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–03911 Filed 2–28–17; 8:45 am]

**BILLING CODE 7710–12–P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[WC Docket No. 12–375, FCC 15–136]

**Rates for Interstate Inmate Calling Services**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of OMB approval.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the annual reporting and certification requirement, consumer disclosure requirement, and one-time data collection associated with the Commission's Inmate Calling Services Order (Order), FCC 15–136, published on December 18, 2015.

**DATES:** The one-time data collection was approved by OMB under OMB Control No. 3060–1221 on January 9, 2017. The annual reporting and certification requirements and the consumer disclosure requirements in 47 CFR 64.6060 and 64.6110, published at 80 FR 79135, December 18, 2015 were approved by OMB under OMB Control No. 3060–1222 on January 9, 2017.

**FOR FURTHER INFORMATION CONTACT:** Gil Strobel, Pricing Policy Division, Wireline Competition Bureau, at (202) 418–1520, or email: [gil.strobel@fcc.gov](mailto:gil.strobel@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that, on January 9, 2017, OMB approved the annual reporting and certification requirement

and consumer disclosure requirement, relating to the rules contained in the Commission's Order. The OMB Control Number for the annual reporting, certification, and consumer disclosure requirements is 3060–1222. This document further announces that, on January 9, 2017, OMB approved the one-time data collection associated with the Order. The OMB Control Number for the one-time data collection is 3060–1221. The Commission publishes this document as an announcement of the OMB approval of the forms associated with the annual reporting and certification requirements and with the one-time data collection, as well as OMB's approval of the consumer disclosure requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW., Washington, DC 20554. Please include the relevant OMB Control Number, 3060–1222 or 3060–1221, in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received the final OMB approval on January 9, 2017, for the annual reporting, certification, and consumer disclosure requirements and one-time data collection contained in the modifications to the Commission's rules in 47 CFR part 64 and in the Commission's *Order*. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–1222 and 3060–1221.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–1222.

*OMB Approval Date:* January 9, 2017.

*OMB Expiration Date:* January 31, 2020.

*Title:* Inmate Calling Services Data Collection; Annual Reporting, Certification, and Consumer Disclosure Requirements.

*Form Number(s):* FCC Form 2301(a) and FCC Form 2301(b).

*Type of Review:* New collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 15 respondents; 15 responses.

*Estimated Time per Response:* 5 hours–60 hours.

*Frequency of Response:* Annual reporting and certification requirements; third party disclosure requirement.

*Obligation to Respond:* Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 4(i), 4(j), 201, 218, 220, 225, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j), 201, 218, 220, 225 and 303(r).

*Total Annual Burden:* 1,200 hours.

*Total Annual Cost:* No cost.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The Commission anticipates providing confidential treatment for proprietary information submitted by providers of inmate calling services (ICS). Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

*Needs and Uses:* Section 201 of the Communications Act of 1934 Act (Act), as amended, 47 U.S.C. 201, requires that ICS providers' rates and practices be just and reasonable. The Commission's Second Report and Order and Third Further Notice of Proposed Rulemaking (*Second Report and Order*), WC Docket No., FCC 15–136, requires that ICS providers file annual reports with the Commission, including certifications that the reported data are complete and accurate. The annual reporting and

certification rules require ICS providers to file, among other things: Data regarding their ICS rates and minutes of use by facility and size of facility; current ancillary service charge amounts and the instances of use of each; and the monthly amount of any site commission payments. The Commission also requires an officer of each ICS provider annually to certify the accuracy of the data submitted and the provider's compliance with the *Second Report and Order*. The consumer disclosure rule requires ICS providers to inform customers of their rates and charges. The data will assist the Commission in, among other things, ensuring compliance with the *Second Report and Order* and monitoring the effectiveness of the ICS reforms adopted therein. The data will be used to enable the Commission to assess the costs related to ICS and ensure that ICS rates and ancillary service charges related to ICS rates remain just and reasonable as required by section 201 of the Act.

*OMB Control Number:* 3060–1221.

*OMB Approval Date:* January 9, 2017.

*OMB Expiration Date:* January 31, 2020.

*Title:* Inmate Calling Services Data Collection, One-Time Data Collection.

*Form Number:* FCC Form 2300.

*Type of Review:* New collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 15 respondents; 15 responses.

*Estimated Time per Response:* 100 hours.

*Frequency of Response:* One-time reporting requirement.

*Obligation to Respond:* Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 1, 4(i), 4(j), 201, 218, 220, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j), 201, 218, 220 and 303(r).

*Total Annual Burden:* 1,500 hours.

*Total Annual Cost:* No cost.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The Commission anticipates providing confidential treatment for proprietary

information submitted by inmate calling service (ICS) providers. Parties that comply with the terms of a protective order for the proceeding will have an opportunity to comment on the data.

*Needs and Uses:* Section 201 of the Communications Act of 1934 Act (Act), as amended, 47 U.S.C. 201, requires that ICS providers' interstate rates and practices be just and reasonable. The Commission's Second Report and Order and Third Further Notice of Proposed Rulemaking (FNPRM) requires that all ICS providers comply with a one-time mandatory data collection. ICS providers must submit data on the costs of providing—and the demand for—interstate, international, and intrastate ICS. The data collection requires ICS providers to submit data on ICS calls, various ICS costs, company and contract information, information about facilities served, ICS revenues, ancillary fees, and mandatory taxes and fees. ICS providers are also required to apportion direct costs for each cost category and to explain how joint and common costs are apportioned among the facilities they serve and the services they provide. The data will be used to enable the Commission to assess the costs related to ICS and ensure that ICS rates and fees related to ICS rates remain just and reasonable as required by section 201 of the Act. Responses to the collection are due March 1, 2017.

The Commission's Wireline Bureau staff will develop a standardized template for the submission of data and provide instructions to simplify compliance with and reduce the burdens of the data collection. The template also includes filing instructions and text fields for respondents to use to explain portions of their filings, as needed. *See* FCC Form 2300. Providers are encouraged to file their data electronically via the Commission's Electronic Comment Filing System (ECFS).

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017–03900 Filed 2–28–17; 8:45 am]

**BILLING CODE 6712–01–P**



# Proposed Rules

Federal Register

Vol. 82, No. 39

Wednesday, March 1, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Parts 271, 272 and 273

[FNS 2015–0038]

RIN 0584–AE41

#### Supplemental Nutrition Assistance Program: Student Eligibility, Convicted Felons, Lottery and Gambling, and State Verification Provisions of the Agricultural Act of 2014; Extension of Comment Period

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Proposed rule. Extension of comment period.

**SUMMARY:** The Department of Agriculture's Food and Nutrition Service (FNS) is re-opening the comment period for the proposed rule published December 1, 2016. The proposed action would implement four sections of the Agricultural Act of 2014 (2014 Farm Bill), affecting eligibility, benefits, and program administration requirements for the Supplemental Nutrition Assistance Program (SNAP). Section 4007 clarifies that participants in a SNAP Employment & Training (E&T) program are eligible for benefits if they are enrolled or participate in specific programs that will assist SNAP recipients in obtaining the skills needed for the current job market. Section 4008 prohibits anyone convicted of Federal aggravated sexual abuse, murder, sexual exploitation and abuse of children, sexual assault, or similar State laws, and who are also not in compliance with the terms of their sentence or parole or are a fleeing felon, from receiving SNAP benefits. Section 4009 prohibits households containing a member with substantial lottery and gambling winnings from receiving SNAP benefits, until the household meets the allowable financial resources and income eligibility requirements of the program. Section 4009 also provides that State SNAP agencies are required, to the

maximum extent practicable, to establish cooperative agreements with gaming entities in the State to identify SNAP recipients with substantial winnings. Section 4015 requires all State agencies to have a system in place to verify income, eligibility and immigration status.

**DATES:** The comment period for the proposed rule published December 1, 2016 (81 FR 86614) is re-opened until March 31, 2017. Written comments must be received on or before March 31, 2017, to be assured of consideration.

**ADDRESSES:** The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this proposed rule. Comments may be submitted in writing by one of the following methods:

- *Preferred Method:* Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* Submit comments by facsimile transmission to: Sasha Gersten-Paal, Certification Policy Branch, Fax number 703–305–2486.
- *Mail:* Send comments to Sasha Gersten-Paal, Branch Chief, Certification Policy Branch, Program Development Division, FNS, 3101 Park Center Drive, Alexandria, Virginia 22302, 703–305–2507.

All written comments submitted in response to this proposed rule will be included in the record and made available to the public. Please be advised that the substance of comments and the identity of individuals or entities submitting the comments will be subject to public disclosure. FNS will make written comments publicly available online at <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Sasha Gersten-Paal, Branch Chief, Certification Policy Branch, Program Development Division, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302, 703–305–2507.

**SUPPLEMENTARY INFORMATION:** FNS is re-opening the comment period for 30 days as noted under the **DATES** section to ensure that the public has sufficient time to review and comment on the proposed rule. To the extent that 5 U.S.C. 553(b)(A) applies to this action, it is exempt from notice and comment rulemaking for good cause and for

reasons cited above, FNS finds that notice and solicitation of comment regarding the brief extension of the comment period is impracticable, unnecessary, or contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). FNS believes that affected parties need to be informed as soon as possible of the extensions and their length.

Dated: February 16, 2017.

**Jessica Shahin,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 2017–03713 Filed 2–28–17; 8:45 am]

**BILLING CODE 3410–30–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 73

[Docket No. FDA–2016–D–4120]

#### Fruit Juice and Vegetable Juice as Color Additives in Food; Draft Guidance for Industry; Reopening of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification; reopening of comment period.

**SUMMARY:** The Food and Drug Administration (FDA or we) is reopening the comment period for the notice entitled “Fruit Juice and Vegetable Juice as Color Additives in Food; Draft Guidance for Industry” that appeared in the **Federal Register** of December 14, 2016. The draft guidance, when finalized, will help manufacturers determine whether a color additive derived from a plant material meets the specifications under certain FDA color additive regulations. We are taking this action in response to requests to allow interested persons additional time to submit comments.

**DATES:** FDA is reopening the comment period for the proposed rule published December 14, 2016 (81 FR 90267). Submit either electronic or written comments by May 1, 2017.

**ADDRESSES:** You may submit comments as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:



• **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

• **Mail/Hand delivery/Courier (for written/paper submissions):** Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2016-D-4120 for "Fruit Juice and Vegetable Juice as Color Additives in Food; Draft Guidance for Industry." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

• **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." We

will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <http://www.fda.gov/regulatoryinformation/dockets/default.htm>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

#### **FOR FURTHER INFORMATION CONTACT:**

Laura A. Dye, Center for Food Safety and Applied Nutrition (HFS-265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1275.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of December 14, 2016 (81 FR 90267), we published a notice of availability of a draft guidance for industry entitled "Fruit Juice and Vegetable Juice as Color Additives in Food." The draft guidance, when finalized, will help manufacturers determine whether a color additive derived from a plant material meets the specifications for fruit juice under § 73.250 (21 CFR 73.250) or vegetable juice under § 73.260 (21 CFR 73.260). Although you can comment on any guidance at any time, to ensure that we consider comments on this draft guidance before we begin work on the final version, interested persons were originally given until February 13, 2017, to comment on the draft guidance.

We have received requests to extend the comment period for the draft guidance. The requests conveyed concern that the original 60-day comment period would not allow

sufficient time to develop a meaningful or thoughtful response to various issues presented in the draft guidance and to our interpretation of our regulations. We have considered the requests but were unable to issue a document extending the comment period for the draft guidance before February 13, 2017. Consequently, we are reopening the comment period for an additional 60 days. Interested parties have until May 1, 2017. We believe that this action allows adequate time for interested persons to submit comments on the draft guidance without significantly delaying finalizing the guidance.

Dated: February 23, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-03929 Filed 2-28-17; 8:45 am]

**BILLING CODE 4164-01-P**

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 117**

[Docket No. USCG-2016-1006]

**RIN 1625-AA09**

### **Drawbridge Operation Regulation; Connecticut River, East Haddam, CT**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to modify the operating schedule that governs the Route 82 Bridge (East Haddam Swing Bridge) across the Connecticut River, mile 16.8, at East Haddam, Connecticut. The bridge owner submitted a request to reduce scheduled openings of the span for recreational vessels in the boating season and to allow the bridge owner to require six hours notice for bridge openings at night in the winter season. It is expected this change to the regulations will better serve the needs of the community while continuing to meet the reasonable needs of navigation.

**DATES:** Comments and related material must reach the Coast Guard on or before May 1, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG-2016-1006 using the Federal eRulemaking Portal at <http://www.regulations.gov>.

See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Mr. James Moore, Project Officer, First Coast Guard District, telephone 212-514-4334, [james.m.moore2@uscg.mil](mailto:james.m.moore2@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

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

**II. Background, Purpose and Legal Basis**

The Route 82 Bridge (East Haddam Swing Bridge), mile 16.8, across the Connecticut River at East Haddam, Connecticut, offers mariners a vertical clearance of 22 feet at Mean High Water and 25 feet at Mean Low Water when the span is in the closed position. Vertical clearance is unlimited when the draw is open. Horizontal clearance is 200 feet. Waterway users include recreational and commercial vessels including tugboat/barge combinations as well as tour/dinner boats.

The existing drawbridge operating regulation, 33 CFR 117.205 (c), requires the draw of the Route 82 Bridge to open as follows:

The bridge will open on signal except that, from 15 May to 31 October, between 9 a.m. to 9 p.m., the draw need open for recreational vessels on the hour and half-hour only. The draw shall open on signal for commercial vessels at all times.

This regulation has been in effect since March 2, 1998. The owner of the bridge, the Connecticut Department of Transportation, requested a change to the drawbridge operating regulations because of the increased volume of vehicular traffic across the bridge during peak commuting hours. This increased volume coupled with bridge openings for recreational vessels on the hour as well as the half-hour has resulted in lengthy traffic jams on either side of the bridge, particularly during the morning and evening rush hours. By reducing required openings for recreational vessels, traffic congestion during the morning and evening rush hours would improve.

The Connecticut Department of Transportation also requested that from November 1 to April 30 the bridge owner be allowed to require at least six hours notice for bridge openings between 8 p.m. and 4 a.m. for all vessels. For the last three years there have been no requested openings during these hours during this time of the year.

Allowing the bridge owner to require notice will allow for more efficient and economical operation of the bridge.

**III. Discussion of Proposed Rule**

Comments received from the public as well as various stakeholders during a meeting held in East Haddam, Connecticut on 12 May 2016 indicated no objection to the proposed rule change from either mariners or concerned citizens. Based on these comments as well as further discussion with the bridge owner, the Coast Guard proposes to permanently change the drawbridge operating regulation 33 CFR 117.205(c).

The proposed rule would allow the Route 82 Swing Bridge, to open as follows: Between November 1 and April 30, the Route 82 Swing Bridge will continue to open on signal for all vessels between 4 a.m. and 8 p.m. and will open for all vessels with six hours of advance notice between 8 p.m. and 4 a.m. Between May 1 and October 31, the bridge will open for recreational vessels on the hour between 6 a.m. and 8 p.m. and will open on signal from 8 p.m. through 6 a.m.. Notice is given by calling the number posted at the bridge.

**IV. Regulatory Analyses**

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

**A. Regulatory Planning and Review**

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

The Coast Guard believes that this rule is not a significant regulatory action. The bridge will still open on the hour from 6 a.m. to 8 p.m. for recreational craft during the boating season and will open for all vessels with six hours of advance notice between 8 p.m. and 4 a.m. between November 1 and April 30. The 22 foot vertical clearance available while the bridge is in the closed position is sufficient to

allow a majority of recreational traffic to pass through the draw without the necessity for an opening. Moreover, the advanced notice requirements will be during the winter months, which is a time of year when vessel traffic is at its lowest.

**B. Impact on Small Entities**

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

For the reasons stated in Section III and IV.A. above, this proposed rule would not have a significant economic impact on any vessel owner or operator.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

**C. Collection of Information**

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

**D. Federalism and Indian Tribal Government**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the

various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

#### *E. Unfunded Mandates Reform Act*

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

#### *F. Environment*

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### *G. Protest Activities*

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

#### **V. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

Documents mentioned in this notice and all public comments, are in our online docket at <http://www.regulations.gov> and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### **List of Subjects in 33 CFR Part 117**

Bridges.

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

#### **PART 117—DRAWBRIDGE OPERATION REGULATIONS**

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

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

■ 2. Amend § 117.205 by revising paragraph (c) to read as follows:

#### **§ 117.205 Connecticut River.**

\* \* \* \* \*

(c) The draw of the Route 82 Bridge, mile 16.8, at East Haddam, shall operate as follows:

(1) *From May 1 through October 31:* The draw shall open on signal for commercial vessels. For recreational vessels, the draw shall open on signal, except that from 6 a.m. to 8 p.m., the draw need open for recreational vessels on the hour only.

(2) *From November 1 through April 30:* The draw shall open on signal for all vessels, except that from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hours notice is given by calling the number posted at the bridge.

Dated: 15 February 2017.

**S.D. Poulin,**

*Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.*

[FR Doc. 2017–03980 Filed 2–28–17; 8:45 am]

**BILLING CODE 9110–0–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 622**

[Docket No. 161222999–7145–01]

**RIN 0648–BG56**

#### **Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; Framework Amendment 5**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to implement management measures described in Framework Amendment 5 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP) as prepared and submitted jointly by the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council (Councils). If implemented, this proposed rule would remove the restriction on fishing for, or retaining the recreational bag and possession limits of, king and Spanish

mackerel on a vessel with a Federal commercial permit for king or Spanish mackerel when the vessel is on a private recreational fishing trip and commercial harvest of king or Spanish mackerel in a zone or region is closed. The purpose of this proposed rule is to remove Federal permit restrictions unique to commercially permitted king and Spanish mackerel vessels and to standardize vessel permit restrictions applicable after a commercial quota closure of king or Spanish mackerel.

**DATES:** Written comments must be received by March 31, 2017.

**ADDRESSES:** You may submit comments on the proposed rule, identified by “NOAA–NMFS–2016–0162” by either of the following methods:

- **Electronic Submission:** Submit all electronic comments via the Federal Rulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov), click the “Comment Now!” icon, complete the required fields, and enter your attached comments.

- **Mail:** Submit all written comments to Rich Malinowski, NMFS Southeast Regional Office (SERO), 263 13th Avenue South, St. Petersburg, FL 33701.

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

Electronic copies of the Framework Amendment 5, which includes an environmental assessment, Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from [www.regulations.gov](http://www.regulations.gov) or the SERO Web site at <http://sero.nmfs.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Rich Malinowski, Southeast Regional Office, NMFS, telephone: 727–824–5305, or email: [rich.malinowski@noaa.gov](mailto:rich.malinowski@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The coastal migratory pelagic fishery of the Gulf and Atlantic regions is managed under the FMP and includes the management of the Gulf and Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia. The FMP was prepared jointly by the Councils and is implemented by NMFS through

regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).

### Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve on a continuing basis, the optimum yield from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, while also protecting marine ecosystems. To further attain this goal, the Magnuson-Stevens Act requires fishery managers to minimize bycatch and bycatch mortality to the extent practicable. Framework Amendment 5 and this proposed rule apply to the harvest of king and Spanish mackerel in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) and Atlantic regions.

Current Federal regulations state that a person aboard a vessel with a Federal commercial permit for king or Spanish mackerel may not fish for or retain king or Spanish mackerel in or from Federal waters under the recreational bag or possession limit if the commercial harvest for the species is closed (i.e., the species, migratory group, zone, subzone, or gear is closed). This provision prevents fishers on a vessel with a Federal commercial permit for king or Spanish mackerel from recreationally fishing for or retaining bag and possession limits for these species outside of the applicable commercial season. An exception to this restriction currently applies to vessels that have both a Federal commercial and a charter vessel/headboat permit for king or Spanish mackerel. When operating as a charter vessel or headboat, the exception allows persons aboard these vessels to recreationally fish for or retain king or Spanish mackerel in or from Federal waters under the recreational bag or possession limits.

The regulations specifying restrictions applicable after a commercial quota closure (50 CFR 622.384(e)) were originally necessary when the Gulf migratory group of king mackerel (Gulf king mackerel) had been overfished in the early 1990s, as a means of controlling fishing effort. In 2014, the most recent stock assessment of Gulf king mackerel and Atlantic migratory group king mackerel (Atlantic king mackerel) concluded that both Gulf and

Atlantic king mackerel are not overfished or undergoing overfishing.

This provision does not currently affect the recreational harvest of Spanish mackerel in the Gulf (Gulf Spanish mackerel), given the difference in how this migratory group is managed. Gulf Spanish mackerel is managed under a stock annual catch limit (ACL). Under the applicable accountability measures, the Spanish mackerel commercial and recreational sectors in the Gulf close at the same time if the stock ACL is reached or projected to be reached, as specified in § 622.388(c)(1). Thus, because the sectors close at the same time, the restriction described above does not apply in practice to those fishing for Gulf Spanish mackerel. In contrast, the accountability measures applicable to the commercial sector for king mackerel in the Gulf and Atlantic, and Spanish mackerel in the Atlantic, would close the applicable commercial sector independently from the recreational sector if the commercial landings reach or are projected to reach the applicable commercial quotas (§ 622.388(a)(1)(i), (b)(1)(i), and (d)(1)(i)).

### Management Measure Contained in This Proposed Rule

For the commercial sector, this proposed rule would remove the current prohibition that a person aboard a vessel with a Federal commercial permit for king or Spanish mackerel may not fish for or retain king or Spanish mackerel in or from Federal waters under the bag or possession limits if commercial harvest for the applicable species is closed in a specific zone or for a certain gear type, unless the vessel also has a federal charter vessel/headboat permit and is operating as a federally permitted charter vessel or headboat. Therefore, if NMFS implements this proposed rule, commercial fishers with a Federal commercial permit for king or Spanish mackerel would be able to use their permitted vessels to recreationally fish for these species and retain the recreational bag and possession limits outside of the commercial seasons for those species.

### Measures Contained in This Proposed Rule Not in Framework Amendment 5

In addition to the changes to implement Framework Amendment 5, the proposed regulatory text contains changes consistent with the proposed regulatory text to implement Amendment 26 to the FMP, which is currently available for public comment (81 FR 95941, December 29, 2016). The proposed regulatory text to implement Amendment 26 includes numerous

changes to the regulations implementing the FMP, including revisions to terminology and to the management boundaries for the Gulf of Mexico and Atlantic migratory groups of king mackerel. Pertinent changes are reflected in the proposed text below, as well, for consistency in language. In addition, to improve clarity, we have made specific changes to § 622.384(e)(3), proposed to be renumbered as § 622.384(e)(2), and to § 622.386.

#### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the framework action, the FMP, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination follows.

A description of this proposed rule, why it is being considered, and the objectives of this proposed rule are contained in the preamble. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule, if implemented, would not be expected to directly affect any small entities. The proposed rule would remove the restriction on fishing for and retaining the recreational bag limit of king mackerel on a vessel with a Federal commercial permit for king mackerel when the vessel is on a recreational trip and commercial harvest of king mackerel in that zone is closed. Similarly, it would remove the restriction on fishing for and retaining the recreational bag limit of Spanish mackerel on a vessel with a Federal commercial permit for Spanish mackerel when the vessel is on a recreational trip and commercial harvest of Spanish mackerel in a zone or for a certain gear type is closed. Under this

proposed rule, king or Spanish mackerel that are recreationally harvested on commercial vessels would not be permitted to be sold. Therefore, commercial fishers on these vessels would only be affected as recreational anglers. Recreational anglers, who would be directly affected by this proposed rule, are not considered small entities under the RFA, and are, therefore, outside the scope of this analysis. 5 U.S.C. 603. Small entities include “small businesses,” “small organizations,” and “small governmental jurisdictions.” 5 U.S.C. 601(6) and 601(3)–(5). Recreational anglers are not businesses, organizations, or governmental jurisdictions. No other small entities that would be directly affected by this proposed rule have been identified.

The information provided above supports a determination that this rule would not have a significant economic impact on a substantial number of small entities. Because this rule, if implemented, is not expected to have a significant economic impact on any small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. Accordingly, the Paperwork Reduction Act does not apply to this proposed rule.

#### List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, South Atlantic, King Mackerel, Spanish Mackerel.

**Alan D. Risenhoover,**

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

#### PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.379, revise the last sentence in paragraph (a) to read as follows:

#### § 622.379 Purse seine incidental catch allowance.

(a) \* \* \* Incidentally caught king or Spanish mackerel are counted toward the quotas provided for under § 622.384 and are subject to the prohibition of sale under § 622.384(e)(2).

\* \* \* \* \*

■ 3. In § 622.384, revise paragraph (e) to read as follows:

#### § 622.384 Quotas.

\* \* \* \* \*

(e) *Restrictions applicable after a commercial quota closure.* (1) If the recreational sector for the applicable species, migratory group, zone, or gear is open, the bag and possession limits for king and Spanish mackerel specified in § 622.382(a) apply to all harvest or possession for the closed species, migratory group, zone, or gear in or from the EEZ. If the recreational sector for the applicable species, migratory group, zone, or gear is closed, all applicable harvest or possession in or from the EEZ is prohibited.

(2) The sale or purchase of king mackerel, Spanish mackerel, or cobia of the closed species, migratory group, zone, or gear type is prohibited, including any king or Spanish mackerel taken under the bag and possession limits specified in § 622.382(a), or cobia taken under the limited-harvest species possession limit specified in § 622.383(b). The prohibition on the sale or purchase during a closure for coastal migratory pelagic fish does not apply to coastal migratory pelagic fish that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

■ 4. In § 622.386, revise the introductory paragraph to read as follows:

#### § 622.386 Restrictions on sale/purchase.

The restrictions in this section are in addition to the restrictions on the sale or purchase related to commercial quota closures as specified in § 622.384(e)(2).

\* \* \* \* \*

[FR Doc. 2017–04003 Filed 2–28–17; 8:45 am]

**BILLING CODE P**

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 COMMERCE

### Foreign-Trade Zones Board

[B-14-2017]

#### Foreign-Trade Zone 269—Athens, Texas; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Athens Economic Development Corporation, grantee of FTZ 269, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or “usage-driven” FTZ sites for operators/users located within a grantee’s “service area” in the context of the FTZ Board’s standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 22, 2017.

FTZ 269 was approved by the FTZ Board on April 3, 2006 (Board Order 1438, 71 FR 20074, April 19, 2006). The current zone includes the following sites: *Site 1* (127 acres)—Athens Industrial Park, 1621 Enterprise Street, Athens; and, *Site 2* (59 acres)—Henderson Industrial Park, 1380 Flat Creek Road, Athens.

The grantee’s proposed service area under the ASF would be the City of Athens, Texas, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies’ needs for FTZ designation. The application indicates that the proposed service area is within and adjacent to the Dallas-Fort Worth Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone to include both of the existing sites as “magnet” sites. No subzones/usage-driven sites are being requested at this time.

In accordance with the FTZ Board’s regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board’s Executive Secretary at the address below. The closing period for their receipt is May 1, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 15, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the “Reading Room” section of the FTZ Board’s Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Camille Evans at [Camille.Evans@trade.gov](mailto:Camille.Evans@trade.gov) or (202) 482–2350.

Dated: February 22, 2017.

**Andrew McGilvray,**  
*Executive Secretary.*

[FR Doc. 2017–03962 Filed 2–28–17; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-810]

#### Stainless Steel Bar From India: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from India. The period of review (POR) is February 1, 2015, through January 31, 2016. This review

covers two producers or exporters of the subject merchandise: Ambica Steels Limited (Ambica), and Bhansali Bright Bars Pvt. Ltd. (Bhansali). We preliminarily determine that Bhansali had no shipments of subject merchandise during the POR and that Ambica did have an entry of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results.

**DATES:** Effective March 1, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1293.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The merchandise subject to the order is SSB. SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products (*i.e.*, cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

Imports of these products are currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs

purposes, our written description of the scope of the *Order* is dispositive.

### Background

Carpenter Technology Corporation, Crucible Industries LLC, Electralloy, a Division of G.O. Carlson, Inc., North American Stainless, Universal Stainless & Alloy Products, Inc., and Valbruna Slater Stainless, Inc. (the petitioners) timely requested an administrative review of Ambica and Bhansali.<sup>1</sup> The Department published in the **Federal Register** a notice of initiation of this administrative review of the antidumping duty order on SSB from India for Ambica and Bhansali.<sup>2</sup>

### Preliminary Determination of No Shipments (Bhansali)

We received a timely claim from Bhansali reporting that it had no shipments of the subject merchandise to the United States during the POR and requested that the Department rescind the review with respect to it.<sup>3</sup> Following Bhansali's claim of no shipments during the POR, the Department placed U.S. Customs and Border Protection (CBP) entry data on the record for comment,<sup>4</sup> and transmitted a "No-Shipments Inquiry" to CBP regarding Bhansali.<sup>5</sup> Pursuant to this inquiry, CBP submitted no information contrary to Bhansali's claim. Accordingly, the Department preliminarily determines that Bhansali had no shipments during the POR. Consistent with our practice, we will complete the review and issue appropriate instructions to CBP based on the final results of this review.

### Preliminary Results of Review (Ambica)

The Department received a timely claim from Ambica reporting that it had "no shipments" of the subject merchandise to the United States during the POR and requested that the Department rescind the review with respect to it.<sup>6</sup> Following Ambica's claim

of no shipments during the POR, the Department placed CBP entry data on the record for comment.<sup>7</sup> Subsequently, we requested entry documents from CBP for specific shipments attributed to Ambica and placed this information on the record for comment.<sup>8</sup> The Department preliminarily finds that Ambica had one suspended entry of subject merchandise during this POR for which it had knowledge of its sale to an unaffiliated U.S. customer. However, the Department inadvertently included the sales associated with this 2015/16 entry of subject merchandise in its analysis for the 2014–15 administrative review. Therefore, we have preliminarily determined to apply the importer-specific assessment rate calculated for Ambica in the 2014–15 review to this suspended entry in the instant review. For all other entries of subject merchandise attributed to Ambica during the instant POR, Ambica has reasonably explained that it had no knowledge of these entries into the United States or the sales associated with these entries. Accordingly, these entries will be liquidated at the all-others rate. For additional information and analysis, see the Preliminary Analysis Memorandum.<sup>9</sup>

### Public Comment

Interested parties may submit case briefs no later than 30 days after the date of publication of the preliminary results.<sup>10</sup> Rebuttal briefs, limited to the issues raised in the case briefs, may be filed no later than five days after the submission of case briefs.<sup>11</sup> 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.<sup>12</sup>

All submissions to the Department must be filed electronically using ACCESS, and must also be served on

interested parties.<sup>13</sup> An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the date that the document is due.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.<sup>14</sup> Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Tariff Act of 1930 (the Act) and 19 CFR 351.213(h)(2), the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case and rebuttal briefs, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

### Assessment of Antidumping Duties

For the single suspended AD/CVD entry attributable to Ambica, we will instruct CBP to liquidate this entry at the importer-specific assessment rate calculated in the 2014–15 administrative review.

In accordance with the Department's practice, for entries of subject merchandise during the POR for which Ambica or Bhansali did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Ambica and Bhansali will remain unchanged from the rate assigned to each company in the

<sup>1</sup> See Letter from the petitioners to the Department, "Stainless Steel Bar from India: Petitioners' Request for 2015/16 Administrative Review," dated February 29, 2016.

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 20324 (April 7, 2016) (*Notice of Initiation*).

<sup>3</sup> See Letter from Bhansali to the Department, "Request for No Shipment during the Period of Review (POR)," dated May 4, 2016.

<sup>4</sup> See Memorandum from Joseph Shuler, International Trade Analyst, to the File regarding, "Release of U.S. Customs and Border Protection (CBP) Entry Data to Interested Parties for Comment," (CBP Entry Data Release Memo) dated June 29, 2016.

<sup>5</sup> See CBP message 6264303 dated September 21, 2016.

<sup>6</sup> See Letter from Ambica to the Department, "Request for No Shipment during the Period of Review (POR)," dated May 4, 2016.

<sup>7</sup> See CBP Entry Data Release Memo.

<sup>8</sup> See Memorandum from Joseph Shuler, International Trade Analyst, to the File regarding, "Administrative Review of the Antidumping Duty order on Stainless Steel Bar from India: Placing of Customs and Border Protection (CBP) Entry documents on the Record," dated December 7, 2016.

<sup>9</sup> Because of the proprietary nature of the entry documents, see the memorandum from Joseph Shuler, International Trade Analyst to Alex Villanueva, Director, Antidumping and Countervailing Duty Operations Training and Professional Development Unit, "Stainless Steel Bar from India: Preliminary Analysis Memorandum," (Preliminary Analysis Memorandum) dated concurrently with this notice.

<sup>10</sup> See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 (for general filing requirements).

<sup>11</sup> See 19 CFR 351.309(d)(1).

<sup>12</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>13</sup> See 19 CFR 351.303(f).

<sup>14</sup> See 19 CFR 351.310(c).



completed segment for the most recent period for each company; (2) for other producers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the completed segment for the most recent period of this proceeding in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the completed segment for the most recent period of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 12.45 percent, the all-others rate established in the investigation.<sup>15</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

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

#### Notification to Interested Parties

We are issuing and publishing these preliminary results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 22, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, Policy & Negotiations.*

[FR Doc. 2017-03959 Filed 2-28-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-044]

#### 1,1,1,2 Tetrafluoroethane (R-134a) From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances, in Part

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

**SUMMARY:** The Department of Commerce ("Department") determines that 1,1,1,2 Tetrafluoroethane (R-134a) ("R134a") from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value ("LTFV"). The final weighted-average dumping margins of sales at LTFV are listed below in the "Final Determination Margins" section of this notice.

**DATES:** Effective March 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Paul Stolz or Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4474, and (202) 482-5139, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 7, 2016, the Department published the *Preliminary Determination* of this antidumping duty ("AD") investigation.<sup>1</sup> In the *Preliminary Determination*, we postponed the final determination until no later than 135 days after the date of publication of the *Preliminary Determination* in accordance with section 735(a)(2) of the Tariff Act of 1930, as amended ("the Act") and invited interested parties to comment on our preliminary findings. A summary of the events that occurred since the Department published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties

<sup>1</sup> See 1,1,1,2-Tetrafluoroethane (R-134a) from the People's Republic of China: *Preliminary Determination of Sales at Less-Than-Fair Value and Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination*, 81 FR 69786 (October 7, 2016) and accompanying Preliminary Decision Memorandum, as later amended by 1,1,1,2-Tetrafluoroethane (R-134a) from the People's Republic of China; *Amended Preliminary Affirmative Determination of Sales at Less-Than-Fair Value*, 81 FR 86699 (December 1, 2016) (collectively, "*Preliminary Determination*").

for this final determination, may be found in the accompanying Issues and Decision Memorandum.<sup>2</sup>

#### Period of Investigation

The period of investigation ("POI") is July 1, 2015, through December 31, 2015. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, which was March, 2016.<sup>3</sup>

#### Scope Comments

In the *Initiation Notice*, the Department set aside a period of time for parties to address scope issues in case briefs or other written comments on scope issues.<sup>4</sup> No interested party provided comments on scope issues for the *Preliminary Determination*; however, certain parties did submit comments on the scope of the investigation in the case and rebuttal briefs. The Department addresses these comments in the accompanying Issues and Decision Memorandum, but the scope of this investigation remains unchanged for this final determination.<sup>5</sup>

#### Scope of the Investigation

The product covered by this investigation is 1,1,1,2 Tetrafluoroethane (R-134a) from the PRC. For a full description of the scope of this investigation, see the "Scope of the Investigation," in Appendix I of this notice.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by interested parties in this investigation that are not related to the scope of this investigation are addressed in the Issues and Decision Memorandum, which is incorporated by reference by, and hereby adopted by, this notice.<sup>6</sup> A list of these issues is attached to this notice at Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized

<sup>2</sup> See Memorandum to Carole Showers, Executive Director, Office of Policy, Policy & Negotiations, (insert Carole's title), "Issues and Decision Memorandum for the 1,1,1,2 Tetrafluoroethane (R-134a) from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances, in Part," dated concurrently with this notice ("Issues and Decision Memorandum").

<sup>3</sup> See 19 CFR 351.204(b)(1) and the *Initiation Notice*.

<sup>4</sup> See 1, 1, 1, 2-Tetrafluoroethane from the People's Republic of China: *Initiation of Less Than Fair Value Investigation*, 81 FR 18830 (April 1, 2016) ("*Initiation Notice*").

<sup>5</sup> See the Issues and Decision Memorandum at Comment 2.

<sup>6</sup> *Id.*

<sup>15</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India*, 59 FR 66915, 66921 (December 28, 1994).



Electronic Service System (“ACCESS”). ACCESS is available to registered users at <https://access.trade.gov>. The Issues and Decision Memorandum is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum is available at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

#### Verification

As provided in section 782(i) of the Act, from November 9, 2016, through November 16, 2016, we conducted a verification of the sales and cost responses submitted by Zhejiang Sanmei Chemical Industry Co., Ltd. (“Sanmei”). We issued a verification report on December 19, 2016.<sup>7</sup> The Department used standard verification procedures, including an examination of relevant accounting and production records and original source documents provided by respondents.<sup>8</sup>

#### Changes Since the Preliminary Determination

Based on the Department’s analysis of the comments received and our findings at verification, we made certain changes to Sanmei’s margin calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

#### Combination Rates

In the *Initiation Notice*, the Department stated that it would calculate combination rates for the respondents that are eligible for a

separate rate in this investigation.<sup>9</sup> Policy Bulletin 05.1 describes this practice.<sup>10</sup>

#### Final Affirmative Determination of Critical Circumstances, in Part

In the *Preliminary Determination*, the Department found that critical circumstances exist with respect to imports of R134a from the PRC produced or exported by the PRC-wide entity and non-individually reviewed producers/exporters entitled to a separate rate.<sup>11</sup> We are not modifying our findings for this final determination. Thus, pursuant to section 735(a)(3)(B) of the Act and 19 CFR 351.206(h)(1)–(2), we find that critical circumstances exist with respect to subject merchandise produced or exported by the PRC-wide entity and non-individually reviewed producers/exporters entitled to a separate rate.<sup>12</sup>

#### Separate Rate

Under section 735(c)(5)(A) of the Act, the rate for all other companies that have not been individually examined is normally 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 on the basis of facts available. In this final determination, we calculated a weighted-average dumping margin for Sanmei (the only mandatory respondent eligible for a separate rate) which is not zero, *de minimis*, or based entirely on facts available. Accordingly, we determine to use Sanmei’s weighted-

average dumping margin as the margin for the separate rate companies.

#### PRC-Wide Rate

In our *Preliminary Determination*, we found that, pursuant to sections 776(a) and (b) of the Act, the PRC-wide entity did not respond to the Department’s requests for information, failed to provide necessary information, withheld information requested by the Department, failed to provide information in a timely manner, and significantly impeded this proceeding by not submitting the requested information. As a result, we preliminarily determined to calculate the PRC-wide rate on the basis of adverse facts available (“AFA”). For the final determination, we continue to calculate the PRC-wide rate on the basis of AFA, in accordance with sections 776(a) and (b) of the Act. We are applying Sanmei’s highest calculated transaction-specific dumping rate of 167.02 percent, as AFA, to the PRC-wide entity for this final determination.<sup>13</sup> The transaction underlying this dumping margin is neither unusual in terms of transaction quantities nor otherwise atypical, and does not reveal any of Sanmei’s proprietary data.<sup>14</sup> There is no need to corroborate the selected margin because it is based on information submitted by Sanmei in the course of this investigation, *i.e.*, it is not secondary information.<sup>15</sup>

#### Final Determination

The Department determines that the estimated final weighted-average dumping margins are as follows:

Exporter	Producer	Weighted-average margin (percent)
Zhejiang Sanmei Chemical Industry Co., Ltd .....	Zhejiang Sanmei Chemical Industry Co., Ltd. and Jiangsu Sanmei Chemicals Co., Ltd.	148.79
Jiangsu Bluestar Green Technology Co., Ltd .....	Jiangsu Bluestar Green Technology Co., Ltd .....	148.79
T.T. International Co., Ltd .....	Electrochemical Factory of Zhejiang Juhua Co., Ltd .....	148.79
T.T. International Co., Ltd .....	Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.	148.79
T.T. International Co., Ltd .....	Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd .....	148.79

<sup>7</sup> See the Department’s memorandum, “Verification of the Sales and Factors of Production Questionnaire Responses of Zhejiang Sanmei Chemical Industry Co., Ltd. in the Antidumping Investigation of 1,1,1,2-Tetrafluoroethane (R-134a) from the People’s Republic of China,” dated December 19, 2016 (“Verification Report”).

<sup>8</sup> *Id.*

<sup>9</sup> See *Initiation Notice*, 81 FR at 18834.

<sup>10</sup> See Enforcement and Compliance’s Policy Bulletin No. 05.1, regarding, “Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries,” dated April 5, 2005 (“Policy

Bulletin 05.1”), available on the Department’s Web site at <http://enforcement.trade.gov/policy/bull05-1.pdf>.

<sup>11</sup> See the memorandum, “Less Than Fair Value Investigation of 1,1,1,2-Tetrafluoroethane (“R-134a”) from the People’s Republic of China (“PRC”): Critical Circumstances Import Data,” dated September 29, 2016.

<sup>12</sup> For a full description of the methodology and results of our analysis, see the Issues and Decision Memorandum and see the memorandum, “Analysis for the Final Determination of the Less-Than-Fair-Value Investigation of 1,1,1,2-Tetrafluoroethane (R 134a) from the People’s Republic of China,” dated concurrently with this notice.

<sup>13</sup> See, e.g., *Silica Bricks and Shapes from the People’s Republic of China: Preliminary Determination of Antidumping Duty Investigation and Postponement of Final Determination*, 78 FR 37203 (June 20, 2013), and accompanying Preliminary Decision Memorandum at Comment 3.

<sup>14</sup> See *Certain Frozen Warmwater Shrimp from Thailand: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 52065 (September 12, 2007) and accompanying Issues and Decision Memorandum at Comment 2.

<sup>15</sup> See 19 CFR 351.308(c) and (d) and section 776(c) of the Act.

Exporter	Producer	Weighted-average margin (percent)
T.T. International Co., Ltd .....	Zhejiang Sanmei Chemical Ind. Co., Ltd .....	148.79
T.T. International Co., Ltd .....	Zhejiang Zhonglan Refrigeration Technology Co., Ltd .....	148.79
Weitron International Refrigeration Equipment Co., Ltd .....	Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd.	148.79
Weitron International Refrigeration Equipment Co., Ltd .....	Weitron International Refrigeration Equipment Co., Ltd .....	148.79
Weitron International Refrigeration Equipment Co., Ltd .....	Zhejiang Organic Fluor-Chemistry Plant, Zhejiang Juhua Co., Ltd.	148.79
Weitron International Refrigeration Equipment Co., Ltd .....	Zhejiang Quhua Fluor-Chemistry Co., Ltd .....	148.79
Weitron International Refrigeration Equipment Co., Ltd .....	Zhejiang Quhua Juxin Fluorochemical Industry Co., Ltd .....	148.79
Weitron International Refrigeration Equipment Co., Ltd .....	Zhejiang Sanmei Chemical Industry Co., Ltd .....	148.79
PRC-Wide Entity <sup>16</sup> .....	.....	167.02

## Disclosure

We intend to disclose to parties the calculations performed in this proceeding within five days of the public announcement of this final determination in accordance with 19 CFR 351.224(b).

## Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection (“CBP”) to continue to suspend liquidation of all entries of R134a from the PRC, which were entered, or withdrawn from warehouse, for consumption on or after July 9, 2016 (for those entities for which we found critical circumstances exist) or on or after October 7, 2016, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination* (for all entities for which we did not find critical circumstances exist). Further, pursuant to section 735(c)(1)(B)(ii) of the Act, the Department will instruct CBP to require a cash deposit<sup>17</sup> equal to the weighted-average amount by which the normal value exceeds U.S. price, as follows: (1) For the exporter/producer combinations listed in the table above, the cash deposit rate will be equal to the dumping margin which the Department determined in this final determination; (2) for all combinations of PRC exporters/producers of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the

dumping margin established for the PRC-wide entity; and (3) for all non-PRC exporters of merchandise under consideration which have not received their own separate rate above, the cash deposit rate will be equal to the cash deposit rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. The suspension of liquidation instructions will remain in effect until further notice.

## International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (“ITC”) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of R134a from the PRC, or sales (or the likelihood of sales) for importation, of R134a from the PRC. If the ITC determines that such injury does not exist, this proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an AD order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

## Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to the parties subject to administrative protective order (“APO”) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or

destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: February 21, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, Policy & Negotiations.*

## Appendix I

### Scope of the Investigation

The product subject to this investigation is 1,1,1,2-Tetrafluoroethane, R-134a, or its chemical equivalent, regardless of form, type, or purity level. The chemical formula for 1,1,1,2-Tetrafluoroethane is CF<sub>3</sub>-CH<sub>2</sub>F, and the Chemical Abstracts Service registry number is CAS 811-97-2.<sup>18</sup>

Merchandise covered by the scope of this investigation is currently classified in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheading 2903.39.2020. Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Final Determination of Critical Circumstances, in Part
- V. Changes Since the Preliminary Determination
- VI. Use of Adverse Facts Available
- VII. Discussion of the Issues

<sup>18</sup> 1,1,1,2-Tetrafluoroethane is sold under a number of trade names including Klea 134a and Zephex 134a (Mexichem Fluor); Genetron 134a (Honeywell); Freon™ 134a, Suva 134a, Dymel 134a, and Dymel P134a (Chemours); Solkane 134a (Solvay); and Forane 134a (Arkema). Generically, 1,1,1,2-Tetrafluoroethane has been sold as Fluorocarbon 134a, R-134a, HFC-134a, HF A-134a, Refrigerant 134a, and UN3159.

<sup>16</sup> The PRC-Wide Entity includes Zhejiang Quzhou Lianzhou Refrigerants Co., Ltd., a mandatory respondent, as well as separate rate applicants Zhejiang Quhua Fluor-Chemistry Co., Ltd., and Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd. See Issues and Decision Memorandum at comment 1 and *Preliminary Determination* at 17.

<sup>17</sup> See *Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations*, 76 FR 61042 (October 3, 2011).

Comment 1: Whether the Department Correctly Denied Lianzhou and Quhua a Separate Rate  
 Comment 2: Whether the Scope of the Investigation Overlaps With an Existing Order  
 Comment 3: Whether Critical Circumstances Exist for Weitron  
 Comment 4: Sanmei's By-Product Offsets  
 Comment 5: Selection of Inland Boat Freight Surrogate Value  
 Comment 6: Use of the CYDSA Financial Statement in Calculation of Surrogate Financial Ratios  
 Comment 7: Revision of Sanmei's Producer/Exporter Combinations  
 VIII. Recommendation

[FR Doc. 2017-03961 Filed 2-28-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration [C-489-830]

#### Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination

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

**SUMMARY:** The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey). The period of investigation is January 1, 2015, through December 31, 2015.

**DATES:** Effective March 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Kaitlin Wojnar, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3857.

#### SUPPLEMENTARY INFORMATION:

##### Background

This preliminary determination is issued in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on October 18, 2016.<sup>1</sup> On December 1, 2016, the Department postponed the preliminary determination of this investigation until

February 21, 2017.<sup>2</sup> For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.<sup>3</sup> A list of topics discussed 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 is available 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 and electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Scope of the Investigation

The product covered by this investigation is rebar from Turkey. For a complete description of the scope of the investigation, see Appendix I to this notice.

#### Scope Comments

In accordance with the *Preamble* to the Department's regulations,<sup>4</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>5</sup> No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*.

#### Methodology

The Department is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, the Department preliminarily determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>6</sup>

<sup>2</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Postponement of Preliminary Determination in Countervailing Duty Investigation*, 81 FR 86701 (December 1, 2016).

<sup>3</sup> See Department Memorandum, "Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Steel Concrete Reinforcing Bar from the Republic of Turkey," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>4</sup> See *Antidumping Duties; Countervailing Duties: Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>5</sup> See *Initiation Notice*, 81 FR at 71706.

<sup>6</sup> See sections 771(5)(B) and (D) of the Act (regarding financial contribution); see also section 771(5)(E) of the Act (regarding benefit); section 771(5A) of the Act (regarding specificity).

#### Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), the Department is aligning the final determination in this countervailing duty (CVD) investigation with the final determination in the companion antidumping duty (AD) investigation of rebar from Turkey based on a request made by the petitioner.<sup>7</sup> Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than May 15, 2017, unless postponed.

#### All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, the Department shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely on facts otherwise available under section 776 of the Act.

The Department calculated an individual estimated countervailable subsidy rate for Habaş Sinai ve Tibbi Gazlar İstihsal Endüstrisi A.Ş. (Habas), the only individually examined exporter/producer in this investigation. Because the only individually calculated rate is not zero, *de minimis*, or based entirely on facts otherwise available, the individual estimated rate calculated for Habas is the rate assigned to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

#### Preliminary Determination

The Department preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate
Habaş Sinai ve Tibbi Gazlar İstihsal Endüstrisi A.Ş. <sup>8</sup> ....	3.47 percent
All-Others .....	3.47 percent

The scope of this countervailing duty investigation covers only rebar

<sup>7</sup> See Letter from the Rebar Trade Action Coalition and its individual members, "Steel Concrete Reinforcing Bar from Turkey: Request to Align Countervailing Duty Final Determination with Antidumping Duty Final Determination," February 1, 2017.

<sup>8</sup> As discussed in the Preliminary Decision Memorandum, the Department has found the

Continued

<sup>1</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Initiation of Countervailing Duty Investigation*, 81 FR 71705 (October 18, 2016) (*Initiation Notice*).

produced and/or exported by companies excluded from the existing 2014 Turkey CVD Order. Currently, only Habas is excluded from the existing order and, therefore, no companies will be subject to the all-others rate indicated above at this time, and cash deposits discussed below will apply solely to rebar produced and/or exported by Habas.

### **Suspension of Liquidation**

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries 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**. Furthermore, pursuant to 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the rate indicated above for Habas.

### **Disclosure**

The Department intends to disclose the calculations and analysis performed in this preliminary determination to interested parties within five days of its public announcement or, if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

### **Verification**

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

### **Public Comment**

For reasons discussed in the Preliminary Determination Memorandum, the Department invites interested parties to submit *monthly* natural gas price data to the Assistant Secretary for Enforcement and Compliance via ACCESS for purposes of valuing the provision of natural gas for less than adequate remuneration and/or comment on the natural gas price data that is currently on the record within 10 days of the publication of this notice.<sup>9</sup> Rebuttal comments may be submitted within five days after the deadline for new monthly price data and initial comments.

Case briefs or other written comments may also be submitted to the Assistant

Secretary for Enforcement and Compliance via ACCESS no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline for case briefs.<sup>10</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit the following 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 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 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 date and time to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

### **International Trade Commission Notification**

In accordance with section 703(f) of the Act, the Department will notify the International Trade Commission (ITC) of its determination. If the determination is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

### **Notification to Interested Parties**

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: February 21, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, Policy & Negotiations.*

### **Appendix I**

#### **Scope of the Investigation**

The merchandise subject to this investigation is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof. Subject merchandise includes deformed steel wire with bar markings (e.g., mill mark, size, or grade) and which has been subjected to an elongation test.

The subject merchandise includes rebar that has been further processed in the subject country or a third country, including but not limited to cutting, grinding, galvanizing, painting, coating, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the rebar.

Specifically excluded are plain rounds (i.e., nondeformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (e.g., mill mark, size, or grade) and without being subject to an elongation test.

At the time of the filing of the petition, there was an existing countervailing duty order on steel reinforcing bar from the Republic of Turkey. *Steel Concrete Reinforcing Bar From the Republic of Turkey*, 79 FR 65,926 (Dep't Commerce Nov. 6, 2014) (2014 Turkey CVD Order). The scope of this countervailing duty investigation with regard to rebar from Turkey covers only rebar produced and/or exported by those companies that are excluded from the 2014 Turkey CVD Order. At the time of the issuance of the 2014 Turkey CVD Order, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. was the only excluded Turkish rebar producer or exporter.

The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6030, 7227.90.6035, 7227.90.6040, 7228.20.1000, and 7228.60.6000.

HTSUS numbers are provided for convenience and customs purposes; however, the written description of the scope remains dispositive.

### **Appendix II**

#### **List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope Comments
- IV. Scope of the Investigation
- V. Alignment
- VI. Respondent Selection
- VII. Injury Test

following companies to be cross-owned by Habas: Habas Elektrik Üretim A.Ş., Habas Endüstri Tesisleri A.Ş., Habas Petrol A.Ş., and Mertaş Turizm Nakliyat ve Ticaret A.Ş.

<sup>9</sup> See Preliminary Determination Memorandum at 11–12.

<sup>10</sup> See 19 CFR 351.309; see also 19 CFR 351.303 for general filing requirements.

VIII. Subsidies Valuation  
IX. Analysis of Programs  
X. Conclusion

[FR Doc. 2017-03958 Filed 2-28-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-850]

#### **Certain Oil Country Tubular Goods From Taiwan: Rescission of Antidumping Duty Administrative Review; 2015-2016**

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

**SUMMARY:** The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain oil country tubular goods from Taiwan for the period September 1, 2015, through August 31, 2016.

**DATES:** Effective March 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Romani or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0198 or (202) 482-1690, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 8, 2016, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain oil country tubular goods (OCTG) from Taiwan for the period of review (POR) September 1, 2015, through August 31, 2016.<sup>1</sup>

On September 27, 2016, Tension Steel Industries Co., Ltd. (Tension Steel), requested an administrative review of the order with respect to its entries of subject merchandise during the POR.<sup>2</sup> On November 9, 2016, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the order on OCTG from Taiwan with respect to

Tension Steel.<sup>3</sup> On January 9, 2017, Tension Steel timely withdrew its request for an administrative review.<sup>4</sup> No other party requested an administrative review.

#### **Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, “in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.” Tension Steel withdrew its request for review within the 90-day time limit. Because we received no other requests for an administrative review of Tension Steel and no other requests for administrative review of the order on OCTG from Taiwan with respect to other companies subject to the order, we are rescinding the administrative review of the order in full, in accordance with 19 CFR 351.213(d)(1).

#### **Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of OCTG from Taiwan during the POR at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

#### **Notification to Importers**

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

#### **Notification Regarding Administrative Protective Order**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their

responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We intend to issue and publish this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: February 21, 2017.

**Gary Taverman,**

*Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2017-03960 Filed 2-28-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-825]

#### **Stainless Steel Bar From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2015-2016**

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Brazil. The period of review (POR) is February 1, 2015, through January 31, 2016. The review covers one producer/exporter of the subject merchandise, Villares Metals S.A. (Villares). We preliminarily find that subject merchandise has not been sold at less than normal value. We invite interested parties to comment on these preliminary results.

**DATES:** Effective March 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Hermes Pinilla or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3477, and (202) 482-1690, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of the Order**

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.1000, 7222.1100, 7222.1900, 7222.2000, 7222.3000 of the

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 81 FR 62096 (September 8, 2016).

<sup>2</sup> See Letter from Tension Steel to the Secretary of Commerce entitled, “Oil Country Tubular Goods from Taiwan; Administrative Review Request,” dated September 27, 2016.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 78778 (November 9, 2016).

<sup>4</sup> See Letter from the petitioners to the Secretary entitled, “Oil Country Tubular Goods from Taiwan; Withdrawal of Administrative Review Request,” dated January 9, 2017.

Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>1</sup>

### Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price and export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Department's Central Records Unit, located at room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at <http://enforcement.trade.gov/frn/index.html>. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

### Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Villares for the period February 1, 2015, through January 31, 2016.

### Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues

raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>2</sup> 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.<sup>3</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>4</sup> Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

If Villares' weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If Villares' weighted-average dumping margin continues to be zero or *de minimis* in the final results of review, we will instruct U.S. Customs and Border Protection (CBP) not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*.<sup>5</sup>

For entries of subject merchandise during the POR produced by Villares for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate

company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Villares will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 19.43 percent, the all-others rate established in the *LTFV Stainless Steel Bar From Brazil*.<sup>6</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

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

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

<sup>1</sup> See the Memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Brazil," dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>2</sup> See 19 CFR 351.309(d).

<sup>3</sup> See 19 CFR 351.303 (for general filing requirements).

<sup>4</sup> See 19 CFR 351.310(c).

<sup>5</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8102 (February 14, 2012).

<sup>6</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Brazil*, 59 FR 66914 (December 28, 1994) (*LTFV Stainless Steel Bar From Brazil*).

Dated: February 23, 2017.

**Carole Showers,**

*Executive Director, Office of Policy, Policy & Negotiations.*

# **Appendix—List of Topics Discussed in the Preliminary Decision Memorandum:**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
  - 1) Comparisons to Normal Value
    - A. Determination of Comparison Method
    - B. Results of Differential Pricing Analysis
  - 2) Product Comparisons
  - 3) Date of Sale
  - 4) Level of Trade/CEP Offset
  - 5) Export Price and Constructed Export Price
  - 6) Normal Value
    - A. Home Market Viability and Comparison Market
    - B. Cost of Production
      1. Calculation of Cost of Production
      2. Test of Comparison Market Sales Prices
      3. Results of the COP Test
    - C. Calculation of Normal Value Based on Comparison Market Prices
- V. Currency Conversion
- VI. Recommendation

[FR Doc. 2017-03979 Filed 2-28-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## **DEPARTMENT OF COMMERCE**

### **National Institute of Standards and Technology**

#### **Open Meeting of the Information Security and Privacy Advisory Board**

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Information Security and Privacy Advisory Board (ISPAB) will meet Wednesday, March 29, 2017 from 9:00 a.m. until 5:00 p.m., Eastern Time, Thursday, March 30, 2017, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Friday, March 31, 2017 from 9:00 a.m. until 12:00 p.m. Eastern Time. All sessions will be open to the public.

**DATES:** The meeting will be held on Wednesday, March 29, 2017, from 9:00 a.m. until 5:00 p.m., Eastern Time, Thursday, March 30, 2017, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Friday, March 31, 2017 from 9:00 a.m. until 12:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held at the National Press Club Building, 519 14th St. NW., Washington, DC, 13th Floor on Wednesday, March 29th and Thursday, March 30th, 2017. The meeting will be held at the Dirksen Senate Office Building, Room R-253 in Washington, DC on Friday, March 31st,

2017. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

#### **FOR FURTHER INFORMATION CONTACT:**

Matthew Scholl, Information Technology Laboratory, NIST, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899-8930, telephone: (301) 975-2941, Email address: [mscholl@nist.gov](mailto:mscholl@nist.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ISPAB will meet Wednesday, March 29, 2017, from 9:00 a.m. until 5:00 p.m., Eastern Time, Thursday, March 30, 2017, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Friday, March 31, 2017 from 9:00 a.m. until 12:00 p.m. Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g-4, as amended, and advises the National Institute of Standards and Technology (NIST), the Secretary of Homeland Security, and the Director of the Office of Management and Budget (OMB) on security and privacy issues pertaining to Federal government information systems, including thorough review of proposed standards and guidelines developed by NIST. Details regarding the ISPAB's activities are available at <http://csrc.nist.gov/groups/SMA/ispab/index.html>.

The agenda is expected to include the following items:

- Presentation relating to impacts of federal hiring restrictions on the cybersecurity workforce,
- The Department of Homeland Security's (DHS's) plans for incorporating voting systems as critical infrastructure,
- The use of bug bounties in the US Government,
- Presentation on Cybersecurity Framework and the US Government,
- Discussions with OMB on current and planned policy for cybersecurity,
- Actions and activities to prevent Distributed Denial of Service Attacks,
- Presentation on DHS's Mobility Study,
- Panel discussion/presentation on National Telecommunications and Information Administration Internet of Things report,
- Discussion on Ransomware and lessons learned from invited panelists, and
- Updates on NIST Information Technology Laboratory's Computer Security Division.

Note that agenda items may change without notice. The final agenda will be posted on the Web site indicated above. Seating will be available for the public and media. Pre-registration is not required to attend this meeting.

**Public Participation:** The ISPAB agenda will include a period of time, not to exceed thirty minutes, for oral comments from the public (Thursday, March 30, 2017, between 3:00 p.m. and 3:30 p.m.). Speakers will be selected on a first-come, first served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period. Members of the public who are interested in speaking are requested to contact Matthew Scholl at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899-8930.

**Kevin Kimball,**  
*Chief of Staff.*

[FR Doc. 2017-03970 Filed 2-28-17; 8:45 am]

**BILLING CODE 3510-13-P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **Proposed Information Collection; Comment Request; Cost-Earnings Survey of Mariana Archipelago Small Boat Fleet**

**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 May 1, 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 [prcomments@doc.gov](mailto:prcomments@doc.gov)).



**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the information collection instrument and instructions should be directed to Justin Hospital, Pacific Islands Fisheries Science Center, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, (808) 725-5399 or [Justin.Hospital@noaa.gov](mailto:Justin.Hospital@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

This request is for a new information collection.

The National Marine Fisheries Service (NMFS) proposes to collect information about fishing expenses and catch distribution (the share of fish that is sold, retained for home consumption, directed to customary exchange, etc.) for the Mariana Archipelago small boat-based reef fish, bottomfish, and pelagics fisheries with which to conduct economic analyses that will improve fishery management in those fisheries; satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Stevens Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and quantify achievement of the performances measures in the NMFS Strategic Operating Plans. Respondents will include small boat fishers in Mariana Archipelago (Guam and the Commonwealth of the Northern Mariana Islands) and their participation in the economic data collection will be voluntary. These data will be used to assess how fishermen will be impacted by and respond to regulations likely to be considered by fishery managers.

**II. Method of Collection**

Survey forms in paper will be self-completed by respondents or by interviewers.

**III. Data**

*OMB Control Number:* 0648-XXXX.

*Form Number(s):* None.

*Type of Review:* Regular submission (request for a new information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 270.

*Estimated Time per Response:* 45 minutes.

*Estimated Total Annual Burden Hours:* 203.

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

**IV. Request for Comments**

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

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

Dated: February 23, 2017.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2017-03910 Filed 2-28-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Release of the Draft National Charting Plan**

**AGENCY:** Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Request for comments.

**SUMMARY:** The NOAA Office of Coast Survey has released a draft National Charting Plan. The plan describes the current set of NOAA nautical chart products and their distribution, as well as some of the steps Coast Survey is taking to improve NOAA charts, including changes to chart formats, scales, data compilation, and symbology. The purpose of the plan is to solicit feedback from nautical chart users regarding proposed changes to NOAA's paper and electronic chart products. Coast Survey invites written comments on this plan that is available from <https://nauticalcharts.noaa.gov/staff/news/2017/nationalchartingplan.html>.

**DATES:** Comments are due by midnight, June 1, 2017.

**ADDRESSES:** Submit comments on the National Charting Plan through NOAA's

Nautical Discrepancy Report System at <http://ocsddata.ncd.noaa.gov/idrs/discrepancy.aspx>, or via mail to National Ocean Service, NOAA (NCS2), ATTN National Charting Plan, 1315 East-West Highway, Silver Spring MD 20910-3282.

**FOR FURTHER INFORMATION CONTACT:**

Colby Harmon, telephone 301-713-2737, ext.187; email: [colby.harmon@noaa.gov](mailto:colby.harmon@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The first complete nautical chart published by the Coast Survey of New York Harbor was in 1844. The format, information, and intended uses of this first chart were quite similar to the raster charts that NOAA continues to make today. Although NOAA still produces "traditional" raster nautical charts, a sea change in chart production methods and the art of navigation began in the mid-1990s when Global Positioning System (GPS) technology and electronic navigational charts (ENCs) became available to the public.

Since the introduction of ENCs thirty years ago, the size of commercial vessels has increased more than four-fold and modern navigational systems have become more sophisticated. There are over 15 million recreational boats in the U.S. and recreational boaters have joined professional mariners in using electronic chart displays to ply the nation's waters. Users of all types are expecting improved ease of access to more precise, higher resolution charts that deliver the most up to date information possible.

Coast Survey has developed a number of strategies to meet this growing demand for greater performance in our products and services. These changes allow us to be more responsive to changing public needs for navigation data. In this context, Coast Survey has developed a national charting plan to outline the next steps for further improvement over the next generation. The national charting plan is responsive to years of formal and informal feedback on our products from the public and our partners. We are committed to ensuring that our products evolve with the changing needs of our many stakeholders. Comments received from nautical chart users about the National Charting Plan will help us fulfil this commitment.

**Authority:** 33 U.S.C. Chapter 17, Coast and Geodetic Survey Act of 1947.



Dated: February 16, 2017.

**Kathryn Ries,**

*Deputy Director, Office of Coast Survey,  
National Ocean Service, National Oceanic  
and Atmospheric Administration.*

[FR Doc. 2017-03936 Filed 2-28-17; 8:45 am]

BILLING CODE 3510-JE-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Hydrographic Services Review Panel Meeting

**AGENCY:** National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of open public meeting.

**SUMMARY:** The Hydrographic Services Review Panel (HSRP) will hold a meeting that will be open to the public and public comments are requested in advance or during the meeting. Information about the HSRP meeting, agenda, presentations, webinar and background documents will be posted online at: [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_seattle2017.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_seattle2017.htm).

**DATES:** The meeting is April 18–20, 2017. The agenda and times are subject to change. For updates, please check online at: [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_seattle2017.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_seattle2017.htm).

**Location:** Downtown Seattle, Washington, with venue to be announced online at: [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_seattle2017.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_seattle2017.htm).

**FOR FURTHER INFORMATION CONTACT:**

Lynne Mersfelder-Lewis, HSRP program manager, National Ocean Service, Office of Coast Survey, NOAA (N/NSD), 1315 East-West Highway, SSMC3 #6301, Silver Spring, Maryland 20910; telephone: 301-713-2750 ext. 166; email: [Lynne.Mersfelder@noaa.gov](mailto:Lynne.Mersfelder@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public, seating will be available on a first-come, first-served basis, and public comment is encouraged. There are public comment periods scheduled each day and noted in the agenda. Each individual or group making verbal comments will be limited to a total time of five (5) minutes and will be recorded. For those not onsite, comments can be submitted via the webinar or via email in writing. Individuals who would like to submit written statements in advance, during or after the meeting should email their comments to [Lynne.Mersfelder@noaa.gov](mailto:Lynne.Mersfelder@noaa.gov).

[noaa.gov](http://noaa.gov). The HSRP will provide webinar capability for the public sessions. Pre-registration is required to access the webinar. Additional information on the webinar will be posted and is available from [Lynne.Mersfelder@noaa.gov](mailto:Lynne.Mersfelder@noaa.gov) or online at: [http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings\\_seattle2017.htm](http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings_seattle2017.htm).

The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice. The charter and other information are located online at: <http://www.nauticalcharts.noaa.gov/ocs/hsrp/CharterBylawsHSIAStatute.htm>. Past HSRP public meeting summary reports, agendas, presentations, transcripts, webinars, and other information is available online at: <https://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings.htm>.

**Matters To Be Considered:** The panel is convening to hear federal, state, regional and local partners and stakeholders on issues relevant to NOAA's navigation services, focusing on the Pacific Northwest including the states of Washington and Oregon as well as national issues. Navigation services include the data, products, and services provided by the NOAA programs and activities that undertake geodetic observations, gravity modeling, shoreline mapping, bathymetric mapping, hydrographic surveying, nautical charting, tide and water level observations, current observations, and marine modeling. This suite of NOAA products and services support safe and efficient navigation, resilient coasts and communities, and the nationwide positioning information infrastructure to support America's commerce. The Panel will hear from state and federal agencies, non-federal organizations and partners about their missions and their use of NOAA's navigation services; what value these services bring; and what improvements could be made. Other administrative matters may be considered. The agenda is subject to change.

**Special Accommodations:** This meeting is physically accessible to people with disabilities. Please direct requests for sign language interpretation or other auxiliary aids to [Lynne.Mersfelder@noaa.gov](mailto:Lynne.Mersfelder@noaa.gov) by April 3, 2017.

Dated: February 10, 2017.

**Shepard Smith,**

*Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2017-03934 Filed 2-28-17; 8:45 am]

BILLING CODE 3510-JE-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Final Environmental Impact Statement for the East Campus Integration Program, Fort Meade, Maryland

**AGENCY:** Department of Defense.

**ACTION:** Notice of availability.

**SUMMARY:** The Department of Defense (DoD) announces the availability of the Final Environmental Impact Statement (EIS) as part of the environmental planning process for the East Campus Integration Program at Fort George G. Meade, Maryland (hereafter referred to as Fort Meade). The DoD proposes to continue to develop operational complex and headquarters space at the National Security Agency's (NSA) East Campus on Fort Meade for use by NSA and the Intelligence Community.

**DATES:** The Final EIS is available for a 30-day period following publication of the Notice of Availability.

**ADDRESSES:** Copies of the Final EIS are available at the Medal of Honor Memorial Library, 4418 Llewellyn Avenue, Fort Meade, MD 20755; Glen Burnie Regional Library, 1010 Eastway, Glen Burnie, MD 21060; Odenton Regional Library, 1325 Annapolis Road, Odenton, MD 21113; and Severn Community Library, 2624 Annapolis Road, Severn, Maryland 21144.

**FOR FURTHER INFORMATION CONTACT:** To request copies of the Final EIS, please send an email to [ECIPEIS@hdrinc.com](mailto:ECIPEIS@hdrinc.com). For further information, please call 301-688-2970.

**SUPPLEMENTARY INFORMATION:** The purpose of the Proposed Action is to provide facilities that are fully supportive of the Intelligence Community's function and to continue to integrate the East Campus with the NSA Main Campus. The need for the action is to meet mission requirements, both internally at the NSA and within the Intelligence Community. The EIS considered four options for emergency power generation; two options for building heating systems; four options for locations of parking facilities; acquisition of additional space at two existing, offsite leased locations; and the No Action Alternative.

Dated: February 24, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

[FR Doc. 2017-03975 Filed 2-28-17; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Strengthening Institutions Program

**AGENCY:** Office of Postsecondary  
Education, Department of Education.

**ACTION:** Notice.

#### Overview Information:

Strengthening Institutions Program.  
Notice inviting applications for new  
awards for fiscal year (FY) 2017.

Catalog of Federal Domestic  
Assistance (CFDA) Number: 84.031A.

#### DATES:

*Applications Available:* March 1,  
2017.

*Deadline for Transmittal of  
Applications:* April 17, 2017.

*Deadline for Intergovernmental  
Review:* June 16, 2017.

#### Full Text of Announcement

#### I. Funding Opportunity Description

*Purpose of Program:* The  
Strengthening Institutions Program (SIP)  
provides grants to eligible institutions of  
higher education (IHEs) to help them  
become self-sufficient and expand their  
capacity to serve low-income students  
by providing funds to improve and  
strengthen the institution's academic  
quality, institutional management, and  
fiscal stability.

**Note:** The Department of Education  
(Department) is conducting two separate  
competitions for SIP grants in 2017. This  
competition (CFDA number 84.031A) does  
not include any priorities. The Department is  
conducting a separate competition under the  
84.031F CFDA number. In that competition  
applicants must address an absolute priority  
and may address a competitive priority. The  
84.031F competition will be announced in a  
separate **Federal Register** notice. Applicants  
may apply for grants in both the 84.031A and  
84.031F competitions, but can only receive  
one grant.

*Definitions:* These definitions apply to  
the selection criteria for this  
competition and are from 34 CFR 77.1.

*Logic model* (also referred to as theory  
of action) means a well-specified  
conceptual framework that identifies  
key components of the proposed  
process, product, strategy, or practice  
(i.e., the active "ingredients" that are  
hypothesized to be critical to achieving  
the relevant outcomes) and describes  
the relationships among the key

components and outcomes, theoretically  
and operationally.

**Note:** In developing logic models,  
applicants may want to use resources such as  
the Pacific Education Laboratory's Education  
Logic Model Application ([http://  
relpacific.mcrel.org/resources/elm-app/](http://relpacific.mcrel.org/resources/elm-app/) or  
<http://files.eric.ed.gov/fulltext/ED544779.pdf>)  
to help design their logic models.

*Relevant outcome* means the student  
outcome(s) (or the ultimate outcome if  
not related to students) the proposed  
process, product, strategy, or practice is  
designed to improve; consistent with  
the specific goals of a program.

*Strong theory* means a rationale for  
the proposed process, product, strategy,  
or practice that includes a logic model.

*Program Authority:* 20 U.S.C. 1057–  
1059d (title III, part A, of the Higher  
Education Act of 1965, as amended  
(HEA)).

**Note:** In 2008, the HEA was amended by  
the Higher Education Opportunity Act of  
2008 (HEOA), Public Law 110–315. The  
HEOA made a number of technical and  
substantive revisions to SIP. Please note that  
the regulations for SIP in 34 CFR part 607  
have not been updated to reflect these  
statutory changes.

*Applicable Regulations:* (a) The  
Education Department General  
Administrative Regulations (EDGAR) in  
34 CFR parts 75, 77, 79, 80, 82, 84, 86,  
97, 98, and 99. (b) The Education  
Department suspension and debarment  
regulations in 2 CFR part 3485. (c) The  
Uniform Administrative Requirements,  
Cost Principles, and Audit  
Requirements for Federal Awards in 2  
CFR part 200, as adopted and amended  
as regulations of the Department in 2  
CFR part 3474. (d) The regulations for  
this program in 34 CFR part 607.

**Note:** The regulations in 34 CFR part 86  
apply to IHEs only.

#### II. Award Information

*Type of Award:* Discretionary grant.  
Five-year Individual Development  
Grants will be awarded in FY 2017.  
Cooperative Arrangement Development  
Grants will not be made in FY 2017.

*Estimated Available Funds:* The  
Administration has requested  
\$86,534,000 for awards for the SIP  
program for FY 2017, of which we  
intend to use an estimated \$3,699,000  
for this competition. The actual level of  
funding, if any, depends on final  
congressional action. However, we are  
inviting applications to allow enough  
time to complete the grant process if  
Congress appropriates funds for this  
program.

Contingent upon the availability of  
funds and the quality of applications,  
we may make additional awards in FY

2018 from the list of unfunded  
applications from this competition.

*Estimated Range of Awards:*

\$400,000–\$450,000 per year.

*Estimated Average Size of Awards:*  
\$415,000 per year.

*Maximum Award:* We will reject any  
application that proposes a budget  
exceeding \$450,000 for a single budget  
period of 12 months.

*Estimated Number of Awards:* 8–9.

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

*Project Period:* Up to 60 months.

#### III. Eligibility Information

1. *Eligible Applicants:* This program is  
authorized by title III, part A, of the  
HEA. To qualify as an eligible  
institution under any title III, part A  
program, an institution must—

(a) Be accredited or preaccredited by  
a nationally recognized accrediting  
agency or association that the Secretary  
has determined to be a reliable authority  
as to the quality of education or training  
offered;

(b) Be legally authorized by the State  
in which it is located to be a junior or  
community college or to provide an  
educational program for which it  
awards a bachelor's degree;

(c) Be designated as an "eligible  
institution" by demonstrating that it: (1)  
Has an enrollment of needy students as  
described in 34 CFR 607.3; and (2) has  
low average educational and general  
expenditures per full-time equivalent  
(FTE) undergraduate student as  
described in 34 CFR 607.4.

**Note:** The notice announcing the FY 2017  
process for designation of eligible  
institutions, and inviting applications for  
waiver of eligibility requirements, was  
published in the **Federal Register** on  
November 25, 2016 (81 FR 85210). Only  
institutions that the Department determines  
are eligible, or which are granted a waiver  
under the process described in that notice,  
may apply for a grant in this program.

#### *Relationship Between the Title III, Part A Programs and the Developing Hispanic-Serving Institutions (HSI) Program*

A grantee under the HSI program,  
which is authorized under title V of the  
HEA, may not receive a grant under any  
HEA, title III, part A program. The title  
III, part A programs are: SIP; the  
Tribally Controlled Colleges and  
Universities program; the Alaska Native  
and Native Hawaiian-Serving  
Institutions program; the Asian  
American and Native American Pacific  
Islander-Serving Institutions program;  
and the Native American-Serving  
Nontribal Institutions program.

Furthermore, a current HSI program grantee may not give up its HSI grant to receive a grant under SIP or any title III, Part A program as described in 34 CFR 607.2(g)(1).

An eligible HSI that is not a current grantee under the HSI program may apply for a FY 2017 grant under all title III, part A programs for which it is eligible, as well as receive consideration for a grant under the HSI program. However, a successful applicant may receive only one grant as described in 34 CFR 607.2(g)(1).

2.a. *Cost Sharing or Matching:* This program does not require cost sharing or matching unless the grantee uses a portion of its grant for establishing or improving an endowment fund. If a grantee uses a portion of its grant for endowment fund purposes, it must match those grant funds with non-Federal funds (20 U.S.C. 1059c(c)(3)(B)).

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Grant funds must be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds (34 CFR 607.30(b)).

3. *Other:* An IHE, if selected for a SIP award, can only receive funding for one award under this program. If the IHE scores within the funding range in both competitions, the IHE will be awarded the grant in the competition under CFDA number 84.031F.

#### IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application via the Internet using the following address: [www.Grants.gov](http://www.Grants.gov). If you do not have access to the Internet, please contact Nalini Lamba-Nieves or Jymece Seward, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C103, Washington, DC 20202-6450. You may contact the individuals at the following email addresses and telephone numbers: [Nalini.Lamba-Nieves@ed.gov](mailto:Nalini.Lamba-Nieves@ed.gov), (202) 453-7953; and [Jymece.Seward@ed.gov](mailto:Jymece.Seward@ed.gov), (202) 453-6138.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or compact disc) by contacting the program contacts listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content and forms of an application, together with the forms you must submit, are in the application package for this program.

*Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We have established mandatory page limits for the application narrative. You must limit the section of the application narrative that addresses the selection criteria, including the budget narrative of the selection criteria, to no more than 50 pages using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides. Page numbers and an identifier may be outside of the 1" margin.
- Each page on which there is text or graphics will be counted as one full page.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Text in charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the page limit.
- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424-cover sheet); the Supplemental Information for SF 424 Form required by the Department of Education; Part II, the Budget Information-Non-Construction Programs Form (ED 524); Section A—Budget Summary—U.S. Department of Education Funds; Section B—Budget Summary—Non-Federal Funds; Section C—Budget Narrative; Part IV, the assurances and certifications; the one-page program abstract; the table of contents; or the bibliography. If you include any attachments or appendices not specifically requested in the application package, these items will be counted as part of your application narrative for the purpose of the page-limit requirement.

**Note:** The Budget Information-Non-Construction Programs Form (ED 524)

Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*  
*Applications Available:* March 1, 2017.

*Deadline for Transmittal of Applications:* April 17, 2017.

Applications for grants under this program must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* June 16, 2017.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* (a) We specify unallowable costs in 34 CFR 607.10(c). We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

(b) Applicants that apply for construction funds under the title III, part A, HEA programs, must comply with Executive Order 13202, signed by former President George W. Bush on February 17, 2001, and amended on April 6, 2001. This Executive order provides that recipients of Federal construction funds may not "require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other construction project(s)" or "otherwise

discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations, on the same or other construction project(s).” However, the Executive order does not prohibit contractors or subcontractors from voluntarily entering into these agreements. Projects funded under this program that include construction activity will be provided a copy of this Executive order and will be asked to certify that they will adhere to it.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management*: To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM), the Government’s primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any

changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: [www2.ed.gov/fund/grant/apply/sam-faqs.html](http://www2.ed.gov/fund/grant/apply/sam-faqs.html).

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

#### 7. Other Submission Requirements:

Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

##### a. Electronic Submission of Applications.

Applications for grants under the SIP (CFDA number 84.031A) must be submitted electronically using the Governmentwide *Grants.gov* Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for this competition at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number’s alpha suffix in your search (e.g., search for 84.031, not 84.031A).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about

submitting an application electronically through the site, as well as the hours of operation.

- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department’s G5 system home page at [www.G5.gov](http://www.G5.gov). In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: [www.grants.gov/web/grants/applicants/apply-for-grants.html](http://www.grants.gov/web/grants/applicants/apply-for-grants.html).

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (e.g., Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason, it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department then will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

**Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:** If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1-800-518-4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date

falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: James E. Laws, Jr., U.S. Department of Education, 400 Maryland Avenue SW., Room 4C144, Washington, DC 20202. FAX: (202) 401-8466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

**b. Submission of Paper Applications by Mail.**

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the deadline date.

**c. Submission of Paper Applications by Hand Delivery.**

If you qualify for an exception to the electronic submission requirement, you

(or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 607.22 (a) through (g), and from 34 CFR 75.210. Applicants must address each of the following selection criteria (separately for each proposed activity). The total weight of the selection criteria is 100 points; the maximum score for each criterion is noted in parentheses.

(a) *Quality of the Applicant's Comprehensive Development Plan.* (Maximum 20 Points) The extent to which—

(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution;

(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis;

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution; and

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the

proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources.

(b) *Quality of the Project Design.* (Maximum 10 Points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project is supported by strong theory (as defined in this notice).

(c) *Quality of Activity Objectives.* (Maximum 15 Points) The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results; and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan.

(d) *Quality of Implementation Strategy.* (Maximum 15 Points) The extent to which—

(1) The implementation strategy for each activity is comprehensive;

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects; and

(3) The timetable for each activity is realistic and likely to be attained.

(e) *Quality of Key Personnel.* (Maximum 8 Points) The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives; and

(2) The time commitment of key personnel is realistic.

(f) *Quality of Project Management Plan.* (Maximum 10 Points) The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation; and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer.

(g) *Quality of Evaluation Plan.* (Maximum 15 Points) The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan; and

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives

and measuring the success of the project on achieving the goals of the comprehensive development plan.

(h) *Budget.* (Maximum 7 Points) The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria in 34 CFR 607.22(a) through (g) and 34 CFR 75.210. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review.

*Tie-breaker for Development Grants.*

In tie-breaking situations for development grants, 34 CFR 607.23(b) requires that we award one additional point to an application from an IHE that has an endowment fund of which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable type institutions that offer similar instruction. We award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditure for library materials per FTE enrolled student at similar type institutions. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

(1) Faculty development;

(2) Funds and administrative management;

(3) Development and improvement of academic programs;

(4) Acquisition of equipment for use in strengthening management and academic programs;

- (5) Joint use of facilities; and
- (6) Student services.

For the purpose of these funding considerations, we use 2014–2015 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE enrolled student.

**3. Risk Assessment and Special Conditions:** Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

**4. Integrity and Performance System:** If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

## VI. Award Administration Information

**1. Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic

version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

**2. Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

**3. Reporting:** (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118 and 34 CFR 607.31. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

**4. Performance Measures:** The Secretary has established the following key performance measures for assessing the effectiveness of SIP:

a. The percentage change, over the five-year period, of the number of full-time degree-seeking undergraduates enrolled at SIP institutions. Note that this is a long-term measure that will be used to periodically gauge performance;

b. The percentage of first-time, full-time degree-seeking undergraduate students at four-year SIP institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same SIP institution;

c. The percentage of first-time, full-time degree-seeking undergraduate students at two-year SIP institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same SIP institution;

d. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year SIP institutions graduating within six years of enrollment; and

e. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at two-year SIP institutions graduating within three years of enrollment.

**5. Continuation Awards:** In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contacts

### FOR FURTHER INFORMATION CONTACT:

Nalini Lamba-Nieves and Jymece Seward, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C103, Washington, DC 20202. You may contact these individuals at the following email addresses and telephone numbers:

[Nalini.Lamba-Nieves@ed.gov](mailto:Nalini.Lamba-Nieves@ed.gov), (202)

453–7953

[Jymece.Seward@ed.gov](mailto:Jymece.Seward@ed.gov), (202) 453–6138

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

## VIII. Other Information

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department



published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

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

Dated: February 24, 2017.

**Linda Byrd-Johnson,**

*Acting Deputy Assistant Secretary, Higher Education Programs, and Senior Director, Student Service.*

[FR Doc. 2017-04000 Filed 2-28-17; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

[Docket No. ED-2017-ICCD-0012]

### Agency Information Collection Activities; Comment Request; Teacher Incentive Fund Annual Performance Report

**AGENCY:** Office of Innovation and Improvement (OII), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before May 1, 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-2017-ICCD-0012. 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 226-62, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Tyra Stewart, 202-260-1847.

**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:** Teacher Incentive Fund Annual Performance Report.

**OMB Control Number:** 1855-0030.

**Type of Review:** A revision of an existing information collection.

**Respondents/Affected Public:** State, Local, and Tribal Governments.

**Total Estimated Number of Annual Responses:** 45.

**Total Estimated Number of Annual Burden Hours:** 2,070.

**Abstract:** The Teacher Incentive Fund (TIF) is a competitive grant program. The purpose of the TIF program is to support projects that develop and implement performance-based compensation systems (PBCSs) for teachers and principals in order to increase educator effectiveness and student achievement in high-need schools. The Department will use the data collected through the performance reports to determine the progress of each grant and to determine the continuation of funding each year.

Dated: February 23, 2017.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2017-03921 Filed 2-28-17; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Strengthening Institutions Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

#### *Overview Information:*

Strengthening Institutions Program.

Notice inviting applications for new awards for fiscal year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.031F.

#### **DATES:**

*Applications Available:* March 1, 2017.

*Deadline for Transmittal of Applications:* April 17, 2017.

*Deadline for Intergovernmental Review:* June 16, 2017.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

**Purpose of Program:** The Strengthening Institutions Program (SIP) provides grants to eligible institutions of higher education (IHEs) to help them become self-sufficient and expand their capacity to serve low-income students by providing funds to improve and strengthen the institution's academic quality, institutional management, and fiscal stability.

**Note:** The Department of Education (Department) is conducting two separate competitions for SIP grants in 2017. In this competition (CFDA number 84.031F), applicants must address an absolute priority. The separate competition under CFDA number 84.031A does not include any priorities. The 84.031A competition will be announced in a separate **Federal Register** notice. Applicants may apply for grants in both the 84.031A and 84.031F competitions but can only receive one grant.

**Background:** The SIP Program is critical to the Department's efforts to improve college completion for students who have been traditionally underrepresented in postsecondary education. In recent years, SIP competitions have given priority to applicants proposing evidence-based interventions. This competition, which provides larger awards than are available under the 84.031A competition, maintains that recent emphasis and goes one step further, by encouraging applicants to commit to conducting rigorous evaluations of those interventions.

In responding to the absolute priority, we encourage applicants to not just identify the proposed evidence-based interventions, but also to describe how those interventions will be implemented in a way that will change institutional



practices, cultures, and the overall institutional approach to improving results for students. In addition, to more strategically align SIP grants with broader reform strategies intended to improve college completion, this notice includes a competitive preference priority that encourages applicants to propose activities designed to assist students in progressing into credit-bearing courses. Each year, substantial numbers of students enroll in college and are assigned to take developmental education courses. These non-credit bearing courses often introduce an additional barrier to college persistence and completion for college students, particularly at SIP-eligible institutions. We are interested in receiving applications with strong plans for improving outcomes for students who are academically underprepared for college.

**Priorities:** In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority is from 34 CFR 75.226 and the competitive preference priority is from section 311(c)(6) of the HEA.

**Absolute Priority:** For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

**Moderate Evidence of Effectiveness.**

Projects that are supported by moderate evidence of effectiveness.

**Note:** Applicants must identify on the Evidence of Effectiveness Form in the application package no more than two studies that underpin the primary practice or strategy they intend to carry out. In assessing the relevance of the research cited to support the proposed project, the Secretary will consider, among other factors, the portion of the requested funds that will be dedicated to the identified evidence-based activities. Cited studies may include both those already listed in the Department's What Works Clearinghouse (WWC) Database of Individual Studies (see <https://ies.ed.gov/ncee/wwc/ReviewedStudies#/OnlyStudiesWithPositiveEffects:false,SetNumber:1>) and those that have not yet been reviewed by the WWC. Studies listed in the WWC Database of Individual Studies do not necessarily satisfy any or all of the criteria needed to meet the moderate evidence of effectiveness standard. Therefore, it is important that applicants themselves ascertain whether the study or studies for the evidence priority meets the standard for moderate evidence of effectiveness.

Additional details regarding this and other aspects of this competition are in the application package.

**Competitive Preference Priority:** For FY 2017 and any subsequent year in

which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2), we award up to an additional three points to an application, depending on how well the application meets the priority.

This priority is:

Projects that provide tutoring, counseling, and student service programs designed to improve academic success, including innovative, customized, instruction courses designed to help retain students and move the students rapidly into core courses and through program completion, which may include remedial education and English language instruction.

**Definitions:** These definitions are from 34 CFR 77.1.

**Logic model** (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.*, the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

**Note:** In developing logic models, applicants may want to use resources such as the Pacific Education Laboratory's Education Logic Model Application (<http://relpacific.mcrel.org/resources/elm-app/> or <http://files.eric.ed.gov/fulltext/ED544779.pdf>) to help design their logic models.

**Moderate evidence of effectiveness** means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for

relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

**Note:** Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.

**Multi-site sample** means more than one site, where site can be defined as a local educational agency, locality, or State.

**Relevant outcome** means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program.

**Strong theory** means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

**What Works Clearinghouse Evidence Standards** means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: <http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19>.

**Program Authority:** 20 U.S.C. 1057–1059d (title III, part A, of the Higher Education Act of 1965, as amended (HEA)).

**Note:** In 2008, the HEA was amended by the Higher Education Opportunity Act of 2008 (HEOA), Public Law 110–315. The HEOA made a number of technical and substantive revisions to SIP. Please note that the regulations for SIP in 34 CFR part 607 have not been updated to reflect these statutory changes.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 607.

**Note:** The regulations in 34 CFR part 86 apply to IHEs only.

## II. Award Information

**Type of Award:** Discretionary grant. Five-year Individual Development Grants will be awarded in FY 2017.

Cooperative Arrangement Development Grants will not be made in FY 2017.

**Estimated Available Funds:** The Administration has requested \$86,534,000 for awards for the SIP program for FY 2017, of which we intend to use an estimated \$3,699,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applicants from this competition.

**Estimated Range of Awards:** \$500,000–\$600,000 per year.

**Estimated Average Size of Awards:** \$550,000 per year.

**Maximum Award:** We will reject any application that proposes a budget exceeding \$600,000 for a single budget period of 12 months.

**Estimated Number of Awards:** 6–7.

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

**Project Period:** Up to 60 months.

### III. Eligibility Information

1. **Eligible Applicants:** This program is authorized by title III, part A, of the HEA. To qualify as an eligible institution under any title III, part A program, an institution must—

(a) Be accredited or preaccredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(b) Be legally authorized by the State in which it is located to be a junior or community college or to provide an educational program for which it awards a bachelor's degree;

(c) Be designated as an “eligible institution” by demonstrating that it: (1) Has an enrollment of needy students as described in 34 CFR 607.3; and (2) has low average educational and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

**Note:** The notice announcing the FY 2017 process for designation of eligible institutions, and inviting applications for waiver of eligibility requirements, was published in the **Federal Register** on November 25, 2016 (81 FR 85210). Only institutions that the Department determines are eligible, or which are granted a waiver under the process described in that notice, may apply for a grant in this program.

#### *Relationship Between the Title III, Part A Programs and the Developing Hispanic-Serving Institutions (HSI) Program*

A grantee under the Developing Hispanic-Serving Institutions (HSI) program, which is authorized under title V of the HEA, may not receive a grant under any HEA, title III, part A program. The title III, part A programs are: SIP; the Tribally Controlled Colleges and Universities program; the Alaska Native and Native Hawaiian-Serving Institutions program; the Asian American and Native American Pacific Islander-Serving Institutions program; and the Native American-Serving Nontribal Institutions program. Furthermore, a current HSI program grantee may not give up its HSI grant to receive a grant under SIP or any title III, part A program as described in 34 CFR 607.2(g)(1).

An eligible HSI that is not a current grantee under the HSI program may apply for a FY 2017 grant under all title III, part A programs for which it is eligible, as well as receive consideration for a grant under the HSI program. However, a successful applicant may receive only one grant as described in 34 CFR 607.2(g)(1).

2.a. **Cost Sharing or Matching:** This program does not require cost sharing or matching unless the grantee uses a portion of its grant for establishing or improving an endowment fund. If a grantee uses a portion of its grant for endowment fund purposes, it must match those grant funds with non-Federal funds (20 U.S.C. 1059c(c)(3)(B)).

b. **Supplement-Not-Supplant:** This program involves supplement-not-supplant funding requirements. Grant funds must be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds (34 CFR 607.30(b)).

3. **Other:** An IHE, if selected for a SIP award, can only receive funding for one award under this program. If the IHE scores within the funding range for both competitions, the IHE will be awarded the grant awarded under this competition.

### IV. Application and Submission Information

1. **Address to Request Application Package:** You can obtain an application via the Internet using the following address: [www.Grants.gov](http://www.Grants.gov). If you do not have access to the Internet, please contact Nalini Lamba-Nieves, or Jymece

Seward, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C103, Washington, DC 20202–6450. You may contact the individuals at the following email addresses and telephone numbers: [Nalini.Lamba-Nieves@ed.gov](mailto:Nalini.Lamba-Nieves@ed.gov), (202) 453–7953; and [Jymece.Seward@ed.gov](mailto:Jymece.Seward@ed.gov), (202) 453–6138.

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

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contacts listed in this section.

2. **Content and Form of Application Submission:** Requirements concerning the content and forms of an application, together with the forms you must submit, are in the application package for this program.

**Page Limit:** The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We have established mandatory page limits. You must limit the section of the application narrative that addresses:

- The selection criteria, including the budget narrative of the selection criteria, to no more than 55 pages.
- The absolute priority to no more than three pages.
- The competitive preference priority to no more than two pages.

Accordingly, under no circumstances may the application narrative exceed 60 pages. Applicants must provide information addressing the absolute priority in the section of the application narrative titled *Absolute Priority—Moderate Evidence of Effectiveness*. If addressing the competitive preference priority, applicants must provide information regarding the competitive preference priority in the section of the application narrative titled *Competitive Preference Priority*. Applicants must use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides. Page numbers and an identifier may be outside of the 1” margin.
- Each page on which there is text or graphics will be counted as one full page.
- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Text in charts, tables, figures, and graphs in the

application narrative may be single spaced and will count toward the page limit.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts:

Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the Application for Federal Assistance (SF 424-cover sheet); the Supplemental Information for SF 424 Form required by the Department of Education; Part II, the Budget Information-Non-Construction Programs Form (ED 524); Section A—Budget Summary—U.S. Department of Education Funds; Section B—Budget Summary—Non-Federal Funds; Section C—Budget Narrative; Part IV, the assurances and certifications; the one-page program abstract; the table of contents; or the bibliography. If you include any attachments or appendices not specifically requested in the application package, these items will be counted as part of your application narrative for the purpose of the page-limit requirement.

**Note:** The Budget Information-Non-Construction Programs Form (ED 524) Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

We will reject your application if you exceed the page limit.

### 3. *Submission Dates and Times:*

*Applications Available:* March 1, 2017.

*Deadline for Transmittal of Applications:* April 17, 2017.

Applications for grants under this program must be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to *Other Submission Requirements* in section IV of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact one of the persons listed under *For Further Information Contact* in section VII of this notice. If the Department provides

an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

*Deadline for Intergovernmental Review:* June 16, 2017.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* (a) We specify unallowable costs in 34 CFR 607.10(c). We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

(b) Applicants that apply for construction funds under the title III, part A, HEA programs, must comply with Executive Order 13202, signed by former President George W. Bush on February 17, 2001, and amended on April 6, 2001. This Executive order provides that recipients of Federal construction funds may not “require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other construction project(s)” or “otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations, on the same or other construction project(s).” However, the Executive order does not prohibit contractors or subcontractors from voluntarily entering into these agreements. Projects funded under this program that include construction activity will be provided a copy of this Executive order and will be asked to certify that they will adhere to it.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

- Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);
- Register both your DUNS number and TIN with the System for Award Management (SAM), the Government's primary registrant database;
- Provide your DUNS number and TIN on your application; and
- Maintain an active SAM registration with current information while your application is under review

by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet at the following Web site: <http://fedgov.dnb.com/webform>. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter into the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, it may be 24 to 48 hours before you can access the information in, and submit an application through, *Grants.gov*.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find at: [www2.ed.gov/fund/grant/apply/sam-faqs.html](http://www2.ed.gov/fund/grant/apply/sam-faqs.html).

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with *Grants.gov* as an AOR. Details on these steps are outlined at the following *Grants.gov* Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the SIP (CFDA number 84.031F) must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for this competition at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.031, not 84.031F).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that

you do not wait until the application deadline date to begin the submission process through *Grants.gov*.

- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov*. In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html*.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (e.g., Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.

- Your electronic application must comply with any page-limit requirements described in this notice.

- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by

email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department then will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1-800-518-4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along

with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: James E. Laws, Jr., U.S. Department of Education, 400 Maryland Avenue SW., Room 4C141, Washington, DC 20202–6450. FAX: (202) 401–8466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

#### **b. Submission of Paper Applications by Mail.**

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the

application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031F), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the deadline date.

#### **c. Submission of Paper Applications by Hand Delivery.**

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.031F), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and
- (2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## **V. Application Review Information**

1. **Selection Criteria:** The selection criteria for this program are from 34 CFR 607.22(a) through (g) and 34 CFR 75.210. Applicants must address each of the following selection criteria (separately for each proposed activity). The total weight of the selection criteria is 105 points; the maximum score for each criterion is noted in parentheses.

(a) **Quality of the Applicant's Comprehensive Development Plan.** (Maximum 20 Points) The extent to which—

(1) The strengths, weaknesses, and significant problems of the institution's academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution;

(2) The goals for the institution's academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis;

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution; and

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources.

(b) **Quality of the Project Design.** (Maximum 10 Points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project is supported by strong theory (as defined in this notice).

(c) **Quality of Activity Objectives.** (Maximum 15 Points) The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results; and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan.

(d) **Quality of Implementation Strategy.** (Maximum 15 Points) The extent to which—

(1) The implementation strategy for each activity is comprehensive;

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects; and

(3) The timetable for each activity is realistic and likely to be attained.

(e) *Quality of Key Personnel.* (Maximum 8 Points) The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives; and

(2) The time commitment of key personnel is realistic.

(f) *Quality of Project Management Plan.* (Maximum 10 Points) The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation; and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer.

(g) *Quality of Evaluation Plan.* (Maximum 20 Points) The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan; and

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan.

(3) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards with reservations.

(h) *Budget.* (Maximum 7 Points) The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

**2. Review and Selection Process:** We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs

or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria in 34 CFR 607.22(a) through (g) and 34 CFR 75.210. The panel will also assess the relevance of the evidence submitted in response to the absolute priority. A rank order funding slate will be made from this review, and the Department will determine which applicants will be considered for funding based on their reviewed scores. Applicants whose scores fall below the funding range will not have their applications further reviewed. For applications within the funding range, the Institute for Education Sciences (IES) will then evaluate the quality of their evidence to determine whether it meets the definition of "moderate evidence of effectiveness" under the absolute priority. Applicants whose evidence does not meet the requirements of the absolute priority are not eligible for funding. The Department will continue reviewing the evidence submitted by applicants within the preliminary funding range until it has a sufficient number of applicants that are highly rated and meet the requirements of the absolute priority and the Department has used all funding available for this competition. For applicants that meet the requirements of the absolute priority, awards will be made in rank order according to the average score received from the non-Federal peer reviewers.

**Tie-breaker.** In tie-breaking situations, 34 CFR 607.23(b) requires that we award one additional point to an application from an IHE that has an endowment fund of which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable type institutions that offer similar instruction. We award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditure for library materials per FTE enrolled student at similar type institutions. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

(1) Faculty development;

(2) Funds and administrative management;

(3) Development and improvement of academic programs;

(4) Acquisition of equipment for use in strengthening management and academic programs;

(5) Joint use of facilities; and

(6) Student services.

For the purpose of these funding considerations, we use 2014–2015 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE enrolled student.

**3. Risk Assessment and Special Conditions:** Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

**4. Integrity and Performance System:** If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

## VI. Award Administration Information

**1. Award Notices:** If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification

(GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

**2. Administrative and National Policy Requirements:** We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

**3. Reporting:** (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118 and 34 CFR 607.31. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

**4. Performance Measures:** The Secretary has established the following key performance measures for assessing the effectiveness of the SIP:

a. The percentage change, over the five-year period, of the number of full-time degree-seeking undergraduates enrolled at SIP institutions. Note that this is a long-term measure that will be used to periodically gauge performance;

b. The percentage of first-time, full-time degree-seeking undergraduate students at four-year SIP institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same SIP institution;

c. The percentage of first-time, full-time degree-seeking undergraduate students at two-year SIP institutions who were in their first year of postsecondary enrollment in the

previous year and are enrolled in the current year at the same SIP institution;

d. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year SIP institutions graduating within six years of enrollment; and

e. The percentage of first-time, full-time degree-seeking undergraduate students enrolled at two-year SIP institutions graduating within three years of enrollment.

**5. Continuation Awards:** In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budgets; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Agency Contacts

**FOR FURTHER INFORMATION CONTACT:** Nalini Lamba-Nieves, and Jymece Seward, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C103, Washington, DC 20202-6450. You may contact these individuals at the following email addresses and telephone numbers:  
Nalini.Lamba-Nieves@ed.gov, (202) 453-7953  
Jymece.Seward@ed.gov, (202) 453-6138

If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

## VIII. Other Information

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to one of the persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you

can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

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

Dated: February 24, 2017.

**Linda Byrd-Johnson,**

*Acting Deputy Assistant Secretary, Higher Education Programs, and Senior Director, Student Service.*

[FR Doc. 2017-04005 Filed 2-28-17; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Charter Schools Program (CSP) Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools; Correction

**AGENCY:** Office of Innovation and Improvement, Department of Education.

**ACTION:** Notice; correction.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282M.

**SUMMARY:** On January 13, 2017, we published in the **Federal Register** (82 FR 4322) a notice inviting applications for new awards for fiscal year (FY) 2017 for the CSP Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools program. This document corrects several references to "section 1111(c)(2) of the ESEA, as amended by the NCLB."

In addition, in order to afford eligible applicants the opportunity to apply, or to amend their applications to provide additional information related to "section 1111(c)(2) of the ESEA, as amended by the ESSA," we are reopening the FY 2017 CSP Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools competition.

#### DATES:

*Deadline for Transmittal of Applications:* March 15, 2017.

*Deadline for Intergovernmental Review:* May 14, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Eddie Moat, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W224, Washington, DC 20202-



5970. Telephone: (202) 401-2266, or by email: [charterschools@ed.gov](mailto:charterschools@ed.gov).

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

**SUPPLEMENTARY INFORMATION:** On January 13, 2017, we published in the **Federal Register** (82 FR 4322) a notice inviting applications for new awards for FY 2017 for the CSP Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools program. We are reopening the competition for two weeks and announcing the new deadline of March 15, 2017, for transmittal of applications. We are also correcting all references to “section 1111(c)(2) of the ESEA, as amended by the NCLB” with “section 1111(c)(2) of the ESEA, as amended by the ESSA.”

All other requirements and conditions stated in the notice inviting applications remain the same.

#### Corrections

In FR Doc. No. 2017-00748, in the **Federal Register** of January 13, 2017 (82 FR 4322), we make the following corrections:

(a) On page 4329, beginning in the middle column and ending on page 4330, in each place in which the phrase “section 1111(c)(2) of the ESEA, as amended by the NCLB” appears, revise the phrase to read “section 1111(c)(2) of the ESEA, as amended by the ESSA”.

(b) On page 4329, in the middle column, remove footnote 6.

All other requirements and conditions stated in the notice inviting applications remain the same.

**Program Authority:** Section 4305(b) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (20 U.S.C. 7221d(b)).

**Accessible Format:** Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must

have Adobe Acrobat Reader, which is available free at the site.

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

Dated: February 24, 2017.

**Margo Anderson,**

*Acting Assistant Deputy Secretary for Innovation and Improvement.*

[FR Doc. 2017-04004 Filed 2-28-17; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Electricity Advisory Committee

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

#### DATES:

Wednesday, March 29, 2017, 12:00

p.m.–6:00 p.m. EST

Thursday, March 30, 2017, 8:00 a.m.–

12:20 p.m. EST

**ADDRESSES:** The meeting will be held at the National Rural Electric Cooperative Association, 4301 Wilson Blvd., Arlington, VA 22203.

#### FOR FURTHER INFORMATION CONTACT:

Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G-017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586-1060 or Email: [matthew.rosenbaum@hq.doe.gov](mailto:matthew.rosenbaum@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

**Purpose of the Committee:** The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their

knowledge of issues that pertain to electricity.

**Tentative Agenda:** The meeting of the EAC is expected to include an update on the programs and initiatives of the DOE's Office of Electricity Delivery and Energy Reliability. The meeting is also expected to include presentations from the new Administration, FERC, and the lead author of the MIT Utility of the Future Study, as well as panel discussions on the Internet of Things and the transmission-distribution interface in the context of increasing distributed resource additions. Additionally, the meeting is expected to include a discussion of the plans and activities of the Smart Grid Subcommittee, Power Delivery Subcommittee, Energy Storage Subcommittee, and the Grid Modernization Initiative Working Group.

#### Tentative Agenda: March 29, 2017

12:00 p.m.–1:00 p.m.—EAC Leadership Committee Meeting

12:00 p.m.–1:00 p.m.—Registration

1:00 p.m.–1:15 p.m.—Welcome, Introductions, Developments since the September 2016 Meeting

1:15 p.m.–1:30 p.m.—Update on the DOE Office of Electricity Delivery and Energy Reliability's Programs and Initiatives

1:30 p.m.–2:10 p.m.—Presentation from New Administration & EAC Discussion

2:10 p.m.–2:20 p.m.—Break

2:20 p.m.–4:00 p.m.—Panel: Internet of Things

4:00 p.m.–4:10 p.m.—Break

4:10 p.m.–5:55 p.m.—Panel: Transmission-Distribution Interface in the Context of Increasing Distributed Resource Additions

5:55 p.m.–6:00 p.m.—Wrap-up and Adjourn Day One of March 2017 Meeting of the EAC

#### Tentative Agenda: March 30, 2017

8:00 a.m.–8:20 a.m.—EAC Smart Grid Subcommittee Activities and Plans

8:20 a.m.–8:35 a.m.—EAC Power Delivery Subcommittee Activities and Plans

8:35 a.m.–9:00 a.m.—EAC Energy Storage Subcommittee Activities and Plans

9:00 a.m.–9:15 a.m.—Break

9:15 a.m.–10:45 a.m.—Presentation of MIT Utility of the Future Study

10:45 a.m.–11:45 a.m.—Presentation from FERC

11:45 a.m.–12:05 p.m.—EAC Grid Modernization Initiative Working Group Activities and Plans

12:05 p.m.–12:10 p.m.—Public Comments



12:10 p.m.–12:20 p.m.—Wrap-up and Adjourn March 2017 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: <http://energy.gov/oe/services/electricity-advisory-committee-eac>.

**Public Participation:** The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Thursday, March 30, 2017, but must register at the registration table in advance. Approximately 5 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by “Electricity Advisory Committee Open Meeting,” by any of the following methods:

- **Mail/Hand Delivery/Courier:** Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.

- **Email:** [matthew.rosenbaum@hq.doe.gov](mailto:matthew.rosenbaum@hq.doe.gov). Include “Electricity Advisory Committee Open Meeting” in the subject line of the message.

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

**Instructions:** All submissions received must include the agency name and identifier. All comments received will be posted without change to <http://energy.gov/oe/services/electricity-advisory-committee-eac>, including any personal information provided.

- **Docket:** For access to the docket, to read background documents or comments received, go to <http://energy.gov/oe/services/electricity-advisory-committee-eac>.

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure

has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE’s Freedom of Information regulations (10 CFR 1004.11).

**Note:** Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

**Minutes:** The minutes of the EAC meeting will be posted on the EAC Web page at: <http://energy.gov/oe/services/electricity-advisory-committee-eac>. They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on February 24, 2017.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2017–03976 Filed 2–28–17; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Energy Information Administration

#### CIPSEA Confidentiality Pledge Revision Notice

**AGENCY:** U.S. Energy Information Administration (EIA), Department of Energy.

**ACTION:** Notice and request for comments.

**SUMMARY:** The U.S. Energy Information Administration invites public comment on the recent revisions that have been made to the confidentiality pledge it provides to its respondents. These revisions became effective upon publication of an emergency **Federal Register** notice that announced EIA’s revised confidentiality pledge that it provides to its respondents under the Confidential Information Protection and Statistical Efficiency Act. These revisions are required by the passage and implementation of provisions of the Federal Cybersecurity Enhancement Act of 2015 which permit and require the Secretary of the Department of Homeland Security (DHS) to provide Federal civilian agencies’ information technology systems with cybersecurity protection for their Internet traffic.

More details on this announcement are presented in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Comments regarding these confidentiality pledge revisions must be received on or before May 1, 2017. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

**ADDRESSES:** Written comments and/or questions about this notice should be addressed to Jacob Bournazian, U.S. Energy Information Administration, 1000 Independence Avenue SW., Washington, DC 20585 or by fax at 202–586–3045 or by email at [jacob.bournazian@eia.gov](mailto:jacob.bournazian@eia.gov).

**FOR FURTHER INFORMATION CONTACT:** Jacob Bournazian, U.S. Energy Information Administration, 1000 Independence Avenue SW., Washington, DC 20585, phone: 202–586–5562 (this is not a toll-free number), email: [jacob.bournazian@eia.gov](mailto:jacob.bournazian@eia.gov). Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

**SUPPLEMENTARY INFORMATION:** Under 44 U.S.C. 3506(e), and 44 U.S.C. 3501 (note), EIA revised the confidentiality pledge(s) it provides to survey respondents under the Confidential Information Protection and Statistical Efficiency Act (44 U.S.C. 3501 (note)) (CIPSEA) in a **Federal Register** notice released on January 12, 2017 in 82 FR 3764. These revisions were required by provisions of the Federal Cybersecurity Enhancement Act of 2015 (Pub. L. 114–11, Division N, Title II, Subtitle B, Sec. 223), which permit and require the Secretary of the Department of Homeland Security (DHS) to provide Federal civilian agencies’ information technology systems with cybersecurity protection for their Internet traffic. Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. The overwhelming majority of Federal surveys are conducted on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether or not to provide the requested information. Many of the most valuable Federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. Strong and trusted confidentiality and exclusively

statistical use pledges under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under CIPSEA and similar statistical confidentiality protection statutes, many Federal statistical agencies make statutory pledges that the information respondents provide will be seen only by statistical agency personnel or their sworn agents, and will be used only for statistical purposes. CIPSEA and similar statutes protect the confidentiality of information that agencies collect solely for statistical purposes and under a pledge of confidentiality. These acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from legal process. Moreover, many of these statutes carry criminal penalties of a Class E felony (fines up to \$250,000, or up to five years in prison, or both) for conviction of a knowing and willful unauthorized disclosure of covered information.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 signed on December 17, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (Pub. L. 114–113, Division N, Title II, Subtitle B, Sec. 223). This Act, among other provisions, permits and requires DHS to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The technology currently used to provide this protection against cyber malware is known as Einstein 3A; it electronically searches Internet traffic in and out of Federal civilian agencies in real time for malware signatures.

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

risks, thereby, in effect, providing stronger protection to the integrity of the respondents' submissions.

The DHS cybersecurity program's objective is to protect Federal civilian information systems from malicious malware attacks. The Federal statistical system's objective is to ensure that the DHS Secretary performs those essential duties in a manner that honors the Government's statutory promises to the public to protect their confidential data. Given that the Department of Homeland Security is not a Federal statistical agency, both DHS and the Federal statistical system worked to balance both objectives and achieve these mutually reinforcing objectives.

Accordingly, DHS and Federal statistical agencies, in cooperation with their parent departments, developed a Memorandum of Agreement for the installation of Einstein 3A cybersecurity protection technology to monitor their Internet traffic.

However, EIA's current CIPSEA statistical confidentiality pledge promises that respondents' data will be seen only by statistical agency personnel or their sworn agents. Since it is possible that DHS personnel could see some portion of those confidential data in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, EIA needs to revise its confidentiality pledge to reflect this process change.

Therefore, EIA is providing this notice to alert the public of this revision to its confidentiality pledge in an efficient and coordinated fashion. Below is a listing of EIA's current Paperwork Reduction Act OMB numbers and information collection titles and their associated revised confidentiality pledge(s) for the Information Collections whose confidentiality pledges will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes.

The following EIA statistical confidentiality pledge will now apply to the Information Collections whose Paperwork Reduction Act Office of Management and Budget numbers and titles are listed below.

The information you provide on Form EIA-XXX will be used for statistical purposes only and is confidential by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and other applicable Federal laws, your responses will not be disclosed in identifiable form without your consent. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.

Every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public ANY identifiable information you reported.

A shorter version of the CIPSEA pledge is used for telephone surveys:

The information you provide on Form EIA-xxx will be used for statistical purposes only and is confidential by law. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. Every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public ANY identifiable information you reported.

OMB No: 1905–0174 Petroleum Marketing Program

Form EIA–863, “Petroleum Product Sales Identification Survey”

Form EIA–878, “Motor Gasoline Price Survey”

Form EIA–888, “On-Highway Diesel Fuel Price Survey”

OMB No: 1905–0175 Natural Gas Data Collection Program

Form EIA–910, “Monthly Natural Gas Marketers Survey”

Form EIA–912, “Weekly Underground Natural Gas Storage Report”

OMB No: 1905–0205 Monthly Natural Gas Production Report

Form EIA–914, “Monthly Crude Oil, Lease Condensate, and Natural Gas Production Report”

OMB No: 1905–0160 Uranium Data Program

Form EIA–851Q, “Domestic Uranium Production Report—Quarterly”

Form EIA–851A, “Domestic Uranium Production Report—Annual”

Form EIA–858, “Uranium Marketing Annual Survey”

OMB No: 1905–0145 Commercial Buildings Energy Consumption Survey

Form EIA–871, “Commercial Buildings Energy Consumption Survey”

OMB No. 1905–0092 Residential Energy Consumption Survey

Form EIA–457, “Residential Energy Consumption Survey”

Issued in Washington, DC, on February 23, 2017.

**Nanda Srinivasan,**

*Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.*

[FR Doc. 2017–03971 Filed 2–28–17; 8:45 am]

**BILLING CODE 6450–01–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:* ER17–772–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Compliance filing: Amended Order No. 825 Compliance Filing to be effective 5/11/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5064.

*Comments Due:* 5 p.m. ET 3/16/17.

*Docket Numbers:* ER17-1013-000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2017-02-22 SA 2998 Exelon-MISO ENRIS (J371) to be effective 2/6/2017.

*Filed Date:* 2/22/17.

*Accession Number:* 20170222-5131.

*Comments Due:* 5 p.m. ET 3/15/17.

*Docket Numbers:* ER17-1014-000.

*Applicants:* Midcontinent

Independent System Operator, Inc.,  
Otter Tail Power Company.

*Description:* § 205(d) Rate Filing: 2017-02-22 Revisions to Otter Tail Attachment O and 30.9 Credit to include Basin to be effective 5/1/2017.

*Filed Date:* 2/22/17.

*Accession Number:* 20170222-5153.

*Comments Due:* 5 p.m. ET 3/15/17.

*Docket Numbers:* ER17-1015-000.

*Applicants:* Southwestern Public  
Service Company.

*Description:* § 205(d) Rate Filing: SPS-RBEC-GSEC-Statford Sub-651-NOC to be effective 2/24/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5023.

*Comments Due:* 5 p.m. ET 3/16/17.

*Docket Numbers:* ER17-1016-000.

*Applicants:* PJM Interconnection,  
L.L.C.

*Description:* § 205(d) Rate Filing: Revisions to OATT Sch 12—Appendix re: BGE Abandonment Cost Recovery to be effective 5/1/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5026.

*Comments Due:* 5 p.m. ET 3/16/17.

*Docket Numbers:* ER17-1017-000.

*Applicants:* Smoky Mountain  
Transmission LLC.

*Description:* Compliance filing: Smoky Mountain Transmission LLC Amendment to Proforma to be effective 2/24/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5063.

*Comments Due:* 5 p.m. ET 3/16/17.

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 23, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03924 Filed 2-28-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ID-8091-000]

#### Fitzgerald, Brian; Notice of Filing

Take notice that on February 21, 2017, Brian Fitzgerald filed a supplement to application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b), Part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45, and Commission Order No. 664, 112 FERC 61,298.

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. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than 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 electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto: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 3, 2017.

Dated: February 23, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-03926 Filed 2-28-17; 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:* ER17-1018-000.

*Applicants:* PJM Interconnection,  
L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4625; Queue No. AB1-164 to be effective 1/27/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5103.

*Comments Due:* 5 p.m. ET 3/16/17.

*Docket Numbers:* ER17-1019-000.

*Applicants:* PJM Interconnection,  
L.L.C.

*Description:* § 205(d) Rate Filing: Queue Position AB1-171, Original Service Agreement No. 4632 to be effective 1/26/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5138.

*Comments Due:* 5 p.m. ET 3/16/17.

*Docket Numbers:* ER17-1020-000.

*Applicants:* Black Oak Energy, LLC.

*Description:* Tariff Cancellation: Cancellation filing to be effective 3/1/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5156.

*Comments Due:* 5 p.m. ET 3/16/17.

*Docket Numbers:* ER17-1021-000.

*Applicants:* Canadian Wood  
Products—Montreal, Inc.

*Description:* § 205(d) Rate Filing: Notice of Succession to be effective 3/1/2017.

*Filed Date:* 2/23/17.

*Accession Number:* 20170223-5158.

*Comments Due:* 5 p.m. ET 3/16/17.

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 23, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-03925 Filed 2-28-17; 8:45 am]

BILLING CODE 6717-01-P

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### Agency Information Collection Activities

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Notice of information collection—extension without change: Demographic information on applicants for Federal employment.

**SUMMARY:** In accordance with the Paperwork Reduction Act, the Equal Employment Opportunity Commission (EEOC or Commission) announces that it is submitting to the Office of Management and Budget (OMB) a request for a three-year extension without change of the Demographic Information on Federal Job Applicants, OMB No. 3046-0046.

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

**ADDRESSES:** Comments on this notice must be submitted to Joseph B. Nye, Policy Analyst, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, email [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Commenters are also encouraged to send comments to the EEOC online at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions on the Web site for submitting comments. In addition, the

EEOC's Executive Secretariat will accept comments in hard copy. Hard copy comments should be sent to Bernadette Wilson, Acting Executive Officer, EEOC, 131 M Street NE., Washington, DC 20507. Finally, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile ("fax") machine before the same deadline at (202) 663-4114. (This is not a toll-free number.) Receipt of fax transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTY). (These are not toll-free telephone numbers.) The EEOC will post online at <http://www.regulations.gov> all comments submitted via this Web site, in hard copy, or by fax to the Executive Secretariat. These comments will be posted without change, including any personal information you provide. However, the EEOC reserves the right to refrain from posting libelous or otherwise inappropriate comments including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, sex, national origin, age, religion, disability, or genetic information; or that promote or endorse services or products. All comments received, including any personal information provided, also will be available for public inspection during normal business hours by appointment only at the EEOC Headquarters Library, 131 M Street NE., Washington, DC 20507. Upon request, individuals who require assistance viewing comments will be provided appropriate aids such as readers or print magnifiers. To schedule an appointment, contact EEOC Library staff at (202) 663-4630 (voice) or (202) 663-4641 (TTY). (These are not toll-free numbers.)

**FOR FURTHER INFORMATION CONTACT:** Jamie Price, Federal Sector Programs, Office of Federal Operations, 131 M Street NE., Washington, DC 20507, (202) 663-4484 (voice); (202) 663-4593 (TTY).

**SUPPLEMENTARY INFORMATION:** The EEOC's Demographic Information on Federal Job Applicants form (OMB No. 3046-0046) is intended for use by federal agencies in gathering data on the race, ethnicity, sex, and disability status of job applicants. This form is used by the EEOC and other agencies to gauge progress and trends over time with respect to equal employment opportunity goals.

Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and

OMB regulation 5 CFR 1320.8(d)(1), the Commission sought public comment on extending its form without change through a 60-day notice published October 20, 2016. Comments were invited on whether this collection would continue to enable it to:

(1) Evaluate whether the proposed data collection tool will have practical utility by enabling a federal agency to determine whether recruitment activities are effectively reaching all segments of the relevant labor pool in compliance with the laws enforced by the Commission and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex or disability status;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on applicants for federal employees who choose 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.

One comment was received. The commenter was concerned that there is a severe under reporting in the federal government because both OPM's "Self Identification of Disability" SF256 Form and the "Demographic Information on Federal Job Applicants" form fail to consider the individual's privacy. The commenter believes that anonymous collection of this data would result in a more accurate representation for all groups.

With respect to the Demographic Information on Federal Job Applicants form, EEOC believes that anonymity is addressed, as the form states in its first paragraph that it is not placed in the individual's personnel file or forwarded to the panel rating the applications, the selecting official, or anyone else that can affect the application. EEOC cannot address the comment as it relates to OPM's Form 256.

### Overview of This Information Collection

*Collection Title:* Demographic Information on Federal Job Applicants.

*OMB Control No.:* 3046-0046.

*Description of Affected Public:* Individuals submitting applications for federal employment.

*Number of Annual Responses:* 5,800.

*Estimated Time per Response:* 3 minutes.

*Total Annual Burden Hours:* 290.<sup>1</sup>

*Annual Federal Cost:* None.

*Abstract:* Under section 717 of Title VII and 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving federal agencies plans to affirmatively address potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with Title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex and disability status of applicants for both permanent and temporary employment.

Several federal agencies (or components of such agencies) have

previously obtained separate OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants. In order to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks an extension of the approval of a common form to be used by all federal agencies.

Response by applicants is optional. The information obtained will be used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex, or disability status. The voluntary responses are treated in a highly confidential manner and play no part in the job selection process. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the

application, or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

*Burden Statement:* Because of the predominant use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only eight questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes or less. Based on past experience, we expect that 5,800 applicants will choose to complete the form.

Dated: February 23, 2017.

For the Commission.

**Victoria A. Lipnic,**

*Acting Chair.*

**BILLING CODE 6570-01-P**

<sup>1</sup> This total is calculated as follows: 5,800 annual responses × 3 minutes per response = 17,400 minutes. 17,400/60 = 290 hours.

**DEMOGRAPHIC INFORMATION ON APPLICANTS****OMB No.:****Expiration Date:****Vacancy Announcement No.:****Position Title:****YOUR PRIVACY IS PROTECTED**

This information is used to determine if our equal employment opportunity efforts are reaching all segments of the population, consistent with Federal equal employment opportunity laws. Responses to these questions are voluntary. Your responses will not be shown to the panel rating the applications, to the official selecting an applicant for a position, or to anyone else who can affect your application. This form will not be placed in your Personnel file nor will it be provided to your supervisors in your employing office should you be hired. The aggregate information collected through this form will be kept private to the extent permitted by law. See the Privacy Act Statement below for more information.

Completion of this form is voluntary. No individual personnel selections are made based on this information. There will be no impact on your application if you choose not to answer any of these questions.

Thank you for helping us to provide better service.

**1. How did you learn about this position? (Check One):**

- ☐ Agency Internet Site recruitment
- ☐ Private Employment Web Site
- ☐ Other Internet Site
- ☐ Job Fair
- ☐ Newspaper or magazine
- ☐ Agency or other Federal government on campus
- ☐ School or college counselor or other official
- ☐ Friend or relative working for this agency
- ☐ Private Employment Office
- ☐ Agency Human Resources Department (bulletin board or other announcement)
- ☐ Federal, State, or Local Job Information Center
- ☐ Other

**2. Sex (Check One):**

- ☐ Male
- ☐ Female

**3. Ethnicity (Check One):**

- ☐ **Hispanic or Latino** - a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- ☐ **Not Hispanic or Latino**

**4. Race (Check all that apply):**

- ☐ **American Indian or Alaska Native** - a person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.
- ☐ **Asian** - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
- ☐ **Black or African American** - a person having origins in any of the black racial groups of Africa.
- ☐ **Native Hawaiian or Other Pacific Islander** - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.
- ☐ **White** - a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**5. Disability/Serious Health Condition**

The next questions address disability and serious health conditions. Your responses will ensure that our outreach and recruitment policies are reaching a wide range of individuals with physical or mental conditions. Consider your answers without the use of medication and aids (except eyeglasses) or the help of another person.

**A. Do you have any of the following? Check all boxes that apply to you:**

- ☐ **Deaf or serious difficulty hearing**
- ☐ **Blind or serious difficulty seeing even when wearing glasses**
- ☐ **Missing an arm, leg, hand, or foot**
- ☐ **Paralysis: Partial or complete paralysis (any cause)**
- ☐ **Significant Disfigurement: for example, severe disfigurements caused by burns, wounds, accidents, or congenital disorders**
- ☐ **Significant Mobility Impairment: for example, uses a wheelchair, scooter, walker or uses a leg brace to walk**
- ☐ **Significant Psychiatric Disorder: for example, bipolar disorder, schizophrenia, PTSD, or major depression**
- ☐ **Intellectual Disability (formerly described as mental retardation)**
- ☐ **Developmental Disability: for example, cerebral palsy or autism spectrum disorder**
- ☐ **Traumatic Brain Injury**
- ☐ **Dwarfism**
- ☐ **Epilepsy or other seizure disorder**
- ☐ **Other disability or serious health condition: for example, diabetes, cancer, cardiovascular disease, anxiety disorder, or HIV infection; a learning disability, a speech impairment, or a hearing impairment**

If you did not select one of the options above, please indicate whether.

- ☐ **None of the conditions listed above apply to me.**
- ☐ **I do not wish to answer questions regarding disability/health conditions.**

If you have indicated that you have one of the above conditions, you may be eligible to apply under Schedule A Hiring Authority. For more information, please see <http://www.opm.gov/policy-data-oversight/disability-employment/hiring/#url=Schedule-A-Hiring-Authority> .

If an applicant checks the box for "other disability or serious health condition," the applicant will be taken to Section A.1.

#### A.1. Other Disability or Serious Health Condition (Optional)

You indicated that you have a disability or a serious health condition. If you are willing, please select any of the conditions listed below that apply to you. As explained above, your responses will not be shown to the panel rating the applications, to the selecting official, or to anyone else who can affect your application. All responses will remain private to the extent permitted by law. See the Privacy Act Statement below for more information.

Please check all that apply:

- ☐ I do not wish to specify any condition.
- ☐ Alcoholism
- ☐ Cancer
- ☐ Cardiovascular or heart disease
- ☐ Crohn's disease, irritable bowel syndrome, or other gastrointestinal impairment
- ☐ Depression, anxiety disorder, or other psychological disorder
- ☐ Diabetes or other metabolic disease
- ☐ Difficulty seeing even when wearing glasses
- ☐ Hearing impairment
- ☐ History of drug addiction (but not currently using illegal drugs)
- ☐ HIV Infection/AIDS or other immune disorder
- ☐ Kidney dysfunction: for example, requires dialysis
- ☐ Learning disabilities or ADHD
- ☐ Liver disease: for example, hepatitis or cirrhosis
- ☐ Lupus, fibromyalgia, rheumatoid arthritis, or other autoimmune disorder
- ☐ Morbid obesity
- ☐ Nervous system disorder: for example, migraine headaches, Parkinson's disease, or multiple sclerosis
- ☐ Non-paralytic orthopedic impairments: for example, chronic pain, stiffness, weakness in bones or joints, or some loss of ability to use parts of the body
- ☐ Orthopedic impairments or osteo-arthritis
- ☐ Pulmonary or respiratory impairment: for example, asthma, chronic bronchitis, or TB
- ☐ Sickle cell anemia, hemophilia, or other blood disease
- ☐ Speech impairment
- ☐ Spinal abnormalities: for example, spina bifida or scoliosis
- ☐ Thyroid dysfunction or other endocrine disorder
- ☐ Other. Please identify the disability/health condition, if willing: \_\_\_\_\_

#### PRIVACY ACT AND PAPERWORK REDUCTION ACT STATEMENTS

**Privacy Act Statement:** This Privacy Act Statement is provided pursuant to 5 U.S.C. 552a (commonly known as the Privacy Act of 1974). The authority for this form is 5 U.S.C. 7201, which provides that the Office of Personnel Management shall implement a minority recruitment program, by the Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. Part 1607.4, which requires collection of demographic data to determine if a selection procedure has an unlawful disparate impact, and by Section 501 of the Rehabilitation Act of 1973, which requires federal agencies to prepare affirmative action plans for the hiring and advancement of people with disabilities. Data relating to an individual applicant are not provided to selecting officials. This form will be seen by Human Resource personnel in the Office of Personnel Management (who are not involved in considering an applicant for a particular job) and by Equal Employment Opportunity Commission officials who will receive aggregate, non-identifiable data from the Office of Personnel Management derived from this form.

**Purpose and Routine Uses:** The aggregate, non-identifiable information summarizing all applicants for a position will be used by the Office of Personnel Management and by the Equal Employment Opportunity Commission to determine if the



executive branch of the Federal Government is effectively recruiting and selecting individuals from all segments of the population. **Effects of Nondisclosure:** Providing this information is voluntary. No individual personnel selections are made based on this information. There will be no impact on your application if you choose not to answer any of these questions.

**Paperwork Reduction Act Statement:** The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.) requires us to inform you that this information is being collected for planning and assessing affirmative employment program initiatives. Response to this request is voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The estimated burden of completing this form is five (5) minutes per response, including the time for reviewing instructions. Direct comments regarding the burden estimate or any other aspect of this form to [INSERT: Agency name and address] and to the Office of Management Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

[FR Doc. 2017-03904 Filed 2-28-17; 8:45 am]

BILLING CODE 6570-01-C

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0695]

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before May 1, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

*OMB Control No.:* 3060-0695.

*Title:* Section 87.219, Automatic Operations.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 125 respondents and 125 responses.

*Estimated Time per Response:* 0.7 hours.

*Frequency of Response:* On occasion reporting requirement, recordkeeping requirement, and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154, 303 and 307.

*Total Annual Burden:* 88 hours.

*Annual Cost Burden:* None.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* If airports have control towers of Federal Aviation Administration (FAA) flight service stations and more than one licensee, and wants to have an automated aeronautical advisory station (Unicom), this rule requires that they must write an agreement and keep a copy of the agreement with each licensee's station authorization. This information will be used by compliance personnel for enforcement purposes and by licensees to clarify responsibility in operating Unicom.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-03989 Filed 2-28-17; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0548]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before May 1, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the

information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

*OMB Control Number:* 3060-0548.

*Title:* Section 76.1708, Principal Headend; Sections 76.1709 and 76.1620, Availability of Signals; Section 76.56, Signal Carriage Obligations; Section 76.1614, Identification of Must-Carry Signals.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and*

*Responses:* 5,100 respondents; 61,200 responses.

*Estimated Time per Response:* 0.5-1 hour.

*Frequency of Response:*

Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 4(i), 614 and 615 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 30,600 hours.

*Total Annual Cost:* None.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:*

There is no need for confidentiality with this collection of information.

*Needs and Uses:* The information collection requirements contained in the collection are covered under the following rule sections:

47 CFR 76.56 requires cable television systems to carry signals of all qualified local Noncommercial Educational (NCE) sting carriage. As a result of this requirement, the following information collection requirements are needed for this collection:

47 CFR 76.1708 requires that the operator of every cable television system shall maintain for public inspection the designation and location of its principal headend. If an operator changes the designation of its principal headend, that new designation must be included in its public file.

47 CFR 76.1709(a) states effective June 17, 1993, the operator of every cable television system shall maintain for public inspection a file containing a

list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements pursuant to 47 CFR 76.56. Such list shall include the call sign; community of license, broadcast channel number, cable channel number, and in the case of a noncommercial educational broadcast station, whether that station was carried by the cable system on March 29, 1990.

47 CFR 76.1614 and 1709(c) states that a cable operator shall respond in writing within 30 days to any written request by any person for the identification of the signals carried on its system in fulfillment of the requirements of 47 CFR 76.56.

47 CFR 76.1620 states that if a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers. Such notification must be provided by June 2, 1993, and annually thereafter and to each new subscriber upon initial installation. The notice, which may be included in routine billing statements, shall identify the signals that are unavailable without an additional connection, the manner for obtaining such additional connection and instructions for installation.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2017-03988 Filed 2-28-17; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10393—Creekside Bank, Woodstock, Georgia

*Notice is hereby given* that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Creekside Bank, Woodstock, Georgia ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Creekside Bank on September 2, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 24, 2017.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. 2017-03957 Filed 2-28-17; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10314—Allegiance Bank of North America Bala Cynwyd, Pennsylvania

*Notice is hereby given* that the Federal Deposit Insurance Corporation (“FDIC”) as Receiver for Allegiance Bank of North America, Bala Cynwyd, Pennsylvania (“the Receiver”) intends to terminate its receivership for said institution. The FDIC was appointed receiver of Allegiance Bank of North America on November 19, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight

Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 24, 2017.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. 2017-03956 Filed 2-28-17; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice to All Interested Parties of the Termination of the Receivership of 10290—ISN Bank; Cherry Hill, New Jersey

*Notice is hereby given* that the Federal Deposit Insurance Corporation (“FDIC”) as Receiver for ISN Bank, Cherry Hill, New Jersey (“the Receiver”) intends to terminate its receivership for said institution. The FDIC was appointed receiver of ISN Bank on September 17, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: February 24, 2017.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. 2017-03955 Filed 2-28-17; 8:45 am]

**BILLING CODE 6714-01-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 13, 2017.

*Federal Reserve Bank of Minneapolis* (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Jeffory A. Erickson*, Sioux Falls, South Dakota; to retain and acquire additional voting shares of Leackco Bank Holding Company, Inc., Wolsey, South Dakota, and thereby indirectly acquire shares of American Bank and Trust, Wessington Springs, South Dakota.

Board of Governors of the Federal Reserve System, February 24, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017-03937 Filed 2-28-17; 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 22, 2017.

*A. Federal Reserve Bank of St. Louis* (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to

*Comments.applications@stls.frb.org:*

1. *Cross County Bancshares, Inc.*, Wynne, Arkansas; to acquire additional shares, for a total of 24.9 percent of Central Bank, Little Rock, Arkansas.

Board of Governors of the Federal Reserve System, February 24, 2017.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2017–03938 Filed 2–28–17; 8:45 am]

**BILLING CODE 6210–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Meeting of the National Advisory Council for Healthcare Research and Quality

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

**DATES:** The meeting will be held on Friday, March 24, 2017, from 8:30 a.m. to 2:45 p.m.

**ADDRESSES:** The meeting will be held at the Hubert H. Humphrey Building, Room 800, 200 Independence Avenue SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Jaime Zimmerman, Designated Management Official, at the Agency for

Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland, 20857, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244 or *Alison.Hunt@ahrq.hhs.gov*.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, March 17, 2017. The agenda, roster, and minutes will be available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, Maryland, 20857. Ms. Campbell's phone number is (301) 427–1554.

#### SUPPLEMENTARY INFORMATION:

##### I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

##### II. Agenda

The Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public and will be available via webcast at *www.webconferences.com/ahrq*. The meeting will begin with an update on AHRQ's current research, programs, and initiatives. The agenda will feature discussions on the learning health care system, Medical Expenditure Panel Survey (MEPS), and AHRQ's work in rural areas. The final agenda will be available on the AHRQ Web site at

*www.AHRQ.gov* no later than Friday, March 17, 2017.

**Sharon B. Arnold,**  
*Acting Director.*

[FR Doc. 2017–03998 Filed 2–28–17; 8:45 am]

**BILLING CODE 4160–90–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Patient Safety Organizations: Expired Listing From the Surgical Momentum PSO

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

**ACTION:** Notice of delisting.

**SUMMARY:** The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events. The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be “delisted” by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. The listing from the Surgical Momentum PSO has expired and AHRQ has delisted the PSO accordingly.

**DATES:** The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on January 21, 2017.

**ADDRESSES:** Both directories can be accessed electronically at the following HHS Web site: *http://www.pso.ahrq.gov/listed*.

**FOR FURTHER INFORMATION CONTACT:** Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local):

(301) 427-1111; TTY (toll free): (866) 438-7231; TTY (local): (301) 427-1130; Email: [psa@ahrq.hhs.gov](mailto:psa@ahrq.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery.

HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be "delisted" if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

The Surgical Momentum PSO, PSO number P0154, a component entity of the Surgical Momentum, LLC, chose to let its listing expire by not seeking continued listing. Accordingly, the Surgical Momentum PSO was delisted effective at 12:00 Midnight ET (2400) on January 21, 2017.

More information on PSOs can be obtained through AHRQ's PSO Web site at <http://www.pso.ahrq.gov>.

**Sharon B. Arnold,**  
Acting Director.

[FR Doc. 2017-03999 Filed 2-28-17; 8:45 am]

**BILLING CODE 4160-90-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2017-N-0001]

**Blood Products Advisory Committee; Notice of Meeting**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Blood Products Advisory Committee. The general function of the

committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. At least one portion of the meeting will be closed to the public.

**DATES:** The meeting will be held on April 4, 2017, from 8:30 a.m. to 3:45 p.m. and on April 5, 2017, from 8:30 a.m. to 12 p.m.

**ADDRESSES:** The meeting will be held at Tommy Douglas Conference Center, 10000 New Hampshire Ave., Silver Spring, MD 20903. The conference center's telephone number is 240-645-4000. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.tommydouglascenter.com>.

**FOR FURTHER INFORMATION CONTACT:** Bryan Emery or Joanne Lipkind, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6132, Silver Spring, MD 20993-0002, 240-402-8054, 240-402-8106, [bryan.emery@fda.hhs.gov](mailto:bryan.emery@fda.hhs.gov), [joanne.lipkind@fda.hhs.gov](mailto:joanne.lipkind@fda.hhs.gov); or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting. For those unable to attend in person, the meeting will also be available via Webcast. The Webcast will be available at the following link for both days: *April 4, 2017, 115th Meeting of the Blood Products Advisory Committee—Day 1* at: <http://fda.yorkcast.com/webcast/Play/bb044b891a7b48ff82cc30b18ece526e1d>; *April 5, 2017, 115th Meeting of the Blood Products Advisory Committee—Day 2* at: <http://fda.yorkcast.com/webcast/Play/b4068ead1c874966860584b421dcfd231d>.

**SUPPLEMENTARY INFORMATION:**

**Agenda:** On April 4, 2017, in open session, the Committee will discuss Recombinant Human Coagulation Factor IX, GlycoPEGylated. In the afternoon, in open session, the Committee will hear an update presentation on a summary of responses to Docket FDA-2016-N-1502: Blood Donor Deferral Policy for

Reducing the Risk of Human Immunodeficiency Virus Transmission by Blood and Blood Products.

On April 5, 2017, in open session, the committee will hear overview presentations on the research programs in the Laboratory of Emerging Pathogens in the Division of Emerging Transfusion-Transmitted Diseases, Office of Blood Research and Review, Center for Biologics Evaluation and Research, FDA. At the conclusion of the open session, the meeting will be closed to permit discussion where disclosure would constitute an unwarranted invasion of personal privacy in accordance with 5 U.S.C 552b(c)(6). During the closed session, the Committee will discuss the research progress made by staff involved in the intramural research programs and make recommendations regarding their personnel actions and staffing decisions.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at: <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

**Procedure:** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 28, 2017. Oral presentations from the public will be scheduled between approximately 10:50 a.m. to 11:20 a.m. and will be scheduled between approximately 3:15 p.m. to 3:45 p.m. on April 4, 2017. Oral presentations from the public will be scheduled between approximately 10:15 a.m. and 11:15 a.m. on April 5, 2017. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 20, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the

speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 21, 2017.

**Closed Committee Deliberations:** On April 5, 2017, from 11:15 a.m. to 12:00 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The Committee will discuss the report of the intramural research program and make recommendations regarding personnel staffing decisions.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 24, 2017.

**Janice M. Soreth,**

*Associate Commissioner for Special Medical Programs.*

[FR Doc. 2017-03944 Filed 2-28-17; 8:45 am]

**BILLING CODE 4164-01-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; Biomedical Engineering.

**Date:** March 2-3, 2017.

**Time:** 8:00 a.m. to 9:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

**Contact Person:** Joseph D Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 435-2344, [moscajos@csr.nih.gov](mailto:moscajos@csr.nih.gov).

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

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Services Organization and Delivery.

**Date:** March 6, 2017.

**Time:** 8:00 a.m. to 5:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Gabriel B Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435-3562, [fosug@csr.nih.gov](mailto:fosug@csr.nih.gov).

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

(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 23, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-03903 Filed 2-28-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at <http://www.samhsa.gov/workplace>.

#### FOR FURTHER INFORMATION CONTACT:

Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240-276-2600 (voice).

**SUPPLEMENTARY INFORMATION:** The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. The "Mandatory Guidelines for Federal Workplace Drug Testing Programs," as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance

testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

#### **HHS-Certified Instrumented Initial Testing Facilities**

Dynacare, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780-784-1190, (Formerly: Gamma-Dynacare Medical Laboratories).

#### **HHS-Certified Laboratories**

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844-486-9226.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615-255-2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center—Toxicology Laboratory, 11401 I-30, Little Rock, AR 72209-7056, 501-202-2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800-235-4890.

Dynacare,\* 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630, (Formerly: Gamma-Dynacare Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609.

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503-486-1023.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713-856-8288/800-800-2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400/800-437-4986, (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900/800-833-3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042/800-233-6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651-636-7466/800-832-3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503-413-5295/800-950-5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088, Testing for Veterans Affairs (VA) Employees Only.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661-322-4250/800-350-3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888-747-3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509-755-8991/800-541-7891x7.

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888-635-5840.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084,

800-729-6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610-631-4600/877-642-2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818-737-6370, (Formerly: SmithKline Beecham Clinical Laboratories).

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800-255-2159.

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800-442-0438.

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085, Testing for Department of Defense (DoD) Employees Only.

The following laboratory has voluntarily withdrawn from the National Laboratory Certification Program, as of January 6, 2017: Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602-438-8507/800-279-0027.

\* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on November 25, 2008 (73 FR 71858). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in



the NLCP certification maintenance program.

**Brian Makela,**  
*Chemist.*

[FR Doc. 2017-03948 Filed 2-28-17; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation 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 June 16, 2016.

**DATES:** The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on June 16, 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 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 Inspectorate America Corporation, 33 Rigby Road, South Portland, ME 04106 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. Inspectorate America Corporation 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
9 .....	Density Determination
12 .....	Calculations
17 .....	Marine Measurement

Inspectorate America Corporation 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
27-04 .....	D 95 .....	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06 .....	D 473 .....	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-11 .....	D 445 .....	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27-13 .....	D 4294 .....	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27-46 .....	D 5002 .....	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.

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](mailto: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 23, 2017.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services Directorate.*

[FR Doc. 2017-03992 Filed 2-28-17; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

#### Approval of Inspectorate America Corporation, as a Commercial Gauger

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of approval of Inspectorate America Corporation as a commercial gauger.

**SUMMARY:** Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of June 21, 2016.

**DATES:** The approval of Inspectorate America Corporation as commercial gauger became effective on June 21, 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 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 Inspectorate America Corporation, 3000 N. Main Street, Suite 1B, Baytown, TX 77251, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Inspectorate America Corporation 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.
5 .....	Metering.
7 .....	Temperature Determination.
8 .....	Sampling.
12 .....	Calculations.



API chapters	Title
14 .....	Natural Gas Fluids Measurement.
17 .....	Marine Measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is 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 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](mailto: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 23, 2017.

**Ira S. Reese,**

*Executive Director, Laboratories and Scientific Services Directorate.*

[FR Doc. 2017-03994 Filed 2-28-17; 8:45 am]

**BILLING CODE 9111-14-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R4-ES-2017-N020;  
FXES11130400000EA-123-FF04EF1000]

#### Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plans, Lake and Volusia County, FL

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comment/information.

**SUMMARY:** We, the Fish and Wildlife Service (Service), have received three applications for incidental take permits (ITPs) under the Endangered Species Act of 1973, as amended (Act), in Lake County, Florida. We request public comment on the permit applications and accompanying proposed habitat conservation plans (HCPs), as well as on our preliminary determination that the plans qualify as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statements and low-effect screening forms, which are also available for review.

**DATES:** To ensure consideration, please send your written comments by March 31, 2017.

**ADDRESSES:** If you wish to review the applications and HCPs, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

*Email:* [northflorida@fws.gov](mailto:northflorida@fws.gov). Use “Attn: Permit number TE14817C-0” for Mattamy Orlando, LLC (Postal Colony Property); “Attn: Permit number TE14818C-0” for Mattamy Orlando, LLC (Hartle Road Extension Property); and “Attn: Permit number TE14819C-0” for Duke Energy Florida, LLC.

*Fax:* Field Supervisor, (904) 731-3191, Attn: Permit number [Insert permit number].

*U.S. mail:* Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number [Insert permit number], U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

*In-person drop-off:* You may drop off information during regular business hours at the above office address.

**FOR FURTHER INFORMATION CONTACT:** Erin M. Gawera, telephone: (904) 731-3121; email: [erin\\_gawera@fws.gov](mailto:erin_gawera@fws.gov).

**SUPPLEMENTARY INFORMATION:** We, the Fish and Wildlife Service (Service), have received three applications for incidental take permits (ITPs) under the Endangered Species Act of 1973, as amended (Act). Mattamy Orlando, LLC (Postal Colony Property) requests a 5-year ITP; Mattamy Orlando, LLC (Hartle Road Extension Property) requests a 5-year ITP; and Duke Energy Florida requests a 5-year ITP. We request public comment on the permit applications and accompanying proposed habitat conservation plans (HCPs), as well as on our preliminary determination that the plans qualify as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

#### Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the “take” of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any

such conduct” (16 U.S.C. 1532).

However, under limited circumstances, we issue permits to authorize incidental take—*i.e.*, take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act’s take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit’s proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

#### Applicants’ Proposals

*Mattamy Orlando, LLC (Postal Colony Property)*

Mattamy Orlando, LLC is requesting take of approximately .25 ac of occupied sand skink foraging and sheltering habitat incidental to installation of a water pipe trench, and they seek a 5-year permit. The .77-ac project is located north of John’s Lake Road and east of Hancock Road, along Lost Lake Road within Sections 34, Township 22 South, and Range 26 East, Lake County, Florida. The project includes installation of a water pipe trench, and the impacts are considered temporary. The applicant proposes to mitigate for the take of the sand skink by the purchase of 0.02 mitigation credits within the Hatchineha Conservation Bank or another Service-approved sand skink bank.

*Mattamy Orlando, LLC (Hartle Road Extension Property)*

Mattamy Orlando, LLC is requesting take of approximately 2.0 ac of occupied sand skink foraging and sheltering habitat incidental to construction of a road extension, and they seek a 5-year permit. The 3.7-ac project is located on parcel numbers 09-22-26-110004200000 within Sections 26 and 27, Township 22 South, Range 26 East, Lake County, Florida. The project includes construction of a road extension and the associated infrastructure, and landscaping. The applicant proposes to mitigate for the take of the sand skink by the purchase of 4.0 mitigation credits within the Hatchineha Conservation Bank or another Service-approved sand skink bank.

*Duke Energy Florida, LLC (Highbanks Substation)*

Duke Energy Florida, LLC is requesting take of approximately .48 acres (ac) of occupied scrub-jay foraging

and sheltering habitat incidental to construction of an energy substation, and they seek a 5-year permit. The 27.7-ac project site is located on parcel number 802100000012 within Section 21, Township 18 South, and Range 30 East, Volusia County, Florida. The project includes construction of a substation, access road, and transmission poles, and the associated clearing, infrastructure, and landscaping. The applicant proposes to mitigate for the take of the scrub-jay through the deposit of funds in the amount of \$15,327 to the Nature Conservancy's Conservation Fund, for the management and conservation of the Florida scrub-jay based on Service Mitigation Guidelines.

### Our Preliminary Determination

We have determined that the applicants' proposals, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in their HCPs. Therefore, we determined that the ITPs for each of the applicants are "low-effect" projects and qualify for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). A low-effect HCP is one involving (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

### Next Steps

We will evaluate the HCPs and comments we receive to determine whether the ITP applications meet the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the applications meet these requirements, we will issue ITP numbers TE14817C-0, TE14818C-0, and TE14819C-0. We will also evaluate whether issuance of the section 10(a)(1)(B) ITPs complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITPs. If the requirements are met, we will issue the permits to the applicants.

### Public Comments

If you wish to comment on the permit applications, HCPs, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, 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.

**Authority:** We provide this notice under section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: February 7, 2017.

**Jay B. Herrington,**

*Field Supervisor, Jacksonville Field Office, Southeast Region.*

[FR Doc. 2017-03969 Filed 2-28-17; 8:45 am]

**BILLING CODE 4333-15-P**

## NATIONAL INDIAN GAMING COMMISSION

### 2017 Preliminary Fee Rate and Fingerprint Fees

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the National Indian Gaming Commission has adopted its 2017 preliminary annual fee rates of 0.00% for tier 1 and 0.062% (.00062) for tier 2, which remain the same as the 2016 final fee rates. The tier 2 annual fee rate represents the lowest fee rate adopted by the Commission since 2010. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the 2017 preliminary fee rate on Class II revenues shall be 0.031% (.00031) which is one-half of the annual fee rate. The preliminary fee rates being adopted here are effective March 1, 2017, and will remain in effect until new rates are adopted.

The National Indian Gaming Commission has also adopted its 2017 preliminary fingerprint processing fees of \$18 per card. The new fees represent a \$3 decrease from the current fingerprint processing fees of \$21 per card which has been in effect since 3/1/2015. The decrease is attributable to the lower fingerprint processing fee charged by the Federal Bureau of Investigation as a result of the fee study conducted by the Department of Justice. This new fingerprint processing fees of

\$18 per card will be retroactively effective 10/1/2016. A credit of \$3 per card will be issued to all gaming operations which submitted fingerprint cards to the NIGC between 10/1/2016 and 2/28/2017.

### FOR FURTHER INFORMATION CONTACT:

Yvonne Lee, National Indian Gaming Commission, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240; telephone (202) 632-7003; fax (202) 632-7066.

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission, which is charged with regulating gaming on Indian lands.

Commission regulations (25 CFR 514) provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates and the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission. All gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations, and report and pay any fees that are due to the Commission.

Pursuant to 25 CFR 514, the Commission must also review regularly the costs involved in processing fingerprint cards and set a fee based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment costs, and postage to submit the results to the requesting tribe.

Dated: February 24, 2017.

**Jonodev O. Chaudhuri,**  
*Chairman.*

**Kathryn C. Isom-Clause,**  
*Vice Chair.*

**E. Sequoyah Simermeyer,**  
*Associate Commissioner.*

[FR Doc. 2017-03978 Filed 2-28-17; 8:45 am]

**BILLING CODE 7565-01-P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731-TA-472 (Fourth Review)]**

### Silicon Metal From China; Institution of a Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it has instituted a review

pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the antidumping duty order on silicon metal from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

**DATES:** Effective March 1, 2017. To be assured of consideration, the deadline for responses is March 31, 2017. Comments on the adequacy of responses may be filed with the Commission by May 15, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—On June 10, 1991, the Department of Commerce (“Commerce”) issued an antidumping duty order on imports of silicon metal from China (56 FR 26649). Following first five-year reviews by Commerce and the Commission, effective February 16, 2001, Commerce issued a continuation of the antidumping duty order on imports of silicon metal from China (66 FR 10669). Following second five-year reviews by Commerce and the Commission, effective December 21, 2006, Commerce issued a continuation of the antidumping duty order on imports of silicon metal from China (71 FR 76636). Following the third five-year reviews by Commerce and the Commission, effective April 20, 2012, Commerce issued a continuation of the antidumping duty order on imports of silicon metal from China (77 FR 23660). The Commission is now conducting a fourth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of

this proceeding may be found in the Commission’s Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission’s determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

**Definitions.**—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination, the Commission defined the *Domestic Like Product* as all silicon metal, regardless of grade, having a silicon content of at least 96.00 percent but less than 99.99 percent of silicon by weight, and excluding semiconductor grade silicon, corresponding to Commerce’s scope. In its full first and second five-year review determinations and its expedited third five-year review determination, the Commission defined the *Domestic Like Product* as all silicon metal, regardless of grade, corresponding to Commerce’s scope of the order.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its full first and second five-year review determinations, and its expedited third five-year review determination, the Commission defined the *Domestic Industry* as all domestic producers of silicon metal.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

**Participation in the proceeding and public service list.**—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to

participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission’s rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission’s designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.**—Pursuant to section 207.7(a) of the Commission’s rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Certification.**—Pursuant to section 207.3 of the Commission’s rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to

the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Written submissions.**—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 31, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is May 15, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 17-5-380, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations,

U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

**Inability to provide requested information.**—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

**Information To Be Provided in Response to This Notice of Institution:** As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2010.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating

income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and

cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2010, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 22, 2017.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2017-03785 Filed 2-28-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-540-541 (Fourth Review)]

### Welded Stainless Steel Pipe From Korea and Taiwan; Scheduling of an Expedited Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty orders on welded ASTM A-312 stainless steel pipe from Korea and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** *Effective Date:* February 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Michael Szustakowski ((202) 205-3169), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On February 6, 2017, the Commission determined that the domestic interested party group response to its notice of institution (81 FR 75845, November 1, 2016) of the subject five-year review was adequate and that the respondent interested party group response in each review was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.<sup>1</sup> Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

<sup>1</sup> A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**Staff report.**—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on March 8, 2017, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

**Written submissions.**—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,<sup>2</sup> and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 13, 2017 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 13, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. See 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at [https://www.usitc.gov/secretary/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will

not accept a document for filing without a certificate of service.

**Determination.**—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 23, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-03940 Filed 2-28-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-313, 314, 317, and 379 (Fourth Review)]

### Brass Sheet and Strip From France, Germany, Italy, and Japan; Institution of Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 ("the Act"), as amended, to determine whether revocation of the antidumping duty orders on brass sheet and strip from France, Germany, Italy, and Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

**DATES:** Effective March 1, 2017. To be assured of consideration, the deadline for responses is March 31, 2017. Comments on the adequacy of responses may be filed with the Commission by May 15, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the

Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On March 6, 1987, the Department of Commerce ("Commerce") issued antidumping duty orders on imports of brass sheet and strip from France, Germany, and Italy (52 FR 6995; Italy amended at 52 FR 11299, April 8, 1987). On August 12, 1988, Commerce issued an antidumping duty order on imports of brass sheet and strip from Japan (53 FR 30454). Following first five-year reviews by Commerce and the Commission, effective May 1, 2000, Commerce issued a continuation of the antidumping duty orders on imports of brass sheet and strip from France, Germany, Italy, and Japan (65 FR 25304). Following second five-year reviews by Commerce and the Commission, effective April 3, 2006, Commerce issued a continuation of the antidumping duty orders on imports of brass sheet and strip from France, Germany, Italy, and Japan (71 FR 16552). Following the third five-year reviews by Commerce and the Commission, effective April 26, 2012, Commerce issued a continuation of the antidumping duty orders on imports of brass sheet and strip from France, Germany, Italy, and Japan (77 FR 24932). The Commission is now conducting fourth reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

**Definitions.**—The following definitions apply to these reviews:

(1) **Subject Merchandise** is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

<sup>2</sup> The Commission has found the responses submitted by Bristol Metals, Felker Brothers, Marcegaglia, and Outokumpu to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

(2) The *Subject Countries* in these reviews are France, Italy, Germany, and Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original antidumping duty determinations concerning brass sheet and strip from France, Germany, and Italy, the Commission defined the *Domestic Like Product* to include brass material to be rerolled ("reroll") and finished brass sheet and strip ("finished products"). In its original antidumping duty determination and the remand determination concerning brass sheet and strip from Japan, the Commission defined the *Domestic Like Product* to be all Unified Numbering System ("UNS") C20000 domestically produced brass sheet and strip. One Commissioner defined the *Domestic Like Product* differently. In its full first, second, and third five-year review determinations, the Commission defined the *Domestic Like Product* as all UNS C20000 series brass sheet and strip, coextensive with Commerce's scope. For purposes of responding to this notice, the *Domestic Like Product* is all UNS C20000 series brass sheet and strip.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original antidumping duty determinations concerning brass sheet and strip from France, Germany, and Italy, the Commission defined the *Domestic Industry* to include primary mills with casting capabilities and rerollers. In its original antidumping duty determination and the remand determination concerning brass sheet and strip from Japan, the Commission defined the *Domestic Industry* as producers of the corresponding *Domestic Like Product*. One Commissioner defined the *Domestic Industry* differently. In its full first, second, and third five-year review determinations, the Commission defined the *Domestic Industry* to consist of the domestic producers of UNS C20000 series brass sheet and strip, including rerollers as well as basic producers. For purposes of responding to this notice, the *Domestic Industry* is all domestic producers of UNS C20000 series brass sheet and strip.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into

the United States from a foreign manufacturer or through its selling agent.

**Participation in the proceeding and public service list.**—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained

by the Secretary for those parties authorized to receive BPI under the APO.

**Certification.**—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Written submissions.**—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 31, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is May 15, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget



(OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17-5-379 expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

**Inability to provide requested information.**—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

**Information to be Provided in Response to This Notice of Institution:** If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country*; or produce *Subject Merchandise* in more than one *Subject Country*, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country*. As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which

your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2010.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar 2016, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions

(using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis,



for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2010, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Dated: February 22, 2017.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2017-03786 Filed 2-28-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

### Investigation Nos. 731-TA-624-625 (Fourth Review) Helical Spring Lock Washers From China and Taiwan: Scheduling of an Expedited Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** *Effective Date:* February 6, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Amelia Shister (202-205-2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On February 6, 2017, the Commission determined that the domestic interested party group response to its notice of institution (81 FR 75851, November 1, 2016) of the subject five-year reviews was adequate and that the respondent interested party group response in each review was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.<sup>1</sup>

<sup>1</sup> A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be

Accordingly, the Commission determined that it would conduct an expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).<sup>2</sup>

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**Staff report.**—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on March 21, 2017, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

**Written submissions.**—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,<sup>3</sup> and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 24, 2017 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by March 24, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. See 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at <https://>

available from the Office of the Secretary and at the Commission's Web site.

<sup>2</sup> Commissioner Johanson voted to conduct full reviews.

<sup>3</sup> The Commission has found the response submitted by Shakeproof to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

[www.usitc.gov/secretary/documents/handbook\\_on\\_filing\\_procedures.pdf](http://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Determination.**—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 23, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-03939 Filed 2-28-17; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On February 17, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States v. Pharmacia LLC, et al.*, Civil Action No. 99-063.

The United States filed a Third Amended Complaint in this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The United States' complaint names Pharmacia LLC, Solutia Inc., Cerro Flow Products LLC, and ExxonMobil Oil Corporation as defendants. The complaint requests recovery of oversight and other response costs that the United States incurred in connection with remedial efforts taken in Sauget Area 1 and an order requiring completion of remedial work selected in a Record of Decision for Sauget Area 1 located in Sauget, St. Clair County, Illinois. All four defendants signed the proposed Consent Decree, agreeing to pay a total of \$475,000 in response costs and complete the work, estimated to cost \$14.8 million. In return, the United States agrees not to sue the defendants

under sections 106 and 107 of CERCLA related to this work. In addition, three site owners signed the consent decree agreeing to provide access to the defendants to complete the work.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Pharmacia LLC, et al.*, D.J. Ref. No. 90-11-2-06089/5. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$58.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without Appendices B, C, and D (the Record of Decision, Statement of Work and Financial Assurances), the cost is only \$15.50.

**Randall M. Stone,**

*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment and Natural Resources Division.*

[FR Doc. 2017-03927 Filed 2-28-17; 8:45 am]

**BILLING CODE 4410-15-P**

## OFFICE OF MANAGEMENT AND BUDGET

### Proposals From the Federal Interagency Working Group for Revision of the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity

**AGENCY:** Office of Information and Regulatory Affairs, Executive Office of the President, Office of Management and Budget (OMB).

**ACTION:** Notice and request for comments.

**SUMMARY:** OMB requests comments on the proposals that it has received from the Federal Interagency Working Group for Research on Race and Ethnicity (Working Group) for revisions to OMB's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. The Working Group's report and proposals, which are presented here in brief and available on <https://www.whitehouse.gov/briefing-room/presidential-actions/related-omb-material> and on <http://www.regulations.gov> in their entirety, are the result of a two-year, focused review of the implementation of the current standards. The Working Group's report reflects an examination of current practice, public comment received in response to the **Federal Register** Notice posted by OMB on September 30, 2016, and empirical analyses of publicly available data. The report also notes statutory needs and feasibility considerations, including cost and public burden. Initial proposals and specific questions to the public appear under the section Issues for Comment. None of the proposals has yet been adopted and no interim decisions have been made concerning them. The Working Group's report and its proposals are being published to solicit further input from the public. OMB plans to announce its decision in mid-2017 so that revisions, if any, can be reflected in preparations for the 2020 Census. OMB can modify or reject any of the proposals, and OMB has the option of making no changes. The report and its proposals are published in this Notice because OMB believes that they are worthy of public discussion, and OMB's decision will benefit from obtaining the public's views on the recommendations.

**DATES:** To ensure consideration during the final decision making process, comments must be provided in writing to OMB no later than 60 days from the publication of this notice. Please be aware of delays in mail processing at

Federal facilities due to increased security. Respondents are encouraged to send comments electronically via email or via <http://www.regulations.gov>. See **ADDRESSES** below.

**ADDRESSES:** Written comments on the recommendations may be addressed to the Office of the U.S. Chief Statistician, Office of Information and Regulatory Affairs, Office of Management and Budget, 9th Floor, 1800 G St. NW., Washington, DC 20503. You may also send comments or questions via email to [Race-Ethnicity@omb.eop.gov](mailto:Race-Ethnicity@omb.eop.gov) or to <http://www.regulations.gov>, a Federal Web site that allows the public to public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type “OMB-2016-0008” in the Comment or Submission search box, click Go, and follow the instructions for submitting comments.

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

**Electronic Availability:** This document is available on the Internet on the OMB Web site at: <https://www.whitehouse.gov/briefing-room/presidential-actions/related-omb-material> and on <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Park, Senior Advisor to the U.S. Chief Statistician, 1800 G St., 9th Floor, Washington, DC 20503, email address: [Race-Ethnicity@omb.eop.gov](mailto:Race-Ethnicity@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

To operate efficiently and effectively, the Nation relies on the flow of objective, credible statistics to support the decisions of individuals, households, governments, businesses, and other organizations. Any loss of trust in the accuracy, objectivity, or integrity of the Federal statistical system and its products causes uncertainty about the validity of measures the

Nation uses to monitor and assess its performance, progress, and needs by undermining the public's confidence in the information released by the Government. A number of Federal legislative and executive actions, informed by national and international practice, have been put into place to maintain public confidence in Federal statistics.

Accordingly, in its role as coordinator of the Federal statistical system under the Paperwork Reduction Act (<https://www.reginfo.gov/public/reginfo/prra.pdf>), OMB, among other responsibilities, is required to ensure the efficiency and effectiveness of the system as well as the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes. OMB is also charged with developing and overseeing the implementation of Government-wide principles, policies, standards, and guidelines concerning the development, presentation, and dissemination of statistical information.

For example, *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units* (<https://www.gpo.gov/fdsys/pkg/FR-2014-12-02/pdf/2014-28326.pdf>) provides a unified framework of Federal statistical agency responsibilities in the production of relevant, accurate, and objective statistical products while maintaining the trust of data providers and users. *Statistical Policy Directive No. 2: Standards and Guidelines for Statistical Surveys* and accompanying addenda ([https://www.whitehouse.gov/sites/default/files/omb/inforeg/statpolicy/standards\\_stat\\_surveys.pdf](https://www.whitehouse.gov/sites/default/files/omb/inforeg/statpolicy/standards_stat_surveys.pdf)) provide overarching, technical standards and guidelines to be used by Federal agencies when preparing statistical products. OMB's established, independent process for preparing statistical policy directives includes Federal technical evaluation, public comment, and expert statistical analysis.

The *Federal Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* ([https://www.whitehouse.gov/omb/fedreg\\_1997standards](https://www.whitehouse.gov/omb/fedreg_1997standards)) are another such example of OMB standards developed using this established, independent process. These current standards were developed in cooperation with Federal agencies to provide consistent and comparable data on race and ethnicity throughout the Federal government for an array of statistical and administrative programs. Development of these Federal data standards stemmed in large measure from new responsibilities to enforce civil rights laws. Data were

needed to monitor equal access to housing, education, employment opportunities, etc., for population groups that historically had experienced discrimination and differential treatment because of their race or ethnicity. The standards are used not only in the decennial census (which provides the “denominator” for many measures), but also in household surveys, on administrative forms (e.g., school registration and mortgage lending applications), and in medical and other research.

In brief, the standards provide a minimum set of categories for data on race and ethnicity that Federal agencies must use if they intend to collect information on race and ethnicity. The standards do not prohibit Federal agencies from collecting more detailed race/ethnicity data. Collection of more detailed information is encouraged by the standards, provided that any additional categories can be aggregated within the minimum standard set if necessary to facilitate comparison of data generated from information collections of varying detail. Self-identification is the preferred means of obtaining information about an individual's race and ethnicity, except in instances where observer identification is the only, or most feasible collection mode (e.g., completing a death certificate). Where self-identification is practicable, individuals are encouraged to select as many categories as they deem to be appropriate in describing themselves. Specifically, the current standards state: “Respect for individual dignity should guide the processes and methods for collecting data on race and ethnicity; ideally, respondent self-identification should be facilitated to the greatest extent possible, recognizing that in some data collection systems observer identification is more practical.”

The categories developed represent a socio-political construct designed to be used in the self-reported or observed collection of data on the race and ethnicity of major broad population groups in this country, and are not genetically-, anthropologically-, or scientifically-based. The categories in the standards do not identify or designate certain population groups as “minority groups.” As the standards explicitly state, these categories are not to be used for determining the eligibility of population groups for participation in any Federal programs.

**B. Review Process**

To maintain the relevance and accuracy of Federal statistics, OMB, in its role coordinating the Federal

statistical system through the authority provided in the Paperwork Reduction Act, undertakes periodic reviews of its Federal statistical standards. Since the 1997 revision of Federal race/ethnicity standards, much has been learned about their implementation. Over this same time span, the U.S. population has continued to become more racially and ethnically diverse. In accordance with good statistical practice, several Federal agencies have conducted methodological research to better understand how use of the revised standards informs the quality of Federal statistics on race and ethnicity.

In 2014, OMB formed the Working Group to exchange research findings, identify implementation issues, and collaborate on a shared research agenda to improve Federal data on race and ethnicity. The Working Group comprises representatives from ten Cabinet departments and three other agencies engaged in the collection or use of Federal race and ethnicity data.

Through its systematic review of the implementation of the 1997 revision and stakeholder feedback, the Working Group identified four particular areas where further revisions to the standards might improve the quality of race and ethnicity information collected and presented by Federal agencies. Specifically, these four areas were:

1. The use of separate questions versus a combined question to measure race and ethnicity and question phrasing as a solution to race/ethnicity question nonresponse;
2. The classification of a Middle Eastern and North African (MENA) group and distinct reporting category;
3. The description of the intended use of minimum reporting categories; and
4. The salience of terminology used for race and ethnicity classifications and other language in the standard.

Within the Working Group, Subgroups were formed to identify areas for possible revision; review public comments regarding areas identified; conduct empirical analyses of potential improvements; and consider statutory requirements and anticipated public burden and cost. The Subgroups were charged with preparing initial proposals for consideration by the Working Group as a whole, and, subsequently, by OMB. Each Subgroup was comprised of Federal statisticians and/or Federal policy analysts. Several agencies were represented in each Subgroup, and Subgroup co-chairs facilitated work processes. Each Subgroup prepared its analysis plan; these were simultaneously shared and discussed across the Working Group.

On September 30, 2016, OMB issued a notice in the **Federal Register** ([www.regulations.gov/document?D=OMB-2016-0002-0001](http://www.regulations.gov/document?D=OMB-2016-0002-0001)) announcing its review and requesting public comment on the areas identified by the Working Group where revision to the current standards might improve the quality of Federal data on race and ethnicity. Specifically, comments were requested on: (1) The adequacy of the current standards in the areas identified for focused review; (2) specific suggestions for the identified areas that have been offered; and (3) principles that should govern any proposed revisions to the standards in the identified areas.

After careful review of the 3,750 public comments received, as well as other stakeholder engagement; analysis of publicly available empirical data and cognitive testing results; and consideration of statutory needs, operational feasibility, cost and public burden; the Working Group developed an interim report and now seeks further public comment. The review process and findings are described in detail in the report (LINK). In some cases, initial proposals are also offered.

### C. Issues for Comment

With this notice, OMB requests comments on proposals presented in the interim report of the Federal Interagency Working Group for Research on Race and Ethnicity for revisions to OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*. These proposals and requests for further public comment appear in the final chapter of the Working Group's report (LINK) and are presented here for ease of reference. Note that these are issues presented by each separate Subgroup and do not necessarily represent a consensus of the entire Working Group as a whole. The Working Group will continue to deliberate and take into consideration comments received from the public before making final proposals for OMB's consideration.

#### 1. Questionnaire Format and Nonresponse

(a) *Initial Plans*: The Subgroup plans to continue its review of current Federal agency practices to determine whether or how a revised question format might improve the collection, tabulation, and utility of race/ethnicity statistics for Federal programs and policies. From this review, the Subgroup plans to prepare (initial) proposals for consideration.

(b) *Request for Public Comment*: The Subgroup's review of current agency

practices to collect and report data on race/ethnicity has identified challenges faced by some agencies with the implementation of the current standards. The Subgroup also identified challenges anticipated if the current standards were revised from a Separate Questions format to a Combined Question format. The public comments received to date also articulated both of these concerns, with the public generally noting that a Combined Question approach resonates with personal conceptions of race/ethnicity. (That is, most commentators thought there was no basis to distinguish between race and ethnicity.) However, concerns were also raised regarding the anticipated operational feasibility and cost for implementing this change, particularly among Federal commentators. Analyses to date suggested that collecting these data using a Combined Question may improve information quality for some respondents in some information collections. However, these results may apply most readily to self-reported collections conducted by the U.S. Census Bureau, whose data collection and data coding procedures differ from those used by other Federal agencies due to a Congressional requirement particular to Census (See H.R. 2562, 2005–2006). Further, the results do not seem to generalize easily to the collection of race/ethnicity through administrative records—a method on which many Federal agencies rely heavily. Administrative record data collections, which are used more routinely to generate Federal statistics, rely on complementary data collections by administrative units, which add to the complexity of making changes to the racial and ethnic classifications. In effect, each of the individual administrative units must implement the revised categories. In some cases, this implementation may be within systems relying on the same record systems, such in the cases of schools within a district or state. In other cases, changes to administrative record systems may require changing procedures for large numbers of individual institutions, businesses, or organizations. It is clear, however, that both the magnitude and scope of anticipated benefits and costs must be considered.

Therefore, to assist in its deliberations, the Subgroup requests public comment on the following questions. Thinking about how information is *collected*:

1. What factors should be considered when evaluating anticipated information quality? Should both

magnitude and scope (that is, the majority of collections) be considered? Should magnitude of the improved information outweigh the scope of the improved change, or vice versa? What amount of improvement would be considered meaningful? How should an improvement in data quality in some Federal data systems be balanced against decreased data quality in other systems?

2. What factors should be considered when evaluating anticipated feasibility? Should burden to local, State, and Federal agencies be considered? What amount of cost spent to augment systems and labor hours used to implement changes would caution against implementing a change? How should potential lags in data delivery be weighed?

3. What factors should be considered when evaluating anticipated cost of implementing a change? Should costs be weighed differently when experienced at a local, State, or Federal level? How should the costs of improving or failing to improve information quality be considered?

4. When considering information quality, feasibility, and cost, how should benefits and costs be weighed? In which cases would information quality outweigh feasibility and cost concerns? In which cases would feasibility and cost concerns outweigh information quality?

## 2. Classification of Middle Eastern or North African Race/Ethnicity

(a) *Initial Proposal*: The Subgroup proposes that a Middle Eastern or North African (MENA) classification be added to the standards. The classification for the Middle Eastern and North African population should be geographically based. The MENA classification should be defined as: “A person having origins in any of the original peoples of the Middle East and North Africa. This includes, for example, Lebanese, Iranian, Egyptian, Syrian, Moroccan, Israeli, Iraqi, Algerian, and Kurdish.”<sup>1</sup>

The Subgroup bases this initial recommendation on public comment and analyses to date. During the public comment process for the 1997 standards, OMB received a number of

requests to add an ethnic category for Arabs and Middle Easterners to the minimum collection standards. OMB heard those requests and encouraged further research on how to collect and improve data on the Arab and Middle Easterner population. Since that time, research has continued and, with the benefit of quantitative and qualitative information collections conducted by the Census Bureau as well as public comment and stakeholder engagement, the results have overwhelmingly supported the classification of a MENA category. (See Interim Report.)

Last, findings from the Census Bureau’s 2015 Forum on Ethnic Groups from the Middle East and North Africa (<http://www.census.gov/library/working-papers/2015/demo/2015-MENA-Experts.html>) and a review of public comments on *Proposed Information Collection; Comment Request; 2015 National Content Test* (12/2/2014) found that some experts and stakeholders believe that a classification of this population should be geographically based.

(b) *Request for Public Comment*: However, some questions remain. Some of the groups proposed for inclusion under a MENA classification were also ethnoreligious groups. A challenge to ethnicity measurement can be the intersection of ethnicity with religious affiliation. The race/ethnicity standards are not intended to measure religion (see Pub. L. 94–521), and it is unclear how to address inclusion of ethnoreligious groups while clearly maintaining the intent and use of the resulting measure as not indicating religion. Further, although the great majority of public comments received on the measurement of MENA supported an additional, required minimum reporting category, the cost and burden of requiring this additional reporting category when race/ethnicity is measured across the Federal government is unclear.

1. If MENA were collected as a separate reporting category, assuming that separate race/ethnicity questions continue to be the standard, should MENA be considered an ethnicity or a race? [Note that, in either case, respondents still will be able to report more than one.]

2. Beyond potentially establishing a specification of a MENA classification (*i.e.*, a description of the national origins and populations that would be included as MENA), the IWG is also researching the potential establishment of MENA as a separate required minimum reporting category. Should the MENA category be a required minimum reporting category

that is separate from the White minimum reporting category?

3. Outreach conducted with the Israeli American Council and Jewish American organizations indicates that persons of Ashkenazi, Mizrahi, and Sephardi origin do not wish to be included in the MENA category, as these ethnicities directly identify persons as Jewish. Moreover, experts at the Census Bureau’s 2015 Forum on Ethnic Groups from the Middle East and North Africa expressed that those who identify as Assyrian, Chaldean, Coptic, or Druze would like to be included in a MENA category. We ask for public comment regarding the following question: Which, if any, specific ethnoreligious groups should be included in a MENA classification?

4. The Subgroup has also observed from initial feedback that the definition of MENA may be misunderstood to include only persons who are foreign born. Our intention is that a MENA category, should it be adopted, would include persons of MENA origins, regardless of country of birth. We are interested in receiving feedback as to how to best communicate this to respondents.

5. What is the estimated cost and public burden associated with requiring an additional reporting category for MENA across Federal information collections? Given the estimated size of the MENA group, would a separate reporting category allow reporting of statistically reliable estimates? Would the size of the MENA group present confidentiality or privacy concerns? How should the anticipated improvement in information quality be weighed against anticipated feasibility and cost if the additional reporting category were encouraged? If it were required?

## 3. Additional Minimum Reporting Categories

The initial review of the 1997 standards did not identify additional, minimum reporting categories for detailed race/ethnicity groups as an element for evaluation. However, during the public comment period for September 30, 2016’s **Federal Register** Notice, the Working Group received more than 1,200 comments expressing the need for further disaggregated data for Asian communities and Native Hawaiian or Other Pacific Islander communities. Other comments express a similar need for disaggregated data, including 10 comments advocating for the disaggregation of the “Black or African American” category.

(a) *Initial Proposal*: Based on public comment and Federal agency input

<sup>1</sup> The rationale for using these examples is to include the two largest Middle Eastern Arab nationalities (Lebanese and Syrian), the two largest North African Arab nationalities (Egyptian and Moroccan), and the two largest non-Arab nationalities within the Middle Eastern/North African region (Iranian and Israeli) as the first six examples. This is followed by the next largest Middle Eastern Arab nationality (Iraqi), the next largest North African Arab nationality (Algerian); as well as an example of a transnational, non-Arab group (Kurdish).

received to date, the Subgroup proposes that OMB issue specific guidelines for the collection of detailed data for American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, and White groups for self-reported race and ethnicity collections. By providing these guidelines, consistent collection of detailed race and ethnicity data will be supported across Federal agencies. Such direction would *not* be applied to the collection of observed race/ethnicity, since the accuracy at such a detailed level would be a concern in this form of reporting. Further, the Subgroup plans to consider under what other conditions detailed data should not be collected. However, the Subgroup plans to continue its deliberations as to whether OMB should require or, alternatively, strongly support but *not* require Federal agencies to collect detailed data.

1. The Subgroup proposes that OMB issue specific guidelines for the collection of detailed race and ethnicity data for collections that are self-reported.

(b) *Request for Public Comment:* The Subgroup requests public comments on the guidelines that should be provided for collecting detailed race and ethnicity data. Additionally, to evaluate whether or not the reporting of detailed categories should be required, or if such reporting should be strongly encouraged but *not* required, additional information is needed. The Subgroup recognizes that collecting detailed race and ethnicity data likely would impose a substantial cost on Federal agencies, State and local agencies, and private sector entities and burden on the public. Therefore, the Subgroup requests public comment on the consideration that should be given to evaluate the value of improved information quality taking into account anticipated cost and public burden. Specifically, the Subgroup seeks public comment on the following questions:

1. If issuing specific guidelines for the collection of detailed *American Indian or Alaska Native* race and ethnicity data, should OMB adopt the 2015 National Content Test (NCT) method, which includes separately Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village or Barrow Inupiat Traditional Government, and Nome Eskimo Community? If not, how should OMB select the detailed race and ethnicity categories?

2. If issuing specific guidelines for the collection of detailed *Asian* race and ethnicity data, should OMB adopt the 2010 Decennial Census and NCT format, which includes separately Chinese,

Filipino, Asian Indian, Vietnamese, Korean, Japanese, and an “other Asian” category? <sup>2</sup> If not, how should OMB select the detailed Asian race and ethnicity categories?

3. If issuing specific guidelines for the collection of detailed *Black or African American* race and ethnicity data, should OMB adopt the NCT format, which includes separately African American, Jamaican, Haitian, Nigerian, Ethiopian, and Somali? If not, how should OMB select the detailed race and ethnicity categories?

4. If issuing specific guidelines for the collection of detailed *Hispanic or Latino* race and ethnicity data, should OMB adopt the NCT format, which includes separately Mexican or Mexican American, Puerto Rican, Cuban, Salvadoran, Dominican, and Colombian? If not, how should OMB select the detailed race and ethnicity categories?

5. If issuing specific guidelines for the collection of detailed *Native Hawaiian or Other Pacific Islanders* race and ethnicity data, should OMB adopt the 2010 Decennial Census format, which includes separately Native Hawaiian, Chamorro,<sup>3</sup> Samoan, and an “other Pacific Islander” category? Should it use the NCT format, which includes separately Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese? If neither of these, how should OMB select the detailed Native Hawaiian or Other Pacific Islander race and ethnicity categories?

6. If issuing specific guidelines for the collection of detailed *White* race and ethnicity data, should OMB adopt the NCT format, which includes separately German, Irish, English, Italian, Polish, and French? <sup>4</sup> If not, how should OMB select the detailed race and ethnicity categories?

7. What burden and cost would a Federal *requirement* to collect detailed race and ethnicity data place on Federal agencies, State and local agencies,

<sup>2</sup> The checkboxes used in Census 2010 were Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, and Other Asian with five additional examples of Hmong, Laotian, Thai, Pakistani, and Cambodian.

<sup>3</sup> In the 1997 standards, the actual OMB standards used the term Guam, not Guamanian. Census 2010 featured the following checkboxes: Native Hawaiian, Guamanian or Chamorro, Samoan; and provided the following examples listed for other NHPI: Fijian and Tongan. Since Census 2010, based on feedback received by members of the Native Hawaiian or Other Pacific Islander community, Census no longer includes the term Guamanian in its collections.

<sup>4</sup> These are the examples used when MENA was included in NCT questionnaires. When MENA was not included in NCT questionnaires, the examples are as follows: German, Irish, English, Italian, Lebanese, and Egyptian.

private sector entities and the public? How should this burden and cost be weighed against any anticipated improvement in information quality?

8. Should Federal agencies be *required* to *collect* detailed race and ethnicity data even when such data could not be responsibly *reported* due to statistical reliability and confidentiality concerns? If so, in which cases? What factors should be considered?

9. If OMB were to strongly *encourage*, but *not* require, collection of detailed race and ethnicity data by Federal agencies, how likely are Federal agencies to adopt collection of detailed race and ethnicity data?

10. If OMB were to strongly *encourage*, but *not* require, collection of detailed race and ethnicity data by Federal agencies, what criteria should be used to encourage and evaluate conformance with such guidance?

#### 4. Relevance of Terminology

##### (a) Initial Proposals:

1. The Subgroup proposes no changes be made to the current standards to specifically incorporate the following geographic locations into any existing race or ethnicity category: Australian (including the original people of Australia/the Aborigines), Brazilian, Cape Verdean, New Zealander, and Papua New Guinean. This proposal takes into account the low prevalence of these geographic locations appearing as write-in responses according to the research presented above.

2. Based on its analyses to date, the Subgroup proposes more research and public input be conducted to enable a more complete consideration of adding more specific South or Central American subgroups to the current description of the American Indian or Alaska Native (AIAN) category in order to improve identification with the reporting category.

3. The Subgroup proposes that the duplicate initial mention of “Cuban” be deleted in the definition of “Hispanic or Latino” so that the listing is presented according to population size. The Subgroup also considered whether the current ordering of the classification listing should be updated to reflect current population size. As a next step, the Subgroup plans to apply this rationale to the classification listing and determine the magnitude and benefit of any resulting changes. The results of this analysis are intended to be shared with the public.

4. The Subgroup proposes that the term “Negro” be removed from the standards. Further, the Subgroup recommends that the term “Far East” be removed from the current standards.

5. The Subgroup also proposes that OMB provide guidance to Federal agencies that race/ethnicity coding procedures be documented and made publicly available, as this would allow greater transparency and promote further consistency in Federal data collections.

6. The Subgroup proposes further clarifying the standards to indicate the classification is not intended to be genetically based, nor based on skin color. Rather, the goal of standards is to provide guidelines for the Federal measurement of race/ethnicity as a social construct and therefore inform public policy decisions.

(b) *Request for Public Comment:* The Subgroup also considered whether referring to Black or African American as the “principal minority race” is still relevant, meaningful, accurate, and acceptable. Given that many of the groups classified as racial and ethnic minorities have experienced institutionalized or State-sanctioned discrimination as well as social disadvantage and oppression, many consider it to be important to continue identifying the principal minority group in Federal data collections and reporting systems. However, it is not clear if the referent groups should change given changing demographics.

1. Should Hispanic or Latino be among the groups considered among “principal minorities”? Would alternative terms be more salient (e.g., “principal minority race/ethnicity”) Hispanic or Latino usually is considered an ethnicity while “minority” is usually used when referencing race.

The overall goal of the standards’ review is to ensure the quality of information that is used to inform Federal policy, without imposing undue burden on the public. Comments are requested on any aspect of the Working Group’s proposals. When evaluating the proposals, readers may wish to refer to the set of general principles used by Working Group members to govern its review (enumerated in Section 1 of the Working Group’s interim report)—a process that has attempted to balance statistical issues, data needs, and social concerns. We recognize these principles may in some cases represent competing goals for the standards. For example, having categories that are comprehensive in the coverage of our Nation’s diverse population (Principle 4) and that would facilitate self-identification (Principle 2) may not be operationally feasible in terms of the burden that would be placed upon respondents and the public and private costs that would be associated with implementation (Principle 8).

## D. Conclusion

This Notice affords a second opportunity for the public to comment on the interim progress of the Working Group. None of the proposals has been adopted and no interim decisions have been made concerning them. OMB can modify or reject any of the proposals, and OMB has the option of making no changes. The report and its proposals are published in this Notice because OMB believes that they are worthy of public discussion, and OMB’s decision will benefit from obtaining the public’s views on the recommendations. OMB plans to announce its decision in spring 2017 so that revisions, if any, can be reflected in preparations for the 2020 Census.

**Dominic J. Mancini,**

*Acting Administrator, Office of Information and Regulatory Affairs.*

[FR Doc. 2017–03973 Filed 2–28–17; 8:45 am]

**BILLING CODE P**

## NATIONAL SCIENCE FOUNDATION

### Large Scale Networking (LSN)—Joint Engineering Team (JET)

**AGENCY:** The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), National Science Foundation.

**ACTION:** Notice of meetings.

**FOR FURTHER INFORMATION CONTACT:** Dr. Grant Miller at [miller@nitrd.gov](mailto:miller@nitrd.gov) or (703) 292–4873.

**DATES:** The JET meetings are held on the third Tuesday of each month (January 2017–December 2017, 12:00 a.m.–2:00 p.m., at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx and/or Teleconference participation is available for each meeting. Please reference the JET Web site for updates. Further information about the NITRD may be found at: <http://www.nitrd.gov/>.

**SUMMARY:** The JET, established in 1997, provides for information sharing among Federal agencies and non-Federal participants with interest in high performance research networking and networking to support science applications. The JET reports to the Large Scale Networking (LSN) Interagency Working Group (IWG). The agendas, minutes, and other meeting materials and information can be found on the JET Web site at: [https://](https://www.nitrd.gov/nitrdgroups/index.php?title=Joint_Engineering_Team_(JET))

[www.nitrd.gov/nitrdgroups/index.php?title=Joint\\_Engineering\\_Team\\_\(JET\)](http://www.nitrd.gov/nitrdgroups/index.php?title=Joint_Engineering_Team_(JET)).

**Public Comments:** The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to [jet-comments@nitrd.gov](mailto:jet-comments@nitrd.gov). Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the JET Web site.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on February 23, 2017.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2017–03935 Filed 2–28–17; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Nature McGinn, ACA Permit Officer, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: [ACApermits@nsf.gov](mailto:ACApermits@nsf.gov).

**SUPPLEMENTARY INFORMATION:** On December 27, 2016, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on January 26, 2017 to: Daniel McGrath, Permit No. 2017–037.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Office of Polar Programs.*

[FR Doc. 2017–03933 Filed 2–28–17; 8:45 am]

**BILLING CODE 7555–01–P**



**NATIONAL SCIENCE FOUNDATION****Faster Administration of Science and Technology Education and Research (FASTER) Community of Practice (CoP)**

**AGENCY:** The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO).

**ACTION:** Notice of meetings.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fouad Ramia at [ramia@nitrd.gov](mailto:ramia@nitrd.gov) or (703) 292-4873.

*Date/Location:* The FASTER CoP meetings will be held monthly (January 2017–December 2017) at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx and/or Teleconference participation is available for each meeting. Please reference the FASTER CoP Web site for meeting dates and times. Further information about the NITRD may be found at: <http://www.nitrd.gov/>.

*Faster Web site:* The agendas, minutes, and other meeting materials and information can be found on the FASTER Web site at: <https://www.nitrd.gov/nitrdgroups/index.php?title=FASTER>.

**SUMMARY:** The goal of the FASTER CoP is to enhance collaboration and accelerate agencies' adoption of advanced IT capabilities developed by Government-sponsored IT research. FASTER, seeks to accelerate deployment of promising research technologies; share protocol information, standards, and best practices; and coordinate and disseminate technology assessment and testbed results.

*Public Comments:* The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to [Faster-comments@nitrd.gov](mailto:Faster-comments@nitrd.gov). Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the FASTER CoP Web site.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development

(NITRD) National Coordination Office (NCO) on February 23, 2017.

**Suzanne H. Plimpton,**  
*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2017-03941 Filed 2-28-17; 8:45 am]

**BILLING CODE 7555-01-P**

**NATIONAL SCIENCE FOUNDATION****Large Scale Networking (LSN)—Middleware and Grid Interagency Coordination (MAGIC) Team**

**AGENCY:** The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO).

**ACTION:** Notice of meetings.

**FOR FURTHER INFORMATION CONTACT:** Dr. Grant Miller at [miller@nitrd.gov](mailto:miller@nitrd.gov) or (703) 292-4873.

**DATES:** The MAGIC Team meetings are held on the first Wednesday of each month, 12:00 p.m.–2:00 p.m., at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx and/or Teleconference participation is available for each meeting. Please reference the MAGIC Team Web site for updates. Further information about the NITRD may be found at: <http://www.nitrd.gov/>.

**SUMMARY:** The MAGIC Team, established in 2002, provides a forum for information sharing among Federal agencies and non-Federal participants with interests and responsibility for middleware, Grid, and cloud projects. The MAGIC Team reports to the Large Scale Networking (LSN) Interagency Working Group (IWG). The agendas, minutes, and other meeting materials and information can be found on the MAGIC Web site at: [https://www.nitrd.gov/nitrdgroups/index.php?title=Middleware\\_And\\_Grid\\_Interagency\\_Coordination\\_\(MAGIC\)](https://www.nitrd.gov/nitrdgroups/index.php?title=Middleware_And_Grid_Interagency_Coordination_(MAGIC)).

*Public Comments:* The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to [magic-comments@nitrd.gov](mailto:magic-comments@nitrd.gov). Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the MAGIC Team Web site.

Submitted by the National Science Foundation in support of the Networking and Information

Technology Research and Development (NITRD) National Coordination Office (NCO) on February 23, 2017.

**Suzanne H. Plimpton,**  
*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2017-03942 Filed 2-28-17; 8:45 am]

**BILLING CODE 7555-01-P**

**NATIONAL TRANSPORTATION SAFETY BOARD****Sunshine Act Meeting; Agenda**

**TIME AND DATE:** 9:30 a.m., Tuesday, March 14, 2017.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

**STATUS:** The one item is open to the public.

**MATTERS TO BE CONSIDERED:**

56342 Highway Accident Report—*Motorcoach Collision With Crash Attenuator in Gore Area, US Highway 101, San Jose, California, January 19, 2016.*

**NEWS MEDIA CONTACT:** Telephone: (202) 314-6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314-6305 or by email at [Rochelle.McCallister@ntsb.gov](mailto:Rochelle.McCallister@ntsb.gov) by Wednesday, March 8, 2017.

The public may view the meeting via a live or archived webcast by accessing a link under "News & Events" on the NTSB home page at [www.nts.gov](http://www.nts.gov).

Schedule updates, including weather-related cancellations, are also available at [www.nts.gov](http://www.nts.gov).

**FOR FURTHER INFORMATION CONTACT:**

Candi Bing at (202) 314-6403 or by email at [bingc@ntsb.gov](mailto:bingc@ntsb.gov).

**FOR MEDIA INFORMATION CONTACT:** Eric Weiss at (202) 314-6100 or by email at [eric.weiss@ntsb.gov](mailto:eric.weiss@ntsb.gov).

Dated: Friday, February 24, 2017.

**Candi R. Bing,**

*Federal Register Liaison Officer.*

[FR Doc. 2017-04029 Filed 2-27-17; 11:15 am]

**BILLING CODE 7533-01-P**

**NUCLEAR REGULATORY COMMISSION**

[NRC-2017-0001]

**Sunshine Act Meeting Notice**

**DATES:** Weeks of February 27, March 6, 13, 20, 27, April 3, 2017.



**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of February 27, 2017**

*Wednesday, March 1, 2017*

10:00 a.m. Briefing on NRC International Activities (Closed Ex. 1 & 9).

*Thursday, March 2, 2017*

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting) (Contact: Soly Soto; 301-415-7528).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of March 6, 2017—Tentative**

There are no meetings scheduled for the week of March 6, 2017.

**Week of March 13, 2017—Tentative**

There are no meetings scheduled for the week of March 13, 2017.

**Week of March 20, 2017—Tentative**

*Thursday, March 23, 2017*

9:00 a.m. Hearing on Combined Licenses for North Anna Nuclear Plant, Unit 3: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting), (Contact: James Shea; 301-415-1388).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

*Friday, March 24, 2017*

10:00 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1).

**Week of March 27, 2017—Tentative**

There are no meetings scheduled for the week of March 27, 2017.

**Week of April 3, 2017—Tentative**

*Tuesday, April 4, 2017*

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting), (Contact: Paul Michalak; 301-415-5804).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

*Thursday, April 6, 2017*

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting), (Contact: Mark Banks; 301-415-3718).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

\* \* \* \* \*

The schedule for Commission meetings is subject to change on short

notice. For more information or to verify the status of meetings, contact Denise McGovern at 301-415-0981 or via email at [Denise.McGovern@nrc.gov](mailto:Denise.McGovern@nrc.gov).

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0739, by videophone at 240-428-3217, or by email at [Kimberly.Meyer-Chambers@nrc.gov](mailto:Kimberly.Meyer-Chambers@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email [Brenda.Akstulewicz@nrc.gov](mailto:Brenda.Akstulewicz@nrc.gov) or [Patricia.Jimenez@nrc.gov](mailto:Patricia.Jimenez@nrc.gov).

Dated: February 24, 2017.

**Denise L. McGovern,**  
Policy Coordinator, Office of the Secretary.

[FR Doc. 2017-04028 Filed 2-27-17; 11:15 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80093; File No. SR-BX-2017-010]

### Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Port-Related Fees at Rules 7015 and 7016(a) To Eliminate Prorated Billing

February 23, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 9, 2017, NASDAQ BX, Inc. ("BX" 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 port-related fees at Rules 7015 and 7016(a) to eliminate prorated billing.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqbx.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<sup>3</sup> is to harmonize the billing practices for subscription to BX ports and other services provided under Rules 7015<sup>4</sup> and 7016(a)<sup>5</sup> with those of the BX Options Market by no longer applying a prorated fee for subscriptions that are effective other than the first of any given month.<sup>6</sup> The Exchange does not prorate BX Options Market

<sup>3</sup> The Exchange initially filed the proposed pricing changes on February 1, 2017 (SR-BX-2017-003). On February 9, 2017, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> Rule 7015 is titled "Ports and other Services" and provides the options for connecting to the BX equity market together with the fees associated with such connectivity.

<sup>5</sup> Rule 7016(a) concerns the fees assessed for Pre-trade Risk Management service ports. Pre-trade Risk Management provides Members with the ability to set a wide range of parameters for orders to facilitate pre-trade protection for FIX, Rash, OUCH and FLITE ports.

<sup>6</sup> See BX Options Market Rules Chapter XV, Section 3(b).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

connectivity subscriptions; thus, Options Participants<sup>7</sup> are assessed a full month's fee for a connectivity subscription if they direct the Exchange to make the subscribed connectivity live on any day of the month, including the last day thereof. The Exchange notes that the NASDAQ PHLX does not prorate port connectivity under both its equity and options rules.<sup>8</sup>

Currently, connectivity on BX's equity market under Rules 7015 and 7016(a) is prorated based on the day that it is activated, with the BX Member<sup>9</sup> only fee liable for the remaining days of the partial month. The Exchange has found that prorating billing has resulted in complexity and increased costs associated with the billing process. As a consequence, the Exchange is harmonizing the billing process with that of the Exchange's Options market and is not permitting prorated billing effective February 1, 2017.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>10</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>11</sup> 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 discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that elimination of prorated fees under Rules 7015 and 7016(a) is reasonable because it will reduce complexity and costs associated with the billing process, and will harmonize it with the process applied to Options Participants. As noted above, Members are currently able to choose when they want a new connectivity subscription to become effective and thus make the determination of when they wish to become fee liable. Members will continue to choose when they become fee liable under the proposed change, but now the Exchange will assess the full month's fee regardless of when the port is subscribed. Thus, Members must weigh whether subscription to a service covered by the rules for less than a full month is worth the full monthly fee.

The Exchange believes that elimination of prorated fees under Rules 7015 and 7016(a) is an equitable allocation and is not unfairly discriminatory because it will apply to all new subscribers to the port-related services under Rules 7015 and 7016(a), who are free to choose the date on which their subscription becomes active and thus fee liable. Moreover, the Exchange believes the proposed change is an equitable allocation and is not unfairly discriminatory because it will harmonize the billing process with that of the BX Options Market. Thus, the Exchange will apply the same process to both its Options Participants and Equities Members.

## 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 this instance, although eliminating prorated fees for subscriptions under the rules may result in an increase in fees for new subscriptions to the extent a Member determines to subscribe to a service under Rules 7015 or 7016(a) on a day other than the first day of a given month, the Exchange notes that it is doing so to both simplify the process and harmonize it with the process applied to the Exchange's Options Participants. Moreover, Members may choose the day on which such services become effective and may therefore choose the first day of a month, which would result in no fee increase. Last, the proposed change does not impose a burden on competition because the Exchange's services are completely voluntary and subject to extensive

competition both from other exchanges and from off-exchange venues. 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.

## 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.<sup>12</sup>

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](mailto:rule-comments@sec.gov). Please include File Number SR-BX-2017-010 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-BX-2017-010. This file number should be included on the subject line if email is used. To help the

<sup>7</sup> As defined by BX Options Market Rules Chapter I, Section 1(a)(41).

<sup>8</sup> See Securities Exchange Act Release No. 78665 (August 24, 2016), 81 FR 59693 (August 30, 2016) (SR-PHLX-2016-85) (eliminating prorated billing as applied to PSX ports under Access Services Fees).

<sup>9</sup> As defined by Rule 0120(i).

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>12</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

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-BX-2017-010 and should be submitted on or before March 22, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-03908 Filed 2-28-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80097; File No. SR-NYSEMKT-2016-103]

### Self-Regulatory Organizations; NYSE MKT LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Allowing the Exchange To Trade, Pursuant to Unlisted Trading Privileges, Any NMS Stock Listed on Another National Securities Exchange; Establishing Rules for the Trading Pursuant to UTP of Exchange-Traded Products; and Adopting New Equity Trading Rules Relating to Trading Halts of Securities Traded Pursuant to UTP on the Pillar Platform

February 24, 2017.

On November 17, 2016, NYSE MKT LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act" or "Exchange Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to (1) allow the Exchange to trade, pursuant to unlisted trading privileges ("UTP"), any NMS Stock listed on another national securities exchange; (2) establish rules for the trading pursuant to UTP of exchange-traded products ("ETPs" or "Exchange-Traded Products"); and (3) adopt new equity trading rules relating to trading halts of securities traded pursuant to UTP on the Exchange's Pillar trading platform. The proposed rule change was published for comment in the **Federal Register** on December 1, 2016.<sup>3</sup>

On January 4, 2017, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.<sup>5</sup> The Commission has received no comments on the proposed rule change.

This order institutes proceedings under Section 19(b)(2)(B) of the Act<sup>6</sup> to determine whether to approve or disapprove the proposed rule change.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 79400 (Nov. 25, 2016), 81 FR 86750 (Dec. 1, 2016) ("Notice").

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 79738, 82 FR 3068 (Jan. 10, 2017). The Commission designated March 1, 2017, as the date by which it should approve, disapprove, or institute proceedings to determine whether to approve or disapprove the proposed rule change.

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).

## I. Summary of the Proposed Rule Change

The Exchange states that it does not currently trade any securities on a UTP basis. The Exchange proposes new rules to trade all Tape A and Tape C symbols, on a UTP basis, on its new trading platform, Pillar.<sup>7</sup> In addition, the Exchange proposes to adopt rules for the trading of the following types of Exchange-Traded Products:<sup>8</sup> Equity Linked Notes; Investment Company Units; Index-Linked Exchangeable Notes; Equity Gold Shares; Equity Index-Linked Securities; Commodity-Linked Securities; Currency-Linked Securities; Fixed-Income Index-Linked Securities; Futures-Linked Securities; Multifactor-Index-Linked Securities; Trust Certificates; Currency and Index Warrants; Portfolio Depositary Receipts; Trust Issued Receipts; Commodity-Based Trust Shares; Currency Trust Shares; Commodity Index Trust Shares; Commodity Futures Trust Shares; Partnership Units; Paired Trust Shares; Trust Units; Managed Fund Shares; and Managed Trust Securities.<sup>9</sup>

The Exchange represents that the proposed rules for these ETPs are substantially identical (other than with respect to certain non-substantive and technical amendments) to the rules of the NYSE Arca Equities exchange for the qualification, listing, and trading of these ETPs.<sup>10</sup>

According to the Exchange, it will trade securities pursuant to UTP only on its Pillar platform, not on its current trading platform. Further, the Exchange states that it does not at this time intend to list ETPs pursuant to the proposed rules. The Exchange does not propose to change any of the current rules of the Exchange pertaining to the listing and trading of ETPs in the NYSE MKT Company Guide or in its other rules.

<sup>7</sup> According to the Exchange, on January 29, 2015, the Exchange announced the implementation of Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. ("NYSE Arca") and New York Stock Exchange LLC. See Trader Update dated January 29, 2015, available at [https://www.nyse.com/publicdocs/nyse/markets/nyse/Pillar\\_Trader\\_Update\\_Jan\\_2015.pdf](https://www.nyse.com/publicdocs/nyse/markets/nyse/Pillar_Trader_Update_Jan_2015.pdf).

<sup>8</sup> The Exchange is proposing to define the term "Exchange Traded Product" to mean a security that meets the definition of "derivative securities product" in Rule 19b-4(e) under the Exchange Act. This proposed definition is identical to the definition of "Derivatives Securities Product" in NYSE Arca Equities Rule 1.1(bbb).

<sup>9</sup> See Notice, *supra* note 3.

<sup>10</sup> See Notice, *supra* note 3, at 86750, n.6 (citing NYSE Arca Equities Rules 5 (Listings) and 8 (Trading of Certain Equities Derivatives)).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

## II. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEMKT–2016–103 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act<sup>11</sup> to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,<sup>12</sup> the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade," and "to protect investors and the public interest."<sup>13</sup>

## III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, or arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.<sup>14</sup>

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by March 22, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 5, 2017. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,<sup>15</sup> in addition to any other comments they may wish to submit about the proposed rule change.

In particular, the Commission seeks comment on whether the proposed rules regarding ETPs, which would not expressly apply on a continuing basis, are consistent with the Act.<sup>16</sup>

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](mailto:rule-comments@sec.gov). Please include File Number SR–NYSEMKT–2016–103 on the subject line.

### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

<sup>15</sup> See Notice, *supra* note 3.

<sup>16</sup> The Commission has recently approved an exchange proposal to amend its listing standards to specify continued listing requirements for ETPs, to add issuer-notification requirements related to failures to comply with the continued listing requirements, and to incorporate specific delisting procedures for ETPs. See Securities Exchange Act Release No. 79784 (Jan. 12, 2017), 82 FR 6664 (Jan. 19, 2017) (SR–NASDAQ–2016–135). In addition, the Commission's orders approving the generic listing and trading of actively managed ETFs relied upon, among other things, the listing exchanges' representations that the listing criteria would apply on a continuing basis. See, e.g., Securities Exchange Act Releases No. 78396 (July 22, 2016), 81 FR 49698, 49701 (July 28, 2016) (File No. SR–BATS–2015–100); No. 78397 (July 22, 2016), 81 FR 49320, 49324 (July 27, 2016) (File No. SR–NYSEArca–2015–110); and No. 78918 (Sept. 23, 2016), 81 FR 67033, 67035 (Sept. 29, 2016) (File No. SR–NASDAQ–2016–104). Recent Commission orders approving the listing and trading of individual ETPs have similarly relied upon representations by the listing exchange that all statements and representations made regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of exchange rules and surveillance procedures shall constitute continued listing requirements. See, e.g., Securities Exchange Act Release No. 77920 (May 25, 2016), 81 FR 35086, 35090 (June 1, 2016) (SR–NYSEArca–2016–46); approving listing and trading of shares of the AdvisorShares Cornerstone Small Cap ETF; No. 78847 (Sept. 15, 2016), 81 FR 64560, 64562 (Sept. 20, 2016) (File No. SR–BATS–2016–34); approving listing and trading of shares of the ProShares Crude Oil Strategy ETF).

Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2016–103. 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 these filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2016–103 and should be submitted on or before March 22, 2017. Rebuttal comments should be submitted by April 5, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2017–03981 Filed 2–28–17; 8:45 am]

**BILLING CODE 8011–01–P**

<sup>11</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>12</sup> *Id.*

<sup>13</sup> 15 U.S.C. 78f(b)(5).

<sup>14</sup> Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See

<sup>17</sup> 17 CFR 200.30–3(a)(57).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80098; File No. SR–Nasdaq–2016–120]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To Amend Rules 7034 and 7051 To Establish the Third Party Connectivity Service

February 24, 2017.

On August 16, 2016, the Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) <sup>1</sup> of the Securities Exchange Act of 1934 (“Act”) <sup>2</sup> and Rule 19b–4 thereunder, <sup>3</sup> a proposed rule change to establish the Third Party Connectivity Service under Rules 7034 and 7051. The proposed rule change was published for comment in the **Federal Register** on September 2, 2016. <sup>4</sup> The Commission received one comment letter regarding the proposal. <sup>5</sup> Nasdaq responded to the comment letter. <sup>6</sup> On October 5, 2016, the Commission designated a longer period for Commission action on the proposed rule change. <sup>7</sup> Subsequently, the Commission received three additional comment letters regarding the proposal: One from Virtu Financial, another from Bats responding to Nasdaq’s Letter, and a third from SIFMA. <sup>8</sup> On November 30, 2016, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act <sup>9</sup> to determine whether to approve or disapprove the proposed

rule change. <sup>10</sup> Thereafter the Commission received four comment letters. <sup>11</sup> On January 26, 2017, the Exchange filed Amendment No. 1 to the proposal, <sup>12</sup> and responded to comments from IEX, SIFMA, KCG Holdings, and Citadel Securities regarding the proposed rule change. <sup>13</sup> On January 31, the Exchange withdrew Amendment No. 1 and on the same date filed Amendment No. 2 to the proposed rule change. <sup>14</sup> Thereafter, the Commission received two comment letters: One from Bats <sup>15</sup> and another from IEX. <sup>16</sup>

Section 19(b)(2) of the Act <sup>17</sup> provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on September 2, 2016. <sup>18</sup> The 180th day after publication of the notice of the

filing of the proposed rule change in the **Federal Register** is March 1, 2017.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 2, so that it has sufficient time to consider the proposal and the issues raised by the commenters.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, <sup>19</sup> designates April 28, 2017, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–Nasdaq–2016–120).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. <sup>20</sup>

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2017–03982 Filed 2–28–17; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80099; File No. SR–NYSEARCA–2016–101]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment No. 1 to a Proposed Rule Change Relating to the Listing and Trading of Shares of SolidX Bitcoin Trust Under NYSE Arca Equities Rule 8.201

February 24, 2017.

On July 13, 2016, NYSE Arca, Inc. filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b–4 thereunder, <sup>2</sup> a proposed rule change to list and trade shares of the SolidX Bitcoin Trust under NYSE Arca Equities Rule 8.201. The proposed rule change was published for comment in the **Federal Register** on August 2, 2016. <sup>3</sup>

On September 6, 2016, pursuant to Section 19(b)(2) of the Act, <sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b–4.

<sup>4</sup> See Securities Exchange Act Release No. 78713 (August 29, 2016), 81 FR 60768 (“Notice”).

<sup>5</sup> See letter from Eric Swanson, Esq., General Counsel, Bats Global Markets, Inc., to Brent J. Fields, Secretary, Securities and Exchange Commission, dated September 12, 2016 (“Bats Letter”).

<sup>6</sup> See letter from Jeffrey S. Davis, Vice President and General Counsel, Nasdaq Stock Market LLC, to Brent J. Fields, Secretary, Commission, dated October 4, 2016 (“Nasdaq Letter”).

<sup>7</sup> See Securities Exchange Act Release No. 79049, 81 FR 70452 (October 12, 2016).

<sup>8</sup> See letters from Douglas A. Cifu, Chief Executive Officer, Virtu Financial, dated October 6, 2016, Eric Swanson, General Counsel, Bats Global Markets, Inc., dated October 12, 2016, and Melissa McGregor, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (“SIFMA”), dated November 23, 2016, to Brent J. Fields, Secretary, Commission.

<sup>9</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>10</sup> See Securities Exchange Act Release No. 79431, 81 FR 87981 (December 6, 2016) (“OIP”). Specifically, the Commission instituted proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change’s consistency with Sections 6(b)(4), 6(b)(5) and 6(b)(8) of the Act. See *id.*, 81 FR at 97983.

<sup>11</sup> See letters from John Ramsay, Chief Market Policy Officer, IEX Group, Inc., dated December 9, 2016, Melissa McGregor, Managing Director and Associate General Counsel, SIFMA, dated December 20, 2016, John A. McCarthy, General Counsel, KCG Holdings, Inc., dated December 23, 2016, and Adam C. Cooper, Senior Managing Director and Chief Legal Officer, Citadel Securities, dated December 27, 2016, to Brent J. Fields, Secretary, Commission.

<sup>12</sup> See letter from T. Sean Bennett, Principal Associate General Counsel, Nasdaq Inc., to Brent J. Fields, Secretary, Commission, dated January 26, 2017.

<sup>13</sup> See letter from T. Sean Bennett, Principal Associate General Counsel, Nasdaq Inc., to Brent J. Fields, Secretary, Commission, dated January 26, 2017.

<sup>14</sup> See letter from T. Sean Bennett, Principal Associate General Counsel, Nasdaq Inc., to Brent J. Fields, Secretary, Commission, dated January 31, 2017. Amendment No. 2 is available on the Commission’s Web site at <https://www.sec.gov/comments/sr-nasdaq-2016-120/nasdaq2016120-1545779-131353.pdf>.

<sup>15</sup> See letter from Eric Swanson, Esq., General Counsel, Bats Global Markets, Inc., to Brent J. Fields, Secretary, Commission, dated February 6, 2017.

<sup>16</sup> See letter from John Ramsay, Chief Market Policy Officer, IEX Group, Inc., to Brent J. Fields, Secretary, Commission, dated February 15, 2017.

<sup>17</sup> 15 U.S.C. 78s(b)(2).

<sup>18</sup> See Notice.

<sup>19</sup> 15 U.S.C. 78s(b)(2).

<sup>20</sup> 17 CFR 200.30–3(a)(57).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 78426 (Jul. 27, 2016), 81 FR 50763 (Aug. 2, 2016).

<sup>4</sup> 15 U.S.C. 78s(b)(2).

disapprove the proposed rule change.<sup>5</sup> On October 27, 2016, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.<sup>6</sup> On January 3, 2017, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> the Commission designated a longer period within which to approve or disapprove the proposed rule change.<sup>8</sup> The Commission has received nine comments on the proposed rule change.<sup>9</sup>

On February 15, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, as described in Items I and II below, which Items have been prepared by the Exchange.<sup>10</sup> The

<sup>5</sup> See Securities Exchange Act Release No. 78770, 81 FR 62780 (Sept. 12, 2016).

<sup>6</sup> See Securities Exchange Act Release No. 79171, 81 FR 76400 (Nov. 2, 2016). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade," and "to protect investors and the public interest." See *id.* at 76401.

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>8</sup> See Securities Exchange Act Release No. 79726, 82 FR 2426 (Jan. 9, 2017).

<sup>9</sup> See Letters from Daniel H. Gallancy, CFA, SolidX Management LLP (Nov. 23, 2016); Thaya B. Knight, Associate Director, Financial Regulation Studies, The Cato Institute (Dec. 1, 2016); Jerry Brito, Executive Director, Coin Center (Dec. 7, 2016); Joseph Colangelo, President, Consumers' Research (Dec. 7, 2016); Denise Krisko, CFA, President and Co-Founder, Vident Investment Advisory, LLC (Dec. 7, 2016); Balaji Srinivasan, Chief Executive Officer & Co-founder, 21, *et al.* (Dec. 7, 2016); Ken I. Maher (Dec. 8, 2016); Craig M. Lewis, Madison S. Wigginton Professor of Finance, Owen Graduate School of Management, Vanderbilt University (Feb. 13, 2017); and Douglas M. Yones, Head of Exchange Traded Products, New York Stock Exchange (Feb. 22, 2017). All comments on the proposed rule change are available on the Commission's Web site at: <https://www.sec.gov/comments/sr-nysearca-2016-101/nysearca2016101.shtml>.

<sup>10</sup> Among other things, Amendment No. 1 (1) identifies Foreside Fund Services, LLC as the Order Examiner in connection with the creation and redemption of Baskets of Shares (*see* Section II.A.1, *infra* (discussion in subheading "Purpose")); (2) identifies SolidX Management LLC as the custodian of the Trust's bitcoin and The Bank of New York Mellon as custodian of the Trust's cash (*see* Section II.A.1, *infra* (discussion in subheading "Purpose")); (3) adds content regarding a recent loss of trading volume on the leading Chinese exchanges and asserts that trading volumes at these Chinese exchanges are now in line with volumes at U.S. exchanges (*see* Section II.A.1, *infra* (discussion in subheading "bitcoin Price Transparency")); (4) notes that in May 2016, the Gibraltar Financial Services Commission approved the BitcoinETI, which was listed on the Gibraltar Stock Exchange in July 2016 and on Deutsche Börse Frankfurt in August 2016 (*see* Section II.A.1, *infra* (discussion in subheading "Additional bitcoin Trading Products")); (5) adds or changes certain details regarding the first alternative pricing source for the Shares (*see* Section II.A.1, *infra* (discussion in subheading "bitcoin Market Price")); (6) adds disclosure that the Sponsor (operating on a

Commission is publishing this notice to solicit comments on Amendment No. 1 to the proposed rule change from interested persons.

## **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to list and trade shares of the following under NYSE Arca Equities Rule 8.201: SolidX Bitcoin Trust ("Trust"). The proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://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 III below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

### **A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change**

#### **1. Purpose**

Under NYSE Arca Equities Rule 8.201, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges ("UTP")

principal basis) also may offer non-deliverable forwards and swaps in order to provide Authorized Participants and market makers with additional options for hedging their exposure to bitcoin (*see* Section II.A.1, *infra* (discussion in subheading "bitcoin Trading Activities of the Sponsor with Authorized Participants and Market Makers")); (7) deletes text relating to the suspension or rejection of redemption orders (*see* Section II.A.1, *infra* (discussion in subheading "Determination of Required Payment")); (8) deletes text stating that (a) the Exchange will also make available on its Web site daily trading volume of the Shares, and (b) that bitcoin prices are available from automated quotation systems, published or other public sources, or on-line information services (*see* Section II.A.1, *infra* (discussion in subheading "Availability of Information")); and (9) adds text stating that, to the extent that the Administrator has utilized the cascading set of rules described in "bitcoin Market Price," the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from that calculation (*see* Section II.A.1, *infra* (discussion in subheading "Availability of Information")). Capitalized terms used but not defined in this footnote have the meaning given to them elsewhere in this Notice.

"Commodity-Based Trust Shares".<sup>11</sup> The Exchange proposes to list and trade shares ("Shares") of the Trust pursuant to NYSE Arca Equities Rule 8.201.<sup>12</sup>

SolidX Management LLC is the sponsor of the Trust ("Sponsor") and custodian of the Trust's bitcoin ("bitcoin Custodian"). SolidX Management LLC is a wholly-owned subsidiary of SolidX Partners Inc. Delaware Trust Company is the trustee ("Trustee"). The Bank of New York Mellon will be the administrator ("Administrator"), transfer agent ("Transfer Agent") and the custodian, with respect to cash, ("Cash Custodian") of the Trust. Foreside Fund Services, LLC will be the order examiner ("Order Examiner") in connection with the creation and redemption of "Baskets"<sup>13</sup> of Shares.

The Trust was formed as a Delaware statutory trust on September 15, 2016 and is operated as a grantor trust for U.S. federal tax purposes. The Trust has no fixed termination date.

According to the Registration Statement, each Share will represent a fractional undivided beneficial interest in the Trust's net assets. The Trust's assets will consist of bitcoin<sup>14</sup> held on the Trust's behalf by the Sponsor utilizing a secure process as described below in "bitcoin Security and Storage for the Trust". The Trust will not normally hold cash or any other assets, but may hold a very limited amount of cash in connection with the creation and redemption of Baskets and to pay Trust expenses, as described below.

According to the Registration Statement, the Trust will invest in

<sup>11</sup> Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

<sup>12</sup> On February 3, 2017, the Trust filed Amendment No. 3 to its registration statement ("Registration Statement") on Form S-1 under the Securities Act of 1933 (15 U.S.C. 77a) (File No. 333-212479). The descriptions of the Trust, the Shares and bitcoin contained herein are based, in part, on the Registration Statement.

This Amendment No. 1 to SR-NYSEArca-2016-101 replaces SR-NYSEArca-2016-101 as originally filed and supersedes such filing in its entirety.

<sup>13</sup> The Trust will issue and redeem "Baskets", each equal to a block of 100,000 Shares, only to "Authorized Participants". See "Creation and Redemption of Shares" below.

<sup>14</sup> A "bitcoin" is an asset that can be transferred among parties via the Internet, but without the use of a central administrator or clearing agency ("bitcoin"). The asset, bitcoin, is generally written with a lower case "b". The asset, bitcoin, is differentiated from the computers and software (or the protocol) involved in the transfer of bitcoin among users, which constitute the "Bitcoin Network". The asset, bitcoin, is the intrinsically linked unit of account that exists within the Bitcoin Network. See "bitcoin and the Bitcoin Industry" below.

bitcoin only. The activities of the Trust are limited to: (i) Issuing Baskets in exchange for the cash and/or bitcoin deposited with the Cash Custodian or bitcoin Custodian, respectively, as consideration; (ii) purchasing bitcoin from various exchanges and in over-the-counter (“OTC”) transactions; (iii) selling bitcoin as necessary to cover the Sponsor’s management fee (or, at the Sponsor’s discretion, transferring bitcoin in-kind to pay the management fee), the insurance premium related to the insurance policies on the Trust’s bitcoin (“bitcoin Insurance Fee”), Trust expenses not assumed by the Sponsor and other liabilities; (iv) selling bitcoin as necessary in connection with redemptions; (v) delivering cash and/or bitcoin in exchange for Baskets surrendered for redemption; and (vi) maintaining insurance coverage for the bitcoin held by the Trust.

According to the Registration Statement, the Trust is neither an investment company registered under the Investment Company Act of 1940, as amended,<sup>15</sup> nor a commodity pool for purposes of the Commodity Exchange Act (“CEA”),<sup>16</sup> and the Sponsor is not subject to regulation as a commodity pool operator or a commodity trading adviser in connection with the Shares.

#### Investment Objective

According to the Registration Statement and as further described below, the Trust will seek to provide investors with exposure to the daily change in the U.S. dollar price of bitcoin, before expenses and liabilities of the Trust, as measured by the TradeBlock XBX Index (“XBX”). The Trust intends to achieve this objective by investing substantially all of its assets in bitcoin traded on various domestic and international bitcoin exchanges and OTC markets depending on liquidity and otherwise at the Sponsor’s discretion. The Trust is not actively managed. It does not engage in any activities designed to obtain a profit from, or to ameliorate losses caused by, changes in the price of bitcoin.

#### Investment in Bitcoin

Subject to certain requirements and conditions described below and in the Registration Statement, the Trust, under normal market conditions,<sup>17</sup> will use

available offering proceeds to purchase bitcoin that are traded on various domestic and international exchanges and OTC markets, without being leveraged or exceeding relevant position limits. Generally, the Sponsor will directly place purchase or sale orders for bitcoin on behalf of the Trust on domestic and international exchanges and with OTC participants using delivery-versus-payment (“DVP”) and receive-versus-payment (“RVP”) arrangements.

#### Bitcoin and the Bitcoin Industry General

The following is a brief introduction to the global bitcoin market. The data presented below are derived from information released by various third-party sources, including white papers, other published materials, research reports and regulatory guidance.

#### The Bitcoin Network

A bitcoin is an asset that can be transferred among parties via the Internet, but without the use of a central administrator or clearing agency. The term “decentralized” is often used in descriptions of bitcoin, in reference to bitcoin’s lack of necessity for administration by a central party. The Bitcoin Network (*i.e.*, the network of computers running the software protocol underlying bitcoin involved in maintaining the database of bitcoin ownership and facilitating the transfer of bitcoin among parties) and the asset, bitcoin, are intrinsically linked and inseparable. Bitcoin was first described in a white paper released in 2008 and published under the name “Satoshi Nakamoto”, and the protocol underlying bitcoin was subsequently released in 2009 as open source software.

#### Bitcoin Ownership and the Blockchain

To begin using bitcoin, a user may download specialized software referred to as a “bitcoin wallet”. A user’s bitcoin wallet can run on a computer or smartphone. A bitcoin wallet can be used both to send and to receive bitcoin. Within a bitcoin wallet, a user will be able to generate one or more “bitcoin addresses”, which are similar in concept to bank account numbers, and each address is unique. Upon generating a bitcoin address, a user can begin to transact in bitcoin by receiving bitcoin at his or her bitcoin address and sending it from his or her address to another user’s address. Sending bitcoin from one bitcoin address to another is similar in

concept to sending a bank wire from one person’s bank account to another person’s bank account.

Balances of the quantity of bitcoin associated with each bitcoin address are listed in a database, referred to as the “blockchain”. Copies of the blockchain exist on thousands of computers on the Bitcoin Network throughout the Internet. A user’s bitcoin wallet will either contain a copy of the blockchain or be able to connect with another computer that holds a copy of the blockchain.

When a bitcoin user wishes to transfer bitcoin to another user, the sender must first request a bitcoin address from the recipient. The sender then uses his or her bitcoin wallet software, to create a proposed addition to the blockchain. The proposal would decrement the sender’s address and increment the recipient’s address by the amount of bitcoin desired to be transferred. The proposal is entirely digital in nature, similar to a file on a computer, and it can be sent to other computers participating in the Bitcoin Network. Such digital proposals are referred to as “bitcoin transactions”. Bitcoin transactions and the process of one user sending bitcoin to another should not be confused with buying and selling bitcoin, which is a separate process (as discussed below in “bitcoin Trading On Exchanges” and “bitcoin Trading Over-the-Counter”).

A bitcoin transaction is similar in concept to an irreversible digital check. The transaction contains the sender’s bitcoin address, the recipient’s bitcoin address, the amount of bitcoin to be sent, a confirmation fee and the sender’s digital signature. The sender’s use of his or her digital signature enables participants on the Bitcoin Network to verify the authenticity of the bitcoin transaction.

A user’s digital signature is generated via usage of the user’s so-called “private key”, one of two numbers in a so-called cryptographic “key pair”. A key pair consists of a “public key” and its corresponding private key, both of which are lengthy numerical codes, derived together and possessing a unique relationship.

Public keys are used to create bitcoin addresses. Private keys are used to sign transactions that initiate the transfer of bitcoin from a sender’s bitcoin address to a recipient’s bitcoin address. Only the holder of the private key associated with a particular bitcoin address can digitally sign a transaction proposing a transfer of bitcoin from that particular bitcoin address.

A user’s bitcoin address (which is derived from a public key) may be safely

<sup>15</sup> 15 U.S.C. 80a–1.

<sup>16</sup> 17 U.S.C. 1.

<sup>17</sup> The term “under normal circumstances” includes, but is not limited to, the absence of extreme volatility or trading halts in the price of bitcoin or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-

made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.



distributed, but a user's private key must remain known solely by its rightful owner. The utilization of a private key is the only mechanism by which a bitcoin user can create a digital signature to transfer bitcoin from him or herself to another user. Additionally, if a malicious third party learns of a user's private key, that third party could forge the user's digital signature and send the user's bitcoin to any arbitrary bitcoin address (*i.e.*, the third party could steal the user's bitcoin).

When a bitcoin holder sends bitcoin to a destination bitcoin address, the transaction is initially considered unconfirmed. Confirmation of the validity of the transaction involves verifying the signature of the sender, as created by the sender's private key. Confirmation also involves verifying that the sender has not "double spent" the bitcoin (*e.g.*, confirming Party A has not attempted to send the same bitcoin both to Party B and to Party C). The confirmation process occurs via a process known as "bitcoin mining".

Bitcoin mining utilizes a combination of computer hardware and software to accomplish a dual purpose: (i) To verify the authenticity and validity of bitcoin transactions (*i.e.*, the movement of bitcoin between addresses) and (ii) the creation of new bitcoin. Neither the Sponsor nor the Trust intends to engage in bitcoin mining.

Bitcoin miners do not need permission to participate in verifying transactions. Rather, miners compete to solve a prescribed and complicated mathematical calculation using computers dedicated to the task. Rounds of the competition repeat approximately every ten minutes. In any particular round of the competition, the first miner to find the solution to the mathematical calculation is the miner who gains the privilege of announcing the next block to be added to the blockchain.

A new block that is added to the blockchain serves to take all of the recent-yet-unconfirmed transactions and verify that none are fraudulent. The recent-yet-unconfirmed transactions also generally contain transaction fees that are awarded to the miner who produces the block in which the transactions are inserted, and thereby confirmed. The successful miner also earns the so-called "block reward", an amount of newly created bitcoin. Thus, bitcoin miners are financially incentivized to conduct their work. The financial incentives received by bitcoin miners are a vital part of the process by which the Bitcoin Network functions.

Upon successfully winning a round of the competition (winning a round is referred to as mining a new block), the

miner then transmits a copy of the newly-formed block to peers on the Bitcoin Network, all of which then update their respective copies of the blockchain by appending the new block, thereby acknowledging the confirmation of the transactions that had previously existed in an unconfirmed state.

A recipient of bitcoin must wait until a new block is formed in order to see the transaction convert from an unconfirmed state to a confirmed state. According to the Registration Statement, with new rounds won approximately every ten minutes, the average wait time for a confirmation is five minutes.

The protocol underlying bitcoin provides the rules by which all users and miners on the Bitcoin Network must operate. A user or miner attempting to operate under a different set of rules will be ignored by other network participants, thus rendering that user's or miner's behavior moot. The protocol also lays out the block reward, the amount of bitcoin that a miner earns upon creating a new block. The initial block reward when Bitcoin was introduced in 2009 was 50 bitcoin per block. That number has and will continue to halve approximately every four years until approximately 2140, when it is estimated that block rewards will go to zero. The most recent halving occurred on July 9, 2016, which reduced the block reward from 25 to 12.5 bitcoin. The next halving is projected for June 2020, which will reduce the block reward to 6.25 bitcoin from its current level of 12.5. The halving thereafter will occur in another four years and will reduce the block reward to 3.125 bitcoin, and so on. As of January 2017, there are approximately 16.12 million bitcoin that have been created, a number that will grow with certainty to a maximum of 21 million, estimated to occur by the year 2140. Bitcoin mining should not be confused with buying and selling bitcoin, which, as discussed below, is a separate process.

#### Use of Bitcoin and the Blockchain

Beyond using bitcoin as a value transfer mechanism, applications related to the blockchain technology underlying bitcoin have become increasingly prominent.<sup>18</sup> Blockchain-focused applications take advantage of certain unique characteristics of the blockchain such as secure time stamping (secure time stamps are on

newly created blocks), highly redundant storage (copies of the blockchain are distributed throughout the Internet) and tamper-resistant data secured by secure digital signatures.

According to the Registration Statement, blockchain-focused applications in usage and under development include, but are not limited to asset title transfer, secure timestamping, counterfeit and fraud detection systems, secure document and contract signing, distributed cloud storage and identity management. Although value transfer is not the primary purpose for blockchain-focused applications, the usage of bitcoin, the asset, is inherently involved in blockchain-focused applications, thus linking the growth and adoption of bitcoin to the growth and adoption of blockchain-focused applications.

According to the Registration Statement, as a value transfer mechanism, over 100,000 merchants worldwide currently accept bitcoin as payment for goods and services. Notable merchants accepting bitcoin for certain types of purchases include Microsoft, Dell, Expedia, Overstock.com and Dish Network. Common bitcoin purchases include Web site hosting, home furnishings, gift cards and consumer electronics. Bitcoin is also accepted by a number of non-profit organizations worldwide, including United Way Worldwide, the American Red Cross, Wikipedia and Fidelity Charitable.<sup>19</sup>

#### Bitcoin Exchanges

Bitcoin exchanges operate Web sites that facilitate the purchase and sale of bitcoin for various government-issued currencies, including the U.S. dollar, the euro or the Chinese yuan. Activity on bitcoin exchanges should not be confused with the process of users sending bitcoin from one bitcoin address to another bitcoin address, the latter being an activity that is wholly within the confines of the Bitcoin Network and the former being an activity that occurs entirely on private Web sites.

Bitcoin exchanges operate in a manner that is unlike the traditional capital markets infrastructure in the U.S. and in other developed nations. Bitcoin exchanges combine the process of order matching, trade clearing, trade settlement and custody into a single entity. For example, a user can send U.S. dollars via wire to a bitcoin

<sup>18</sup> Additional applications based on blockchain technology—both the blockchain underlying bitcoin as well as separate public blockchains incorporating similar characteristics of the blockchain underlying bitcoin—are currently in development by numerous entities, including financial institutions like banks.

<sup>19</sup> Attached as Exhibit 3, Item 1 is a chart setting forth a summary of bitcoin transaction volume (*i.e.*, transfers of bitcoin between parties on the Bitcoin Network, which is different than and should not be confused with bitcoin exchange-traded volume) from January 2009 through January 2017.



exchange and then visit the exchange's Web site to purchase bitcoin. The entirety of the transaction—from trade to clearing to settlement to custody (at least temporary custody)—is accomplished by the bitcoin exchange in a matter of seconds. The user can then withdraw the purchased bitcoin into a wallet to take custody of the bitcoin directly.

According to the Registration Statement, there are currently several U.S.-based regulated entities that facilitate bitcoin trading and that comply with U.S. anti-money laundering ("AML") and know your customer ("KYC") regulatory requirements:

- GDAX (f/k/a Coinbase), which is based in California, is a bitcoin exchange that maintains money transmitter licenses in over thirty states, the District of Columbia and Puerto Rico ("GDAX"). GDAX is subject to the regulations enforced by the various state agencies that issued their respective money transmitter licenses to GDAX. In New York, GDAX applied for a BitLicense, a regulatory framework created by the New York Department of Financial Services ("DFS") that sets forth consumer protection, AML compliance, and cyber security rules tailored for digital currency companies operating and transacting business in New York. The DFS granted a BitLicense to GDAX in January 2017.

- itBit is a bitcoin exchange that was granted a limited purpose trust company charter by the DFS in May 2015 ("itBit"). Limited purpose trusts, according to the DFS, are permitted to undertake certain activities, such as transfer agency, securities clearance, investment management, and custodial services, but without the power to take deposits or make loans.

- Gemini is a bitcoin exchange that is also regulated by the DFS. In October 2015, the DFS granted Gemini authorization to operate as a limited purpose trust company ("Gemini").

- SecondMarket, Inc. d/b/a Genesis Global Trading is a FINRA member firm that makes a market in bitcoin by offering two-sided liquidity ("Genesis Global Trading").

According to the Registration Statement, the majority of bitcoin transactions are executed on public bitcoin exchanges where bitcoin are bought and sold daily for value in U.S. dollar, euro and other government currencies. These bitcoin exchanges provide the most data with respect to prevailing valuations of bitcoin. The exchanges typically publish real-time trade data including last price, bid and ask spread, and trade volume on their

respective Web sites and through application programming interfaces. As a result, the prices on bitcoin exchanges are the most accurate expression of the value of bitcoin. The XBX, which the Trust will use to calculate the net asset value of the Shares, accordingly tracks the price of bitcoin across multiple exchanges (see "bitcoin Price Indexes" below).

The bitcoin marketplace is a 24-hour, 365-day per year market. There currently exist globally over 30 bitcoin exchanges. The Sponsor represents that the exchanges with the most significant bitcoin trading by volume (*i.e.*, Bitfinex,<sup>20</sup> Bitstamp,<sup>21</sup> BTCC,<sup>22</sup> BTC-e,<sup>23</sup> GDAX (f/k/a Coinbase), Huobi,<sup>24</sup> itBit, Kraken,<sup>25</sup> LakeBTC,<sup>26</sup> OKCoin Exchange China<sup>27</sup> and OKCoin International<sup>28</sup>) traded approximately 1.34 billion bitcoin at U.S. dollar converted prices ranging between \$199 and \$1,203 for a total trade volume of over \$784 billion during the period February 2014 through January 2017. The Sponsor represents that average global daily trade volume during this period was approximately \$693 million.

The various bitcoin exchanges are generally available to the public through online web portals. Trading information, including pricing, volumes, and order book is available on the exchanges' Web sites, and most such information is publicly available to anyone who visits the site. According to the Sponsor, for those exchanges that comply with applicable KYC requirements, prior to trading bitcoin,

<sup>20</sup> Bitfinex is a bitcoin exchange that facilitates U.S. dollar-denominated bitcoin trading ("Bitfinex"). It is based in Hong Kong and holds a Money Services Operator license issued by the Customs and Excise Department, Money Services Supervision Bureau.

<sup>21</sup> Bitstamp is a bitcoin exchange that facilitates U.S. dollar-denominated bitcoin trading ("Bitstamp"). It is based in the United Kingdom with offices in London, Luxembourg and New York. The government of Luxembourg granted Bitstamp a license to operate as a regulated bitcoin exchange in the European Union.

<sup>22</sup> BTCC is a bitcoin exchange that is headquartered in Shanghai and facilitates yuan-denominated bitcoin trading ("BTCC").

<sup>23</sup> BTC-e is a U.S. dollar-denominated bitcoin exchange ("BTC-e").

<sup>24</sup> Huobi is a bitcoin exchange that is based in Beijing and facilitates yuan-denominated bitcoin trading.

<sup>25</sup> Kraken is located in San Francisco ("Kraken"). Although Kraken conducts U.S. dollar bitcoin trading, it is primarily a euro-denominated bitcoin exchange.

<sup>26</sup> LakeBTC is a U.S. dollar-denominated bitcoin exchange located in Shanghai, China.

<sup>27</sup> OKCoin Exchange China is located in Beijing and facilitates Chinese yuan-denominated bitcoin trading ("OKCoin Exchange China").

<sup>28</sup> OKCoin International is located in Singapore and facilitates U.S. dollar-denominated bitcoin trading ("OKCoin International").

users are required to provide the exchange with KYC verifiable identification and other such documentation. Once a user establishes an account with the exchange, the user deposits government currency with the exchange by completing a wire of government currency to the exchange's bank.

Bitcoin are traded with publicly disclosed valuations for each transaction, measured by one or more government currencies such as the U.S. dollar, the euro or the Chinese yuan. Bitcoin exchanges typically report publicly on their site the valuation of each transaction and bid and ask prices for the purchase or sale of bitcoin. Although each bitcoin exchange has its own market price, it is expected that most bitcoin exchanges' market prices should be relatively consistent with the bitcoin exchange market average since market participants can choose the bitcoin exchange on which to buy or sell bitcoin (*i.e.*, exchange shopping). According to the Registration Statement, price differentials across bitcoin exchanges enable arbitrage between bitcoin prices on the various exchanges.

#### Bitcoin Price Indexes

**XBX Index.** Launched in July 2014, the XBX represents the value of one bitcoin in U.S. dollars at any point in time and closes as of 4:00 p.m. Eastern time ("E.T.") each weekday. The intra-day levels of the XBX incorporate the real-time price of bitcoin based on trading activity derived from constituent exchanges throughout each trading day. The closing level of the XBX is calculated using a proprietary methodology utilizing bitcoin trading data from constituent exchanges and is published at or after 4:00 p.m. E.T. each weekday. The XBX is published to two decimal places rounded on the last digit.

Schvey, Inc. d/b/a TradeBlock ("TradeBlock") is the index sponsor and calculation agent for the XBX. The Sponsor has entered into a licensing agreement with TradeBlock to use the XBX. The Trust is entitled to use the XBX pursuant to a sub-licensing arrangement with the Sponsor.

The XBX is a real-time U.S. dollar-denominated composite reference rate for the price of bitcoin. The XBX calculates the intra-day price of bitcoin every second, including the closing price as of 4:00 p.m. E.T. The intra-day price and closing price are based on a methodology that consists of collecting and cleansing actual trade data from several bitcoin exchanges included within the XBX.

According to the Registration Statement, to ensure that TradeBlock's exchange selection process is impartial, TradeBlock implements a standardized eligibility criteria framework based on periodically-reviewed governance principles that includes elements such as depth of liquidity, compliance with applicable legal and regulatory requirements, data availability and acceptance of U.S. dollar deposits. As of January 15, 2017, the eligible bitcoin exchanges selected by TradeBlock for inclusion in the XBX are Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), itBit and OKCoin International. The XBX currently does not include any other bitcoin exchanges, derivative exchanges, dark pools, OTC or other trading venues.

The logic utilized for the derivation of the daily closing index level for the XBX is intended to analyze actual bitcoin transactional data, verify and refine the data set and yield an objective, fair-market value of one bitcoin as of 4:00 p.m. E.T. each weekday, priced in U.S. dollars. As discussed herein, the XBX intra-day price and the XBX closing price are collectively referred to as the XBX price, unless otherwise noted.

The key elements of the algorithm underlying the XBX include:

- *Volume/Liquidity Weighting:*

Exchanges with greater liquidity receive a higher weighting in the XBX, increasing the ability to execute against the XBX in the underlying spot markets. Liquidity weighting also mitigates the impact of volume spikes during off-peak trading hours.

- *Price Variance Weighting:* The XBX price reflects data points that are discretely weighted in proportion to their variance from contemporaneous pricing reflected on the XBX's constituent exchanges. As the price at a particular exchange diverges from the rest of the data points, its influence on the XBX consequently decreases.

- *Inactivity Adjustment:* The algorithm penalizes stale ticks on any given exchange. If an exchange does not have recent trading data, its weighting is gradually reduced, until it is de-weighted entirely. Similarly, once activity resumes, the corresponding weighting for that constituent is gradually increased until it reaches the appropriate level.

- *Thin Order Books:* The XBX minimizes the impact of thin order books and fluctuating prices, which provides a more stable and reliable benchmark for the price of bitcoin.

The XBX index calculation methodology and governance protocol are based on principles established by the International Organization of

Securities Commissions for financial benchmarks. TradeBlock conducts a quarterly review of the constituent exchanges and the algorithm used to calculate XBX prices and maintains a history of all updates. In the event of market stress or unresponsive input data from the constituent exchanges, the XBX algorithm will incorporate a minimum of one input to calculate a benchmark value. In the unlikely event of no input data from all constituent values, the XBX will default to the most recent value for which one or more inputs were present.

The Sponsor is not aware of any bitcoin derivatives currently trading based on the XBX.

**CoinDesk Bitcoin Price Index.** CoinDesk, a digital currency content provider ("CoinDesk"), launched a proprietary bitcoin price index, the CoinDesk Bitcoin Price Index ("XBP") in September 2013. The XBP takes the average of U.S. dollar bitcoin prices from leading exchanges.

**NYXBT Index.** Launched in May 2015, the NYSE Bitcoin Index ("NYXBT") represents the value of one bitcoin in U.S. dollars at any point in time and closes as of 4:00 p.m. E.T. each weekday.

#### Bitcoin Trading on Exchanges

According to the Registration Statement, an individual who wishes to purchase bitcoin on a bitcoin exchange would create an account on the exchange Web site. After creating an account, the buyer would send government issued money to the Web site via traditional payment methods such as ACH and wire transfer. The buyer's account at the bitcoin exchange would be credited with the money sent, and the buyer would then be able to visit the Web site and make a purchase of bitcoin. Directly after the purchase is made, the bitcoin acquired still remains in the custody of the bitcoin exchange (*i.e.*, it remains at a bitcoin address controlled by the exchange). To take custody of the bitcoin, the purchaser would direct the exchange Web site to transfer the bitcoin to a bitcoin address controlled by the purchaser, thereby completing the process of acquiring bitcoin. A sale of bitcoin using a bitcoin exchange involves the same process but in reverse. The seller would transfer bitcoin from an address under his or her control to an address under the bitcoin exchange's control. The seller's account at the bitcoin exchange would be credited with the bitcoin sent, and the seller would be able to commence the sale of the bitcoin via the Web site. Upon completion of the sale, the seller's account would reflect the seller's

balance, in government currency, which the seller could then receive by directing the exchange to send the funds via traditional payment methods to the seller's bank account. Bitcoin exchange Web sites generally show users a central limit order book (*i.e.*, a list of all bids and offers for purchases and sales of bitcoin on the exchange).

The Sponsor has trading experience with several U.S. and foreign bitcoin exchanges that generally represent the highest daily U.S. dollar bitcoin trading volume.

The Sponsor may conduct some of its bitcoin trading on behalf of the Trust through a wholly-owned subsidiary, SolidX Management Ltd., an exempted limited company established in the Cayman Islands ("Subsidiary"), to buy and sell bitcoin on behalf of the Trust on certain bitcoin exchanges which are only open to non-U.S. persons or which do not conduct business in New York or with New York residents. The officers of the Sponsor also serve as officers of the Subsidiary. When conducting trading through the Subsidiary, the Sponsor is responsible for the security of the bitcoin to the same extent as if trading bitcoin directly. Bitcoin traded through the Subsidiary will be stored in the same way as bitcoin that is traded directly by the Sponsor, and the Trust's bitcoin insurance on bitcoin traded through the Subsidiary will apply to the same extent as otherwise applicable. Furthermore, the Subsidiary will have the same trading arrangements with the applicable bitcoin exchanges as does the Sponsor itself. Accordingly, references herein to the Sponsor's trading arrangements with bitcoin exchanges on behalf of the Trust include trading conducted by the Sponsor through the Subsidiary, unless otherwise noted.

The Sponsor intends to conduct its bitcoin exchange trading on the following U.S. dollar-denominated bitcoin exchanges: Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), Gemini, itBit, Kraken and OKCoin International.<sup>29</sup> The Sponsor represents that all of these exchanges follow AML and KYC regulatory requirements. Because Bitfinex and Kraken do not conduct business in New York or with New York residents, and OKCoin International is only open to non-U.S. persons, the Sponsor intends to conduct its bitcoin trading on these three exchanges through the Subsidiary. As discussed above, the Sponsor does not expect the Trust to experience any differences between bitcoin exchange trades on the

<sup>29</sup> The Sponsor intends to trade with OKCoin International, the Singaporean entity, and not with the yuan-denominated OKCoin Exchange China.

Trust's behalf conducted through the Subsidiary versus those conducted by the Sponsor directly.

According to the Registration Statement, during the preceding twelve-month period (January 2016 through January 2017), the aggregate trading volume on the five constituent exchanges comprising the XBX (*i.e.*, Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), itBit and OKCoin International) represented approximately 77% of the entire global U.S. dollar-denominated bitcoin exchange market.<sup>30</sup> According to the Registration Statement, during the period January 16, 2016 through January 15, 2017 (including weekends and holidays), average daily bitcoin trading on Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), Gemini, itBit and OKCoin International totaled approximately 44,000 bitcoin across all of those exchanges at prices that ranged between \$371 and \$1,161. Of that trading, Bitfinex accounted for 39%, Bitstamp accounted for 13%, GDAX (f/k/a Coinbase) accounted for 14%, Gemini accounted for 4%, itBit accounted for 9%, Kraken accounted for 3% and OKCoin International accounted for 17%. With a Basket (as defined below) size of 1,000 bitcoin, the creation or redemption of one Basket would represent approximately 3.5% of the aggregate daily U.S. dollar-denominated bitcoin trading volume across these exchanges and approximately 1.5% of the aggregate daily (i) U.S. dollar-denominated bitcoin trading volume on these exchanges plus (ii) global U.S. dollar-denominated OTC bitcoin trading volume.

The Sponsor has established, on behalf of the Trust, DVP and RVP trading arrangements with several of the U.S. dollar-denominated bitcoin exchanges pursuant to which the Trust will be able to minimize exchange counterparty risk. These arrangements are on a trade-by-trade basis and do not bind the Sponsor or the Trust to continue to trade with any exchange. Under these arrangements, the Sponsor, on behalf of the Trust, will receive

bitcoin from an exchange that has entered into a DVP/RVP arrangement with the Sponsor without having to deposit U.S. dollars with the exchange prior to trade execution. Once the Sponsor receives the bitcoin it purchased, the Sponsor will within 24 hours wire U.S. dollars to the exchange to settle the trade. When selling bitcoin on behalf of the Trust, an exchange that has entered into a DVP/RVP arrangement with the Sponsor will permit the Sponsor to sell bitcoin on the exchange without the need to deposit bitcoin with the exchange beforehand. The Sponsor will transmit bitcoin to the exchange only after the exchange has wired the U.S. dollar sales proceeds to the Sponsor. These DVP and RVP settlement terms reduce exchange counterparty risks for the Trust.

#### Bitcoin Price Transparency

According to the Registration Statement, bitcoin trading currently occurs globally 24-hours per day, 365 days per year across over 30 bitcoin exchanges. Individual bitcoin exchanges continually publish publicly available price and volume data that is utilized by service providers to create various bitcoin indexes. Bitcoin prices are also available via major market data vendors such as Bloomberg and Thomson Reuters. Real-time and historical price data is available through numerous public web platforms including: <https://tradeblock.com/>; <http://www.coindesk.com/>; <https://bitcoinaverage.com/>; and others.

According to the Registration Statement, through January 2017, the trading volume on BTCC, Huobi and OKCoin Exchange China was significant. In January 2017, these exchanges reduced leveraged trading and imposed various trading fees, which caused the volumes on the exchanges to decline to levels in-line with the trading volumes on U.S. dollar-denominated exchanges. According to the Registration Statement, these exchanges follow various AML and KYC procedures as such procedures are applied within the exchanges' respective jurisdictions. Trading on these exchanges is limited to Chinese yuan, and the Sponsor therefore does not intend to transact with these exchanges because the Sponsor intends to transact with U.S. dollar-denominated exchanges only. However, the Sponsor represents that the price of bitcoin on BTCC, Huobi and OKCoin Exchange China generally has been consistent with the price of bitcoin on U.S. dollar-denominated bitcoin exchanges, including Bitfinex, Bitstamp,

GDAX (f/k/a Coinbase), itBit and OKCoin International.

The Sponsor represents that because bitcoin trades on more than 30 exchanges globally on a 24-hour basis, it is difficult for attempted market manipulation on any one exchange to affect the global market price of bitcoin. Any such attempt to manipulate the price would result in an arbitrage opportunity among exchanges, which typically would be acted upon by market participants.

In addition to the price transparency of the bitcoin exchange market itself, the Trust will provide information regarding the Trust's bitcoin holdings as well as additional data regarding the Trust. The Sponsor expects that the dissemination of information on the Trust's Web site, along with quotations for and last-sale prices of transactions in the Shares and the intra-day indicative value ("IIV") and net asset value ("NAV") of the Trust will help to reduce the ability of market participants to manipulate the bitcoin market or the price of the Shares and that the Trust's arbitrage mechanism will facilitate the correction of price discrepancies in bitcoin and the Shares. The Sponsor believes that demand from new investors accessing bitcoin through investment in the Shares will broaden the investor base in bitcoin, which could further reduce the possibility of collusion among market participants to manipulate the bitcoin market.

According to the Sponsor, the XBX's price variance weighting, which decreases the influence on the XBX of any particular exchange that diverges from the rest of the data points used by the XBX, reduces the possibility of an attempt to manipulate the price of bitcoin as reflected by the XBX.

#### Bitcoin Trading Over-the-Counter

OTC trading of bitcoin is generally accomplished via bilateral agreements on a principal-to-principal basis. All risks and issues of credit are between the parties directly involved in the transaction. The OTC market provides a relatively flexible market in terms of quotes, price, size and other factors. The OTC market has no formal structure and no open-outcry meeting place. Parties engaging in OTC transactions will agree upon a price—often via phone or email—and one of the two parties would then initiate the transaction. For example, a seller of bitcoin could initiate the transaction by sending the bitcoin to the buyer's bitcoin address. The buyer would then wire U.S. dollars to the seller's bank account.

Based on its observations and experience in the market, the Sponsor

<sup>30</sup>In addition to the five constituent exchanges comprising the XBX, the global U.S. dollar-denominated bitcoin exchange market also includes BTC-e, Gemini, LakeBTC and Kraken. The Sponsor represents that although BTC-e is a U.S. dollar-denominated bitcoin exchange with significant trading volume, BTC-e does not comply with certain of the Sponsor's internal criteria regarding the exchanges on which the Sponsor will trade and, therefore, the Sponsor will not transact with BTC-e. The Sponsor represents that it is also aware of other smaller U.S. dollar-denominated bitcoin exchanges, but the trading volume on these exchanges is insignificant and the Sponsor does not intend to conduct business with these smaller exchanges.

estimates that the U.S. dollar OTC bitcoin trading volume globally represents on average approximately fifty percent of the trading volume of bitcoin traded globally in U.S. dollars on U.S. dollar-denominated bitcoin exchanges.

According to the Registration Statement, transaction costs in the OTC market are negotiable between the parties and therefore vary with some participants willing to offer competitive prices for larger volumes, although this will vary according to market conditions. Cost indicators can be obtained from various information service providers, such as the bitcoin price indexes and bitcoin exchanges. OTC trading tends to be in large blocks of bitcoin and between institutions.

In addition to using Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), Gemini, itBit, Kraken and OKCoin International to buy and sell bitcoin, the Trust intends to participate in the OTC bitcoin market when such market opportunities are deemed by the Sponsor to be advantageous for the Trust. The Sponsor currently expects that often it will be more cost efficient to effect large trades (e.g., \$500,000 or greater) on behalf of the Trust in the OTC market rather than on a bitcoin exchange. The Sponsor therefore expects to conduct most of its trading in the OTC bitcoin market.

When deciding whether to buy and sell bitcoin in the OTC market, the Sponsor will consider various market factors, including the total U.S. dollar size of the trade, the volume of bitcoin traded across the various U.S. dollar-denominated bitcoin exchanges during the preceding 24-hour period, available liquidity offered by OTC market participants and the bid and ask quotes offered by OTC market participants. When deciding whether to buy and sell bitcoin on exchange versus in the OTC market, the Sponsor's goal is to fill an order at the best possible price. The Sponsor's experience is that the prices at which trades in the OTC market are executed closely correspond to the XBX. The Sponsor expects the price at which it will trade bitcoin in the OTC market will generally track the XBX, and, therefore, should not affect the Trust's ability to track the XBX. The Sponsor also maintains an internal proprietary database, which it does not share with anyone, of potential OTC bitcoin trading counterparties, including hedge funds, family offices, private wealth managers and high-net-worth individuals. All such potential counterparties will be subject to the Sponsor's AML and KYC compliance procedures. The Sponsor will add additional potential

counterparties to its internal proprietary database as it becomes aware of additional market participants. The Sponsor will decide whether or not to trade with OTC counterparties based on its ability to fill orders at the best available price amongst OTC market participants and bitcoin exchanges. Generally, the Sponsor will directly place purchase or sale orders for bitcoin on behalf of the Trust with participants in the OTC markets using DVP and RVP style arrangements.

While the Sponsor expects that most of its bitcoin trading with exchanges and OTC counterparties on behalf of the Trust will occur pursuant to DVP and RVP arrangements, the Sponsor may also enter into collateral arrangements with certain bitcoin exchanges and OTC counterparties where DVP and RVP arrangements are not practicable. Such collateral arrangements require the Sponsor, out of its own assets, and the bitcoin exchange or OTC counterparty to open and maintain collateral deposit accounts with a bank or similar financial intermediary for the purpose of collateralizing pending bitcoin transactions effected by the Sponsor on behalf of the Trust and the bitcoin exchange or OTC counterparty. The Trust would not pledge (or receive) collateral pursuant to these arrangements and the Sponsor would bear any exchange counterparty risk. The Sponsor represents that a default of an exchange or OTC counterparty under such arrangement would have no greater impact on the Trust than a default under the DVP and RVP arrangements.

To the extent a Basket creation or redemption order necessitates the buying or selling of a large block of bitcoin (e.g., an amount that if an order were placed on an exchange would potentially move the price of bitcoin), the Sponsor represents that placing such a trade in the OTC market may be advantageous to the Trust. OTC trades help avoid factors such as potential price slippage (causing the price of bitcoin to move as the order is filled on the exchange), while offering speed in trade execution and settlement (an OTC trade can be executed immediately upon agreement of terms between counterparties) and privacy (to avoid other market participants entering trades in advance of a large block order).

OTC bitcoin trading is typically private and not regularly reported. For example, Genesis Global Trading and itBit release periodic reports that discuss their respective OTC trading volumes. The Trust does not intend to report its OTC trading.

Regardless of whether the Sponsor buys bitcoin on an exchange or in the

OTC market, the Sponsor expects the Trust to take custody of bitcoin within one business day of receiving an order from an Authorized Participant to create a Basket (as defined in "Creation and Redemption of Shares" below).

#### Historical Chart of the Price of Bitcoin

The price of bitcoin is volatile and fluctuations are expected to have a direct impact on the value of the Shares. However, movements in the price of bitcoin in the past are not a reliable indicator of future movements. Movements may be influenced by various factors, including supply and demand, geo-political uncertainties, economic concerns such as inflation and real or speculative investor interest.<sup>31</sup>

#### Additional Bitcoin Trading Products

Certain non-U.S. based bitcoin exchanges offer derivative products on bitcoin such as options, swaps and futures.

According to the Registration Statement, BitMex (based in the Republic of Seychelles), CryptoFacilities (based in the United Kingdom), 796 Exchange (based in China) and OKCoin Exchange China all offer futures contracts settled in bitcoin. Coinut, based in Singapore, offers bitcoin binary options and vanilla options based on the Coinut index. Nadex, based in Chicago, offers bitcoin binary options denominated in U.S. dollars using the TeraBit Bitcoin Price Index.<sup>32</sup> IGMarks (based in the United Kingdom), Avatrade (based in Ireland) and Plus500 (based in Israel) also offer bitcoin derivative products.

The Commodity Futures Trading Commission ("CFTC") has approved TeraExchange, LLC as a swap execution facility ("TeraExchange") and LedgerX provisionally as a swap execution facility, where bitcoin swap and non-deliverable forward contracts may be entered into.

<sup>31</sup> Attached as Exhibit 3, Item 2 is a chart illustrating the changes in the price of bitcoin during the period July 2010 through January 15, 2017. Attached as Exhibit 3, Item 3 is a chart comparing the trailing calendar month volatility in the price of bitcoin compared to the trailing calendar month volatility in the prices of gold, platinum, oil, natural gas, coffee, sugar, aluminum and copper during the period January 14, 2015 through January 13, 2017 (excluding holidays and weekends). Attached as Exhibit 3, Item 4 is a chart comparing the trailing calendar month volatility in the price of bitcoin compared to the trailing calendar month volatility in the prices of gold, platinum, oil, natural gas, coffee, sugar, aluminum and copper during the period October 14, 2016 through January 13, 2017 (excluding holidays and weekends).

<sup>32</sup> The TeraBit Bitcoin Price Index is disseminated by TeraExchange.

The CFTC commissioners have expressed publicly that derivatives based on bitcoin are subject to regulation by the CFTC, including oversight to prevent market manipulation of the price of bitcoin. In addition, the CFTC has stated that bitcoin and other virtual currencies are encompassed in the definition of commodities under the CEA.<sup>33</sup>

In May 2015, the Swedish FSA approved the prospectus for “Bitcoin Tracker One”, an open-ended exchange-traded note that tracks the price of bitcoin in U.S. dollars. The Bitcoin Tracker One initially traded in Swedish krona on the Nasdaq Nordic in Stockholm, but is now also available to trade in euro. The Bitcoin Tracker One is available to retail investors in the European Union and to those investors in the U.S. who maintain brokerage accounts with Interactive Brokers.

Founded in 2013, Bitcoin Investment Trust, a private, open-ended trust available to accredited investors, is another investment vehicle that derives its value from the price of bitcoin. Eligible shares of the Bitcoin Investment Trust are quoted on the OTCQX marketplace under the symbol “GBTC”.

In May 2016, the Gibraltar Financial Services Commission approved the BitcoinETI, which in July 2016 was listed on the Gibraltar Stock Exchange and on Deutsche Börse Frankfurt in August 2016. The BitcoinETI is a bitcoin-backed exchange-traded instrument that is euro denominated.

#### Bitcoin Security and Storage for the Trust

According to the Sponsor, given the novelty and unique digital characteristics (as set forth above) of bitcoin as an innovative asset class, traditional custodians who normally custody assets do not currently offer custodial services for bitcoin. Accordingly, the Sponsor, as bitcoin Custodian, will secure the bitcoin held by the Trust using multi-signature “cold storage wallets”, an industry best practice. A cold storage wallet is created and stored on a computer with no access to a network, *i.e.*, an “air-

gapped” computer with no ability to access the Internet. Such a computer is isolated from any network, including local or Internet connections. A multi-signature address is an address associated with more than one private key. For example, a “2 of 3” address requires two signatures (out of three) from two separate private keys (out of three) to move bitcoin from a sender address to a receiver address.

The Sponsor will utilize bitcoin private keys that are generated and stored on air-gapped computers. The movement of bitcoin will require physical access to the air-gapped computers and use of multiple authorized signers. For backup and disaster recovery purposes, the Sponsor will maintain cold storage wallet backups in locations geographically distributed throughout the United States, including in the Northeast and Midwest.

In addition to the Sponsor’s security system, the Sponsor has arranged for the Trust to maintain comprehensive insurance coverage underwritten by various insurance carriers. The purpose of the insurance is to protect investors against loss or theft of the Trust’s bitcoin. The insurance will cover loss of bitcoin by, among other things, theft, destruction, bitcoin in transit, computer fraud and other loss of the private keys that are necessary to access the bitcoin held by the Trust. The coverage is subject to certain terms, conditions and exclusions, as discussed in the Registration Statement. The insurance policy will carry initial limits of \$25 million in primary coverage and \$100 million in excess coverage, with the ability to increase coverage depending on the value of the bitcoin held by the Trust.

The Sponsor expects that the Trust’s auditor will verify the existence of bitcoin held in custody by the Sponsor on behalf of the Trust. In addition, the Trust’s insurance carriers will have inspection rights associated with the bitcoin held in custody by the Sponsor on behalf of the Trust.

#### Bitcoin Market Price

In the ordinary course of business, the Administrator will value the bitcoin held by the Trust based on the price set by the XBX or one of the other pricing sources set forth below (each, a “bitcoin Market Price”) as of 4:00 p.m. E.T., on the valuation date on any day that the NYSE Arca is open for regular trading. For further detail, see (i) below. If for any reason, and as determined by the Sponsor, the Administrator is unable to value the Trust’s bitcoin using the procedures described in (i), the

Administrator will value the Trust’s bitcoin using the cascading set of rules set forth in (ii) through (iv) below. For the avoidance of doubt, the Administrator will employ the below rules sequentially and in the order as presented, should the Sponsor determine that one or more specific rule(s) fails. The Sponsor may determine that a rule has failed if a pricing source is unavailable or, in the judgment of the Sponsor, is deemed unreliable. To the extent the Administrator uses any of the cascading set of rules, the Sponsor will make public on the Trust’s Web site the rule being used.

(i) bitcoin Market Price = The price set by the XBX as of 4:00 p.m. E.T. on the valuation date. The XBX is a real-time U.S. dollar-denominated composite reference rate for the price of bitcoin. The XBX calculates the intra-day price of bitcoin every second, including the closing price as of 4:00 p.m. E.T. The intra-day price and closing price are based on a methodology that consists of collecting and cleansing actual trade data from several bitcoin exchanges included within the index. TradeBlock uses standardized eligibility criteria based on periodically-reviewed governance principles to select trading venues for inclusion in the XBX. As of January 15, 2017, the eligible bitcoin exchanges selected by TradeBlock for inclusion in the XBX are Bitfinex, Bitstamp, GDAX (f/k/a Coinbase), itBit and OKCoin International. The logic utilized for the derivation of the daily closing index level for the XBX is intended to analyze actual bitcoin transactional data, verify and refine the data set, and yield an objective, fair-market value of one bitcoin as of 4:00 p.m. E.T. each weekday, priced in U.S. dollars.

(ii) bitcoin Market Price = The price set by the XBP as of 4:00 p.m. E.T. on the valuation date. The XBP is a U.S. dollar-denominated composite reference rate for the price of bitcoin based on the simple average of bitcoin exchanges selected by CoinDesk. CoinDesk uses its discretion to select bitcoin exchanges that will be included in the XBP based on guidelines, including depth of liquidity, minimum trade size, data availability, maximum deposit and withdrawal time and acceptance of U.S. dollar deposits. As of January 15, 2017, the eligible bitcoin exchanges selected by CoinDesk for inclusion in the XBP are Bitstamp, GDAX (f/k/a Coinbase), itBit and OKCoin International.

(iii) bitcoin Market Price = The volume-weighted average bitcoin price for the immediately preceding 24-hour period at 4:00 p.m. E.T. on the valuation

<sup>33</sup> See “In the Matter of Coinflip, Inc.” (CFTC Docket 15–29 (September 17, 2015)) (order instituting proceedings pursuant to Sections 6(c) and 6(d) of the CEA, making findings and imposing remedial sanctions), in which the CFTC stated the following:

“Section 1a(9) of the CEA defines ‘commodity’ to include, among other things, ‘all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in.’ 7 U.S.C. 1a(9). The definition of a ‘commodity’ is broad. See, e.g., *Board of Trade of City of Chicago v. SEC*, 677 F.2d 1137, 1142 (7th Cir. 1982). Bitcoin and other virtual currencies are encompassed in the definition and properly defined as commodities.”

date as published by an alternative third party's public data feed that the Sponsor determines is reasonably reliable, subject to the requirement that such data is calculated based upon a volume-weighted average bitcoin price obtained from the major U.S. dollar-denominated bitcoin exchanges ("Second Source"). Subject to the next sentence, if the Second Source becomes unavailable (e.g., data sources from the Second Source for bitcoin prices become unavailable, unwieldy or otherwise impractical for use), or if the Sponsor determines in good faith that the Second Source does not reflect an accurate bitcoin price, then the Sponsor will, on a best efforts basis, contact the Second Source in an attempt to obtain the relevant data. If after such contact the Second Source remains unavailable or the Sponsor continues to believe in good faith that the Second Source does not reflect an accurate bitcoin price, then the Administrator will employ the next rule to determine the bitcoin Market Price.

(iv) bitcoin Market Price = The Sponsor will use its best judgment to determine a good faith estimate of the bitcoin Market Price.

#### The Trust

According to the Registration Statement, the Trust will invest in bitcoin only. The Trust will cause the Sponsor to either (i) receive bitcoin from the Trust in such quantity as may be necessary to pay the Sponsor's management fee and other Trust expenses and liabilities not assumed by the Sponsor or (ii) sell bitcoin in such quantity as may be necessary to permit payment in cash of the Sponsor's management fee and other Trust expenses and liabilities not assumed by the Sponsor, such as the bitcoin Insurance Fee. As a result, the amount of bitcoin sold will vary from time to time depending on the level of the Trust's expenses and the market price of bitcoin.

The Trust will pay the Sponsor a management fee as compensation for services performed on behalf of the Trust and for services performed in connection with maintaining the Trust. The Sponsor's fee will be payable monthly in arrears and will be accrued daily. The bitcoin Insurance Fee will be payable by the Trust monthly in advance, as described in the Registration Statement.

In exchange for the Sponsor's management fee, the Sponsor has agreed to assume the following administrative and marketing expenses incurred by the Trust: Each of the Trustee's, Administrator's, Cash Custodian's,

Transfer Agent's and Order Examiner's monthly fee and out-of-pocket expenses and expenses reimbursable in connection with such service provider's respective agreement; bitcoin storage fees in its capacity as bitcoin Custodian; marketing support fees and expenses; exchange listing fees; SEC registration fees; index license fees; printing and mailing costs; maintenance expenses for the Trust's Web site; audit fees and expenses; and up to \$100,000 per annum in legal expenses. The Trust will be responsible for paying, or for reimbursing the Sponsor or its affiliates for paying, all the extraordinary fees and expenses, if any, of the Trust. The management fee to be paid to the Sponsor and the bitcoin Insurance Fee are expected to be the only ordinary recurring operating expense of the Trust.

#### Net Asset Value

The NAV for the Trust will equal the market value of the Trust's total assets, including bitcoin and cash, less liabilities of the Trust, which include estimated accrued but unpaid fees, expenses and other liabilities. Under the Trust's proposed operational procedures, the Administrator will calculate the NAV on each business day that the NYSE Arca is open for regular trading, as promptly as practicable after 4:00 p.m. E.T. To calculate the NAV, the Administrator will use the price set for bitcoin by the XBX or one of the other bitcoin Market Prices set forth above. The Administrator will also determine the NAV per Share by dividing the NAV of the Trust by the number of the Shares outstanding as of the close of trading on the NYSE Arca Core Trading Session, i.e., 9:30 a.m. to 4:00 p.m. E.T. (which includes the net number of any Shares deemed created or redeemed on such day).

According to the Registration Statement, Authorized Participants (as defined in "Creation and Redemption of Shares" below), or their clients or customers, may have an opportunity to realize a riskless profit if they can create a Basket (as defined in "Creation and Redemption of Shares" below) at a discount to the public trading price of the Shares or can redeem a Basket at a premium over the public trading price of the Shares. The Sponsor expects that the exploitation of such arbitrage opportunities by Authorized Participants and their clients and customers will tend to cause the public trading price to track NAV per Share closely over time. Such arbitrage opportunities will not be available to holders of Shares who are not Authorized Participants.

While the Trust's investment objective is to seek to provide shareholders with exposure to the daily change in the U.S. dollar price of bitcoin, before expenses and liabilities of the Trust, as measured by the XBX, the Shares may trade in the secondary market at prices that are lower or higher relative to their NAV per Share.

The NAV per Share may fluctuate with changes in the market value of the bitcoin held by the Trust. The value of the Shares may be influenced by non-concurrent trading hours between NYSE Arca and the various bitcoin exchanges comprising the XBX, all of which constituent bitcoin exchanges operate 24 hours per day, 365 days per year. As a result, there will be periods when the NYSE Arca is closed and such bitcoin exchanges continue to trade. Significant changes in the price of bitcoin on such exchanges could result in a difference in performance between the value of bitcoin as measured by the XBX and the most recent NAV per Share or closing trading price. The non-concurrent trading hours also may result in trading spreads and the resulting premium or discount on the Shares widening, increasing the difference between the price of the Shares and the NAV of such Shares.

The price difference may also be due to the fact that supply and demand forces at work in the secondary trading market for Shares are closely related, but not identical, to the same forces influencing the XBX spot price. Consequently, an Authorized Participant may be able to create or redeem a Basket of Shares at a discount or a premium to the public trading price per Share.

#### Bitcoin Trading Activities of the Sponsor With Authorized Participants and Market Makers

The Sponsor represents that bitcoin is a bearer asset, so unlike most financial assets within the modern financial system, Authorized Participants seeking to acquire quantities of bitcoin will require specialized knowledge to source and secure the bitcoin. Such potential holders of bitcoin without sufficient technological knowledge will encounter both counterparty and custodial issues that will effectively lock them out of accessing the bitcoin market. Therefore, although there is nothing preventing Authorized Participants from participating directly in the bitcoin market, the Sponsor believes, based on the current state of the bitcoin market and its participants, many probably will not until such time as the bitcoin market matures so that the technological, counterparty and custodial issues

evolve to become similar to those of traditional financial instruments. Notwithstanding the foregoing, the Sponsor believes, based on conversations with market participants, that one or more Authorized Participants and/or market makers may be interested in participating directly in the bitcoin market and creating or redeeming Baskets in-kind.

According to the Sponsor, whether creating and redeeming baskets in-kind or for cash, Authorized Participants and market makers can hedge their exposure to bitcoin using non-deliverable forward contracts ("NDFs") and swap contracts that will create synthetic long and short exposure to bitcoin for such hedging purposes. While the Sponsor expects that NDFs and/or swaps will be offered by several participants in the bitcoin marketplace, including bitcoin exchanges and bitcoin OTC market participants, the Sponsor itself (operating on a principal basis) also may offer NDFs and swaps in order to provide Authorized Participants and market makers with additional options for hedging their exposure to bitcoin. Such arrangements make it possible for Authorized Participants that lack the trading infrastructure to transact in bitcoin to be able to hedge their exposure by entering into an NDF or swap contract. Accordingly, an Authorized Participant may hedge its exposure to bitcoin without the need to custody bitcoin, or to engage a third party to custody bitcoin. In addition, to the extent requested by Authorized Participants and market makers, the Sponsor will act as agent by buying and selling bitcoin on behalf of the Authorized Participants and market makers, including short sale orders, solely for hedging purposes. According to the Registration Statement, the Sponsor will only enter into NDF or swap transactions with Authorized Participants and market makers, and/or act as agent by buying and selling bitcoin on behalf of Authorized Participants and market makers, to the extent requested by Authorized Participants and market makers. The Trust will not be a party to any such transactions.

According to the Registration Statement, the NDF and swap contracts that the Sponsor will enter into as agent on behalf of the Authorized Participants and market makers will be bespoke, OTC and cash settled. The terms of the NDF and swap contracts will be negotiated between the counterparties to the NDF and swap contracts. The NDF and swap contracts may be traded electronically on at least one swap execution facility. According to the

Registration Statement, generally, the NDF and swap contract strike prices will be based on the bitcoin spot price, as determined by the XBX, or other pricing source as agreed to between the NDF and swap contract counterparties, when the contract is entered into. The NDF termination price will be based on the NAV of the Trust determined as of 4:00 p.m. E.T. The terms of the NDF and swap contracts will be governed by International Swaps and Derivatives Associations, Inc. ("ISDA") agreements. The ISDA terms, including to the extent necessary any collateral arrangements, will be negotiated between the counterparties to the NDF and swap contracts.

#### Impact on Arbitrage

Investors and market participants are able throughout the trading day to compare the market price of the Shares and the Share's IIV. According to the Sponsor, if the market price of the Shares diverges significantly from the IIV, Authorized Participants will have an incentive to execute arbitrage trades. Because of the potential for arbitrage inherent in the structure of the Trust, the Sponsor believes that the Shares will not trade at a material discount or premium to the underlying bitcoin held by the Trust. The arbitrage process, which in general provides investors the opportunity to profit from differences in prices of assets, increases the efficiency of the markets, serves to prevent potentially manipulative efforts, and can be expected to operate efficiently in the case of the Shares and bitcoin.

For example, if the Shares appear to be trading at a discount compared to the IIV, an Authorized Participant could buy the Shares on the NYSE Arca and simultaneously hedge their exposure to the price of the Shares by entering into an NDF or swap contract—in a dollar amount equal to the aggregate price of the Shares bought—that would provide the Authorized Participant with synthetic short exposure to bitcoin. The Authorized Participant then could redeem a Basket at NAV and realize a profit. Conversely, if the Shares appear to be trading at a premium compared to the IIV, an Authorized Participant could sell short the Shares on the NYSE Arca and simultaneously hedge their exposure to the short sale by entering into an NDF or swap contract—in a dollar amount equal to the aggregate price of the Shares sold—that would provide the Authorized Participant with synthetic long exposure to bitcoin. The Authorized Participant then could create a Basket at NAV, use those newly created Shares to cover the short sale and realize a profit. Such arbitrage

trades can tighten the tracking between the market price of the Shares and the IIV and thus can be beneficial to all market participants.

#### Creation and Redemption of Shares

According to the Registration Statement, the Trust will issue and redeem "Baskets", each equal to a block of 100,000 Shares, only to "Authorized Participants" (as described below). The size of a Basket is subject to change. The creation and redemption of Baskets will principally be made in exchange for the delivery to the Trust or the distribution by the Trust of the amount of cash or bitcoin represented by the combined NAV of the Baskets being created or redeemed, the amount of which will be based on the combined bitcoin represented by the number of Shares included in the Baskets being created or redeemed determined on the day the order to create or redeem Baskets is properly received.

Orders to create and redeem Baskets may be placed only by Authorized Participants.<sup>34</sup> A transaction fee will be assessed on all creation and redemption transactions effected in-kind. In addition, a variable transaction fee will be charged to the Authorized Participants for creations and redemptions effected in cash to cover the Trust's expenses related to purchasing and selling bitcoin on bitcoin exchanges or in OTC transactions. Such expenses may vary, but the Trust currently expects such expenses to constitute 1% or less of the value of a Basket.

#### Creation Procedures

On any business day, an Authorized Participant may place an order with the Transfer Agent to create one or more Baskets. For purposes of processing both purchase and redemption orders, a "business day" means any day other than a day when the New York Stock Exchange is closed for regular trading. Cash purchase orders must be placed by 3:00 p.m. E.T., or the close of regular trading on the New York Stock

<sup>34</sup> An Authorized Participant must: (1) Be a registered broker-dealer and a member in good standing with the Financial Industry Regulatory Authority ("FINRA") or other securities market participant, such as a bank or other financial institution, which, but for an exclusion from registration, would be required to register as a broker-dealer to engage in securities transactions; (2) be a participant in Depository Trust Company ("DTC"). To become an Authorized Participant, a person must enter into an "Authorized Participant Agreement" with the Sponsor and the Transfer Agent. The Authorized Participant Agreement provides the procedures for the creation and redemption of Baskets and for the delivery of the cash (and, potentially, bitcoin in-kind) required for such creations and redemptions.



Exchange, whichever is earlier, and in-kind purchase orders must be placed by 4:00 p.m. E.T., or the close of regular trading on the New York Stock Exchange, whichever is earlier. The day on which the Transfer Agent receives a valid purchase order, as approved by the Order Examiner, is the purchase order date. Purchase orders are irrevocable. By placing a purchase order, and prior to delivery of such Baskets, an Authorized Participant's DTC account will be charged the non-refundable transaction fee due for the purchase order.

#### Determination of Required Payment

The total payment required to create each Basket is determined by calculating the NAV of 100,000 Shares of the Trust as of the closing time of the NYSE Arca Core Trading Session on the purchase order date. Baskets are issued as of 9:30 a.m. E.T. on the business day immediately following the purchase order date at the applicable NAV as of the closing time of the NYSE Arca Core Trading Session on the purchase order date, but only if the required payment has been timely received.

Orders to purchase Baskets for cash must be placed no later than 3:00 p.m. E.T., or the close of regular trading on the New York Stock Exchange, whichever is earlier, and orders to purchase Baskets in-kind must be placed no later than 4:00 p.m. E.T., or the close of regular trading on the New York Stock Exchange, whichever is earlier, but the total payment required to create a Basket will not be determined until 4:00 p.m. E.T. on the date the purchase order is received by the Transfer Agent and approved by the Order Examiner. Authorized Participants therefore will not know the total amount of the payment required to create a Basket at the time they submit an irrevocable purchase order for the Basket. Valid cash orders to purchase Baskets received after 3:00 p.m. E.T., and valid in-kind orders to purchase Baskets received after 4:00 p.m. E.T., are considered received on the following business day. The NAV of the Trust and the total amount of the payment required to create a Basket could rise or fall substantially between the time an irrevocable purchase order is submitted and the time the amount of the purchase price in respect thereof is determined.

The payment required to create a Basket typically will be made in cash, but it may also be made partially or wholly in-kind at the discretion of the Sponsor if the Authorized Participant requests to convey bitcoin directly to the Trust. To the extent the Authorized Participant places an in-kind order to

create, the Authorized Participant must deliver bitcoin directly to the Sponsor, as bitcoin Custodian, (*i.e.*, to the security system that holds the Trust's bitcoin) and an amount of cash (or bitcoin) referred to as the "Balancing Amount", computed as described below, each no later than 4:00 p.m. E.T. on the date the purchase order is received and accepted. The amount of bitcoin delivered by the Authorized Participant must be in an amount equal to the number of bitcoin necessary to create a Basket as of 4:00 p.m. E.T. on the date the purchase order is received and accepted. Upon delivery of the bitcoin to the Sponsor's security system and the Balancing Amount to the Cash Custodian (or the bitcoin component of the Balancing Amount, if applicable, to the Sponsor), the Transfer Agent will cause the Trust to issue a Basket to the Authorized Participant. Expenses relating to purchasing bitcoin in assembling an in-kind creation Basket, such as bitcoin exchange-related fees and/or transaction fees, will be borne by Authorized Participants. With respect to creations in cash, Authorized Participants will be charged a variable transaction fee to cover expenses as set forth above.

The Balancing Amount is an amount equal to the difference between the NAV of the Shares (per Basket) and the "Deposit Amount", which is an amount equal to the market value of bitcoin (per Basket) which, for this purpose, is calculated in the same manner as the Trust values its bitcoin, as set forth in "bitcoin Market Price" above. The Balancing Amount serves to compensate for any difference between the NAV per Basket and the Deposit Amount. Payment of any tax or other fees and expenses payable upon transfer of bitcoin shall be the sole responsibility of the Authorized Participant purchasing a Basket.

The Sponsor makes available through the National Securities Clearing Corporation ("NSCC") on each business day, prior to the opening of business on the NYSE Arca, the amount of bitcoin required for an in-kind creation of a Basket. This amount is applicable in order to effect in-kind purchases of Baskets until such time as the next announced amount is made available.

The Transfer Agent shall notify the Authorized Participant of the NAV of the Trust and the corresponding amount of cash (in the case of a cash purchase order) or bitcoin (in the case of an in-kind purchase order, together with any Balancing Amount) to be included in a Deposit Amount by email or telephone correspondence and such amount is available via the Trust's Web site.

#### Redemption Procedures

The procedures by which an Authorized Participant can redeem one or more Baskets mirror the procedures for the creation of Baskets. On any business day, an Authorized Participant may place an order with the Transfer Agent to redeem one or more Baskets. Cash redemption orders must be placed no later than 3:00 p.m. E.T., or the close of regular trading on the New York Stock Exchange, whichever is earlier, and redemption orders submitted in-kind must be placed by 4:00 p.m. E.T., or the close of regular trading on the New York Stock Exchange, whichever is earlier. The day on which the Transfer Agent receives a valid redemption order, as approved by the Order Examiner, is the "redemption order date". Redemption orders are irrevocable. The redemption procedures allow only Authorized Participants to redeem Baskets. A shareholder may not redeem Baskets other than through an Authorized Participant.

By placing a redemption order, an Authorized Participant agrees to deliver the Baskets to be redeemed through DTC's book-entry system to the Trust not later than 4:00 p.m. E.T. on the business day immediately following the redemption order date. By placing a redemption order, and prior to receipt of the redemption proceeds, an Authorized Participant's DTC account will be charged the non-refundable transaction fee due for the redemption order.

#### Determination of Redemption Proceeds

The redemption proceeds from the Trust consist of the "cash redemption amount" and, if making an in-kind redemption, bitcoin. The cash redemption amount is equal to the combined NAV of the number of Baskets of the Trust requested in the Authorized Participant's redemption order as of the closing time of the NYSE Arca Core Trading Session on the redemption order date. The Cash Custodian will distribute the cash redemption amount at 4:00 p.m., E.T., on the business day immediately following the redemption order date through DTC to the account of the Authorized Participant as recorded on DTC's book-entry system. At the discretion of the Sponsor and if the Authorized Participant requests to receive bitcoin directly, some or all of the redemption proceeds may be distributed to the Authorized Participant in-kind.

Orders to redeem Baskets must be placed no later than 3:00 p.m. E.T. for cash redemption orders and 4:00 p.m. E.T. for in-kind redemptions orders, but



the total amount of redemption proceeds typically will not be determined until after 4:00 p.m. E.T. on the date the redemption order is received. Authorized Participants therefore will not know the total amount of the redemption proceeds at the time they submit an irrevocable redemption order.

#### Delivery of Redemption Proceeds

The redemption proceeds due from the Trust are delivered to the Authorized Participant at 4:00 p.m. E.T. on the business day immediately following the redemption order date if, by such time on such business day immediately following the redemption order date, the Trust's DTC account has been credited with the Baskets to be redeemed. If the Trust's DTC account has not been credited with all of the Baskets to be redeemed by such time, the redemption distribution is delivered to the extent of whole Baskets received. Any remainder of the redemption distribution is delivered on the next business day to the extent of remaining whole Baskets received if the Sponsor receives the fee applicable to the extension of the redemption distribution date which the Sponsor may, from time to time, determine and the remaining Baskets to be redeemed are credited to the Trust's DTC account by 4:00 p.m. E.T. on such next business day. Any further outstanding amount of the redemption order shall be cancelled.

In the case of in-kind redemptions, the Sponsor makes available through the NSCC, prior to the opening of business on the NYSE Arca on each business day, the amount of bitcoin per Basket that will be applicable to redemption requests received in proper form.

The Transfer Agent shall notify the Authorized Participant of the NAV of the Trust and the corresponding amount of cash (in the case of a cash purchase order) or bitcoin (in the case of an in-kind purchase order, together with any Balancing Amount) corresponding to a redemption Basket by email or telephone correspondence and such amount is available via the Trust's Web site.

To the extent the Authorized Participant places an in-kind order to redeem a Basket, the Sponsor will deliver, on the business day immediately following the day the redemption order is received, bitcoin to the Authorized Participant in an amount equal to the number of bitcoin necessary to redeem a Basket as of 4:00 p.m. E.T. Expenses relating to transferring bitcoin to an Authorized Participant in a redemption Basket will be borne by Authorized Participants via the

redemption transaction fee. With respect to redemptions in cash, Authorized Participants will be charged a variable transaction fee to cover expenses as set forth above.

#### Availability of Information

The Trust's Web site will provide an intra-day indicative value ("IIV") per Share updated every 15 seconds, as calculated by the Exchange or a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4:00 p.m. E.T.). The IIV will be calculated by using the prior day's closing NAV per Share as a base and updating that value during the NYSE Arca Core Trading Session to reflect changes in the value of the Trust's bitcoin holdings during the trading day.

The IIV disseminated during the NYSE Arca Core Trading Session should not be viewed as an actual real-time update of the NAV, which will be calculated only once at the end of each trading day. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session by one or more major market data vendors. In addition, the IIV will be available through on-line information services.

The Web site for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) The current NAV per Share daily and the prior business day's NAV and the reported closing price; (b) the mid-point of the bid-ask price<sup>35</sup> in relation to the NAV as of the time the NAV is calculated ("Bid-Ask Price") and a calculation of the premium or discount of such price against such NAV; (c) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (d) the prospectus; and (e) other applicable quantitative information. The Trust will also disseminate the Trust's holdings on a daily basis on the Trust's Web site. The price of bitcoin will be made available by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session. Information about the XBX, including key elements of how the XBX algorithm is calculated, is publicly available at <https://tradeblock.com/markets/index/>.

The NAV for the Trust will be calculated by the Administrator once a

<sup>35</sup> The bid-ask price of the Trust is determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day NAV.

day and will be disseminated daily to all market participants at the same time. To the extent that the Administrator has utilized the cascading set of rules described in "bitcoin Market Price" above, the Trust's Web site will note the valuation methodology used and the price per bitcoin resulting from such calculation. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the Consolidated Tape Association ("CTA").

Quotation and last sale information for bitcoin will be widely disseminated through a variety of major market data vendors, including Bloomberg and Reuters. In addition, the complete real-time price (and volume) data for bitcoin is available by subscription from Reuters and Bloomberg. The spot price of bitcoin is available on a 24-hour basis from major market data vendors, including Bloomberg and Reuters. Information relating to trading, including price and volume information, in bitcoin will be available from major market data vendors and from the exchanges on which bitcoin are traded. The normal trading hours for bitcoin exchanges are 24-hours per day, 365-days per year.

The Trust will provide Web site disclosure of its bitcoin holdings daily. The Web site disclosure of the Trust's bitcoin holdings will occur at the same time as the disclosure by the Sponsor of the bitcoin holdings to Authorized Participants so that all market participants are provided such portfolio information at the same time. Therefore, the same portfolio information will be provided on the public Web site as well as in electronic files provided to Authorized Participants. Accordingly, each investor will have access to the current bitcoin holdings of the Trust through the Trust's Web site.

#### Trading Rules

The Trust will be subject to the criteria in NYSE Arca Equities Rule 8.201, including 8.201(e), for initial and continued listing of the Shares. A minimum of 100,000 Shares will be required to be outstanding at the start of trading. With respect to application of Rule 10A-3 under the Act, the Trust will rely on the exception contained in Rule 10A-3(c)(7). The Exchange believes that the anticipated minimum number of Shares outstanding at the start of trading is sufficient to provide adequate market liquidity.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares

on the Exchange will occur in accordance with NYSE Arca Equities Rule 7.34(a). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, the minimum price variation ("MPV") for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is \$0.01, with the exception of securities that are priced less than \$1.00 for which the MPV for order entry is \$0.0001.

Further, NYSE Arca Equities Rule 8.201 sets forth certain restrictions on Equity Trading Permit Holders ("ETP Holders") acting as registered Market Makers in the Shares to facilitate surveillance. Pursuant to NYSE Arca Equities Rule 8.201(g), an ETP Holder acting as a registered Market Maker in the Shares is required to provide the Exchange with information relating to its trading in the underlying bitcoin, related futures or options on futures or any other related derivatives. Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker, and its affiliates, in the Shares to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any components of the related products, any physical asset or commodity underlying the product, applicable currencies, underlying indexes, related futures or options on futures and any related derivative instruments (including the Shares).

As a general matter, the Exchange has regulatory jurisdiction over its ETP Holders and their associated persons, which include any person or entity controlling an ETP Holder. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which conditions in the underlying bitcoin markets have caused disruptions and/or lack of trading or (2) whether other unusual conditions or circumstances

detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's "circuit breaker" rule.<sup>36</sup>

The Exchange will halt trading in the Shares if the NAV of the Trust is not calculated or disseminated daily. The Exchange may halt trading during the day in which an interruption occurs to the dissemination of the IIV or the dissemination of the XBX spot price, as discussed above. If the interruption to the dissemination of the IIV or the XBX spot price persists past the trading day in which it occurs, the Exchange will halt trading no later than the beginning of the trading day following the interruption.<sup>37</sup> In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants.

#### Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.<sup>38</sup> The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding

trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group ("ISG"), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement ("CSSA").<sup>39</sup>

Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (i) the description of the portfolio or (ii) limitations on portfolio holdings or reference assets shall constitute continued listing requirements for listing the Shares on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Equities Rule 5.5(m).

#### Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an "Information Bulletin" of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Baskets (including noting that the Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to

<sup>36</sup> See NYSE Arca Equities Rule 7.12.

<sup>37</sup> The Exchange notes that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the XBX spot price occurs.

<sup>38</sup> FINRA conducts cross market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

<sup>39</sup> For the list of current members of ISG, see <https://www.isgportal.org/home.html>.

trading the Shares; (3) how information regarding how the Index and the IIV are disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Shares may widen during the Opening and Late Trading Sessions, when an updated IIV will not be calculated or publicly disseminated; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Exchange notes that investors purchasing Shares directly from the Trust will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses as described in the Registration Statement. The Information Bulletin will disclose that information about the Shares of the Trust is publicly available on the Trust's Web site.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

## 2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)<sup>40</sup> that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.201. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets that are members of the ISG, and the

Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets. In addition, the Exchange may obtain information regarding trading in the Shares from markets that are members of ISG or with which the Exchange has in place a CSSA. Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Shares and the underlying bitcoin or any bitcoin derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that there is a considerable amount of bitcoin price and bitcoin market information available on public Web sites and through professional and subscription services. Investors may obtain on a 24-hour basis bitcoin pricing information based on the spot price for bitcoin from various financial information service providers. The closing price and settlement prices of bitcoin are readily available from the bitcoin exchanges and other publicly available Web sites. In addition, such prices are published in public sources or on-line information services such as Bloomberg and Reuters. The Trust will provide Web site disclosure of its bitcoin holdings daily. Quotation and last-sale information regarding the Shares will be disseminated through the facilities of the CTA. The IIV will be widely disseminated on a per Share basis every 15 seconds during the NYSE Arca Core Trading Session by one or more major market data vendors. In addition, the IIV will be available through on-line information services. The Exchange represents that the Exchange may halt trading during the day in which an interruption to the dissemination of the IIV or the XBX spot price occurs. If the interruption to the dissemination of the IIV or the XBX spot price persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. The NAV per Share will be calculated daily and made available to all market participants at the same time. One or

more major market data vendors will disseminate for the Trust on a daily basis information with respect to the most recent NAV per Share and Shares outstanding.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a CSSA. In addition, as noted above, investors will have ready access to information regarding the Trust's bitcoin holdings, IIV and quotation and last sale information for the Shares.

## 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 Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of exchange-traded product, and the first such product based on bitcoin, which will enhance competition among market participants, to the benefit of investors and the marketplace.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Section 6(b)(5) of the Act, the other provisions of the Act, and the rules and regulations thereunder. In particular, the Commission invites the written views of interested persons concerning the sufficiency of the Exchange's statements in support of Amendment No. 1 to the proposed rule change, which are set forth above, and the specific requests for comment set forth

<sup>40</sup> 15 U.S.C. 78f(b)(5).

in the Order Instituting Proceedings.<sup>41</sup> 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEARCA-2016-101 in 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-2016-101. This file number should be included in 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEARCA-2016-101 and should be submitted on or before March 16, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>42</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2017-03983 Filed 2-28-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80094; File No. SR-NYSEARCA-2016-176]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Relating to the Listing and Trading of Shares of the EtherIndex Ether Trust Under NYSE Arca Equities Rule 8.201

February 23, 2017.

On December 30, 2016, NYSE Arca, Inc. filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> a proposed rule change to list and trade shares of EtherIndex Ether Trust under NYSE Arca Equities Rule 8.201. The proposed rule change was published for comment in the **Federal Register** on January 23, 2017.<sup>4</sup>

Section 19(b)(2) of the Act<sup>5</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is March 9, 2017. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> designates April 23, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NYSEARCA-2016-176).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See Securities Exchange Act Release No. 79792 (Jan. 13, 2017), 82 FR 7891 (Jan. 23, 2017).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-03909 Filed 2-28-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-10312; 34-80096]

### Securities and Exchange Commission Evidence Summit

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of conference.

**SUMMARY:** The Securities and Exchange Commission's Office of the Investor Advocate will host a public conference, characterized as an "Evidence Summit," to discuss, among other things, potential strategies for enhancing retail investors' understanding of key investment characteristics such as fees, risks, returns, and conflicts of interest. An objective of the conference is to marshal research from the fields of economics and cognitive sciences to help inform ways of thinking about investor behavior and identify areas for possible future research to be conducted under the auspices of an investor research initiative led by the Commission's Office of the Investor Advocate.

**DATES:** The conference will be held on Friday, March 10, 2017 from 9:30 a.m. until 4:30 p.m. (ET).

**ADDRESSES:** The conference will be held in the Auditorium, Room L-002 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The conference will be webcast on the Commission's Web site at [www.sec.gov](http://www.sec.gov).

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian Scholl, Principal Economic Advisor and Senior Economist, Office of the Investor Advocate, at (202) 551-3302, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The conference will be open to the public, except for that portion of the conference reserved for a nonpublic networking session for panelists during lunch. Persons needing special accommodations to take part because of a disability should notify the contact person listed in the section above entitled **FOR FURTHER INFORMATION CONTACT**.

The agenda for the conference includes: Opening remarks by Acting

<sup>41</sup> See Order Instituting Proceedings, *supra* note 6, at 76402.

<sup>42</sup> 17 CFR 200.30-3(a)(12).

<sup>7</sup> 17 CFR 200.30-3(a)(31).

Chairman Michael S. Piowar; plenary remarks by panelists Brigitte Madrian and Terry Odean; a panel discussion exploring how investors think and act; a keynote address by panelist George Lowenstein; a panel discussion addressing ways in which the Commission's disclosure regime can facilitate disclosure in the most effective manner for a wide variety of users; remarks from Commissioner Kara M. Stein; a panel discussion regarding ways in which to improve the disclosure of fees, strategies/risks, and performance; and a nonpublic networking session for panelists during lunch.

Dated: February 24, 2017.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2017-03945 Filed 2-28-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-80100; File No. SR-ISE-2017-15]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay Directed Orders

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 23, 2017, the International Securities Exchange, LLC ("ISE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delay the implementation of the Directed Orders<sup>3</sup> functionality on ISE.

The text of the proposed rule change is available on the Exchange's Web site at [www.ise.com](http://www.ise.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 Exchange proposes to delay the implementation of the Directed Orders functionality in ISE Rule 811. The Exchange proposes to no longer offer the functionality as of February 24, 2017. The Exchange has notified Members that the functionality will no longer be available by issuing a Market Information Circular. The Exchange proposes to launch this functionality within one year from the date of filing of this rule change to be announced in a separate notice.<sup>4</sup> The Exchange notes that ISE Gemini functionality is also similarly being turned off on February 24, 2017.<sup>5</sup>

The Exchange desires to turn off this functionality at this time and rollout this functionality at a later date in light of the upcoming migration to the new INET platform. The Exchange is staging the replatform to provide maximum benefit to its Members while also ensuring a successful rollout. This delay will provide the Exchange additional time to test and implement this functionality. The Exchange notes that no market participant would be impacted by the delay in implementation as no participants currently utilize this feature on ISE

because no market participant has utilized the Directed Orders functionality in the last thirteen months.

The Exchange will introduce the Directed Orders functionality on ISE within one year from the date of this filing, otherwise the Exchange will file a rule proposal with the Commission to remove these rules.

###### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>7</sup> in particular, 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 because the Exchange desires to rollout this functionality at a later date to allow additional time to rebuild this technology on the new platform. By turning off the functionality on February 24, 2017, this will provide the Exchange additional time to test and implement this functionality, which is not being amended. The Exchange believes that Members have been given adequate notice of the implementation dates. The Exchange notes that Members are aware of the Exchange's efforts to replatform to the INET technology and no Member is using the Directed Orders functionality. The Exchange will continue to provide notifications to Members to ensure clarity about the availability of this functionality. The Exchange will note the applicable dates within the rule text as to the availability of this functionality.

##### 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. The Exchange does not believe that the proposed rule change will impact the intense competition that exists in the options market. No market participant will be impacted by turning off this functionality and delaying its implementation as no participants currently utilize this feature on ISE. The Exchange plans to offer the functionality after a period of delay.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> ISE currently operates a Directed Orders system in which Electronic Access Members ("EAMs") can send an order to a DMM for possible price improvement. If a DMM accepts Directed Orders generally, that DMM must accept all Directed Orders from all EAMs. Once such a DMM receives a Directed Order, it either (i) must enter the order into the Exchange's PIM auction and guarantee its execution at a price better than the ISE best bid or offer ("ISE BBO") by at least a penny and equal to or better than the NBBO or (ii) must release the order into the Exchange's limit order book, in

which case there are certain restrictions on the DMM interacting with the order. See ISE Rule 811.

<sup>4</sup> The separate notice will be an Options Trader Alert.

<sup>5</sup> See Securities Exchange Act Release No. 80011 (February 10, 2017), 82 FR 10927 (SR-ISEGemini-2016-17) (Order Approving Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Amend Various Rules in Connection With a System Migration to Nasdaq INET Technology).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

*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**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>8</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>9</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>10</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)(iii)<sup>11</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Exchange represents that waiver of the operative delay would provide the Exchange additional time to implement the Directed Orders functionality and ensure that it is properly functioning prior to implementation on INET. The Exchange states that it provided notice of the proposed rule change to Members on February 17, 2017. The Commission notes that the Exchange represents that there will be no adverse effect from turning off this functionality for a short period of time because no market participant has utilized the Directed Orders functionality in the last thirteen months. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.<sup>12</sup>

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>9</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day pre-filing requirement in this case.

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>12</sup> For purposes only of waiving the 30-day operative delay, the Commission has also

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](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-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-ISE-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

considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-ISE-2017-15 and should be submitted on or before March 22, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2017-03984 Filed 2-28-17; 8:45 am]

**BILLING CODE 8011-01-P**

**SOCIAL SECURITY ADMINISTRATION**

[Docket No. SSA-2016-0029]

**Social Security Ruling 17-1p; Titles II and XVI: Reopening Based on Error on the Face of the Evidence—Effect of a Decision by the Supreme Court of the United States Finding a Law That We Applied To Be Unconstitutional**

**AGENCY:** Social Security Administration.  
**ACTION:** Notice of Social Security Ruling (SSR).

**SUMMARY:** We are giving notice of SSR 17-1p. This SSR explains how we apply our reopening rules when we have applied a Federal or State law to a claim for benefits that the Supreme Court of the United States later determines to be unconstitutional, and we find the application of that law was material to our determination or decision. We expect that this ruling will clarify our policy in light of recent questions that we have received on this issue.

**DATES:** *Effective Date:* March 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Peter Smith, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-3235. For information on eligibility or filing for benefits, call our national toll-free number 1-800-772-1213, or TTY 1-800-325-0778, or visit our Internet site, Social Security online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:** Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are doing so under 20 CFR 402.35(b)(1).

Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and special veterans

<sup>13</sup> 17 CFR 200.30-3(a)(12).

benefits programs. We may base SSRs on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all components of the Social Security Administration. 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or we publish a new SSR that replaces or modifies it.

(Catalog of Federal Domestic Assistance, Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004—Social Security—Survivors Insurance; 96.006 Supplemental Security Income.)

**Nancy A. Berryhill,**

*Acting Commissioner of Social Security.*

#### POLICY INTERPRETATION RULING SSR 17–1p:

#### TITLES II AND XVI: REOPENING BASED ON ERROR ON THE FACE OF THE EVIDENCE—EFFECT OF A DECISION BY THE SUPREME COURT OF THE UNITED STATES FINDING A LAW THAT WE APPLIED TO BE UNCONSTITUTIONAL

**PURPOSE:** In recent years, we have received a number of questions regarding how our reopening rules should be applied when we applied a Federal or State law in making our determination or decision, and the Supreme Court of the United States later determines that the law we applied is unconstitutional. The issue has arisen most recently in light of the Supreme Court's decisions regarding the constitutionality of the Defense of Marriage Act in *United States v. Windsor*, 133 S. Ct. 2675 (2013) and the constitutionality of State law bans on same-sex marriage in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). We are issuing this SSR to explain our policy on reopening a determination or decision due to an error on the face of the evidence when, in making that determination or decision, we applied a Federal or State law that the Supreme Court of the United States later determines to be unconstitutional, and we find that application of that law was material to our determination or decision.

**CITATIONS:** Sections 702(a)(5) of the Social Security Act, as amended; 20 CFR 404.988, 404.989, 416.1488, 416.1489.

**BACKGROUND:** Generally, if a claimant is dissatisfied with a determination or decision made in the administrative review process, but does not request further review within the stated time period, he or she loses the right to further review and that determination or decision becomes final.<sup>1</sup> However, under our rules of administrative finality, in limited circumstances, either on our own initiative or at the request of a party, we may reopen and revise a determination or decision that is otherwise final.<sup>2</sup> Our regulations set out the grounds for reopening and the timeframes for doing so. In many cases, we may reopen and revise a determination or decision only within specified time limits for “good cause.”<sup>3</sup> In other cases, there are no regulatory time limits for reopening.<sup>4</sup> Under our regulations, we may find “good cause” to reopen in part when we find that there is an error on the face of the evidence, as described in the relevant regulations.<sup>5</sup>

Our regulations do not further specify what constitutes grounds for reopening a determination or decision based on an “error on the face of the evidence.” Under our longstanding policy, a legal error may constitute an error on the face of the evidence.<sup>6</sup> However, our regulations also explain that we will not find “good cause” to reopen a prior determination or decision based solely on a “change of legal interpretation or administrative ruling upon which the determination or decision was made.”<sup>7</sup>

In recent years, we have received questions about whether and how we may apply our reopening rules when we made a determination or decision by applying a Federal or State law that the Supreme Court of the United States later determines to be unconstitutional. We are issuing this SSR to explain how we

interpret the reopening rules in this specific situation to ensure that our adjudicators interpret and apply our reopening rules correctly and consistently.

**POLICY INTERPRETATION:** When we make a determination or decision by applying a Federal or State law that the Supreme Court of the United States later determines to be unconstitutional, and we find that application of that law was material<sup>8</sup> to our determination or decision, we may reopen the determination or decision within the time frames specified in our regulations based on an error on the face of the evidence under 20 CFR 404.988(b), 404.988(c)(8), 404.989(a)(3), 416.1488(b), and 416.1489(a)(3). In this specific situation, we do not consider a holding by the Supreme Court that a Federal or State law is unconstitutional to be a “change of legal interpretation or administrative ruling upon which the determination or decision was made,” as contemplated in 20 CFR 404.989(b) and 416.1489(b).

Under our policy, the rules governing a change in legal interpretation apply when a policy or legal precedent that we previously adhered to in the adjudication of cases, which was correct and reasonable when made, is changed as a result of subsequent court decisions or other applicable legal precedents or new policy considerations.<sup>9</sup> When we have made a determination or decision by applying a Federal or State law that the Supreme Court of the United States later determines to be unconstitutional, the application of that law would not have been correct and reasonable when made. Consequently, we do not interpret the change in legal interpretation criteria in our rules to prevent us from applying our reopening rules in that specific situation.

Accordingly, we may reopen a determination or decision based on an error on the face of the evidence in the limited circumstance where all of the following criteria are met: 1) we made our determination or decision by applying a Federal or State law that the Supreme Court of the United States later determines to be unconstitutional; 2) we find that the application of that law was

<sup>1</sup> 20 CFR 404.987(a), 416.1487(a).

<sup>2</sup> 20 CFR 404.987(b), 416.1487(b).

<sup>3</sup> See e.g., 20 CFR 404.988(b), 416.1488(b).

<sup>4</sup> 20 CFR 404.988(c)(8) (Under title II, we may reopen a determination or decision at any time if it was fully or partially unfavorable to a party to correct “an error that appears on the face of the evidence that was considered when the determination or decision was made.”)

<sup>5</sup> 20 CFR 404.989(a)(3) (Under title II, we may reopen a determination or decision for good cause within four years of the date of the notice of initial determination when the “evidence that was considered in making the determination or decision clearly shows on its face that an error was made.”), 416.1489(a)(3) (Under title XVI, we may reopen a determination or decision for good cause within two years of the date of the notice of initial determination when the “evidence that was considered in making the determination or decision clearly shows on its face that an error was made.”)

<sup>6</sup> Social Security Ruling 85–6c ([https://www.ssa.gov/OP\\_Home/rulings/di/05/SSR85-06-di-05.html](https://www.ssa.gov/OP_Home/rulings/di/05/SSR85-06-di-05.html)).

<sup>7</sup> 20 CFR 404.989(b), 416.1489(b).

<sup>8</sup> For purposes of this Ruling, this type of error on the face of the evidence is “material” to our determination or decision when our application of a Federal or State law that the Supreme Court of the United States later determines to be unconstitutional affected the individual's entitlement to title II benefits, the individual's eligibility for title XVI payments, or the amount of the individual's title II benefits or title XVI payments.

<sup>9</sup> See Program Operations Manual System GN 04001.100A (<https://secure.ssa.gov/apps10/poms.nsf/lnx/0204001100>).



material to our determination or decision; and 3) we reopen and revise the determination or decision within the following time frames:

- For claims under title II of the Social Security Act (Act), within four years of the notice of the initial determination, for good cause, under 20 CFR 404.988(b), 404.989(a)(3);
- For claims under title II of the Act, at any time, if the determination or decision was fully or partially unfavorable, under 20 CFR 404.988(c)(8); and
- For claims under title XVI of the Act, within two years of the notice of the initial determination, for good cause, under 20 CFR 416.1488(b), 416.1489(a)(3).

CROSS REFERENCES: Social Security Ruling 85–6c; Program Operations Manual System GN 04001.100A, GN 04010.020, GN 04020.080.

[FR Doc. 2017–03932 Filed 2–28–17; 8:45 am]

BILLING CODE 4191–02–P

## DEPARTMENT OF STATE

[Public Notice 9900]

### Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: “Michelangelo: Divine Draftsman and Designer” Exhibition

*Summary:* Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby determine that an object to be included in the exhibition “Michelangelo: Divine Draftsman and Designer,” imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about November 6, 2017, until on or about February 12, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

*For Further Information Contact:* For further information, including an object list, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

**Alyson Grunder,**

*Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2017–04039 Filed 2–28–17; 8:45 am]

BILLING CODE 4710–05–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36098]

### BG & CM Railroad, Inc.—Acquisition and Operation Exemption—Rail Line of Great Northwest Railroad, Inc.

BG & CM Railroad, Inc. (BG&CM), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Great Northwest Railroad, Inc. (GNR), and operate approximately 27.5 miles of rail line (the Line), between milepost 3.5 at or near Konkolville, Idaho, to the end of the Line at milepost 31.0 at or near Jaype, Idaho, in Clearwater County, Idaho.<sup>1</sup>

BG&CM certifies that the projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million.

BG&CM further certifies that the transaction does not include interchange commitments.

The transaction may be consummated on March 15, 2017, the effective date of the exemption (30 days after the exemption was filed).

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions for stay must be filed no later than March 8, 2017 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD

<sup>1</sup> The Line was authorized for abandonment in 2004. See *Great Nw. R.R.—Aban. in Clearwater Cty., Idaho*, AB 872X (STB served Nov. 1, 2004). However, the abandonment was never consummated due to an unfulfilled historic preservation condition, and the Line remains an active line of railroad.

36098, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Charles H. Montange, 426 NW 162d St., Seattle, WA 98177.

According to BG&CM, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at [WWW.STB.GOV](http://WWW.STB.GOV).

Decided: February 24, 2017.

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

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2017–03977 Filed 2–28–17; 8:45 am]

BILLING CODE 4915–01–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36099; Docket No. FD 36100; Docket No. FD 36101; Docket No. FD 36102]

### Indiana Harbor Belt Railroad Company—Trackage Rights—Consolidated Rail Corporation, CSX Transportation, Inc., and Norfolk Southern Railway Company; CSX Transportation, Inc.—Trackage Rights—Consolidated Rail Corporation and Norfolk Southern Railway Company; Norfolk Southern Railway Company—Trackage Rights—Consolidated Rail Corporation and CSX Transportation, Inc.; and Consolidated Rail Corporation—Trackage Rights—CSX Transportation, Inc. and Norfolk Southern Railway Company

The Indiana Harbor Belt Railroad Company (IHB), Consolidated Rail Corporation (Conrail), CSX Transportation, Inc. (CSXT), and Norfolk Southern Railway Company (NSR) (collectively, the Parties) have submitted four combined verified notices of exemption in these four dockets pursuant to the class exemption at 49 CFR 1180.27(d)(7) for trackage rights over rail lines and ancillary trackage owned by Conrail, CSXT, and NSR in the vicinity of Gibson and Ivanhoe, Ind., and Calumet Park, Ill. The trackage rights are pursuant to a written trackage rights agreement (Agreement) to be entered into among IHB, Conrail, CSXT, and NSR.<sup>1</sup>

<sup>1</sup> The Parties state that, pursuant to 49 CFR 1180.6(a)(7), a copy of the executed Agreement will be filed with the Board within 10 days of its execution. A redacted copy of the Agreement was filed with the notices of exemption. An unredacted copy also was filed under seal along with a motion



In Docket No. FD 36099, Conrail, CSXT, and NSR have agreed to grant IHB local and overhead trackage rights: (1) Over CSXT's Kensington Branch (a/k/a East-West Line), between CSXT milepost 259.4 at the Ivanhoe intersection in Gary, Ind., and Conrail milepost 266.6 at the intersection of Alice Avenue in Calumet City, Ill., including ancillary trackage; (2) over NSR's Danville Branch (a/k/a the Indiana Harbor Line), between milepost 0.0 at the intersection of Block Avenue in East Chicago, Ind., and milepost 6.30 +/- at the intersection of Little Calumet River in Hammond, Ind., including ancillary trackage; (3) over Conrail's Dune Park Branch, between milepost 1.80 at the Ivanhoe intersection in Gary, Ind., and milepost 4.63 at the intersection of Chase Street in Gary, Ind., including ancillary trackage; (4) over Conrail's Kensington Branch, between Conrail milepost 266.6 at the intersection of Alice Avenue in Calumet City, Ill., and milepost 270.6 at the intersection of 124th Street in East Chicago, Ind., including ancillary trackage; (5) over Conrail's Cast Armour Lead (between the intersections of Dickey Road and Canal Street in East Chicago, Ind.) and Harbison Walker Lead (between the intersections of Indiana Harbor Canal and Kennedy Avenue in East Chicago, Ind.); and (6) over Conrail's Gibson Yard (between Howard Avenue and Kennedy Avenue in Hammond, Ind.), Gibson Transfer Yard (between Kennedy Avenue and Ivanhoe intersection in Gary, Ind.), and Michigan Avenue Yard (between Michigan Avenue and 144th Street in East Chicago, Ind.) (the Rail Properties).<sup>2</sup> The purpose of the

for protective order pursuant to 49 CFR 1104.14(b). That motion will be addressed in a separate decision.

<sup>2</sup> According to the Parties, IHB, which is 51%-owned by Conrail, has previously operated under 99-year trackage rights agreements with predecessors in interest of Conrail, dated April 9, 1906 (1906 Agreement) and September 30, 1913 (1913 Agreement). Under those agreements, IHB has supervised, maintained, and dispatched the Rail Properties. Under the same agreements, Conrail retained the right to operate, and, at its election, to supervise, maintain, and dispatch the same lines. Pursuant to a transaction agreement approved by the Board in *CSX Corp.—Control & Operating Leases/Agreements—Conrail, Inc.*, 3 S.T.B. 196 (1998), portions of the IHB-operated properties owned by Conrail were allocated to New York Central Lines LLC and Pennsylvania Lines, LLC, and subsequently to CSXT and NSR. See *CSX Corp.—Control & Operating Leases/Agreements—Conrail, Inc.*, 7 S.T.B. 205 (2003). As part of the approved transaction, CSX Corporation and Norfolk Southern Corporation entered into an agreement (the IHB Agreement) that gave CSXT and NSR full, joint, and equal use of the Rail Properties, including trackage rights over those properties. See *CSX Corp.*, 3 S.T.B. at 228–229 (including the Rail Properties among the “Other Areas with Special

trackage rights is to allow IHB to continue to operate the Rail Properties with updated compensation and other terms. IHB will have the same rights to supervise, dispatch, and maintain the Rail Properties as it has had in the past. Conrail, CSXT, and NSR will retain the rights to operate on the properties they own and, at their election, the same rights to supervise, maintain, and dispatch the trackage involved as Conrail retained when it owned all the Rail Properties.<sup>3</sup>

In Docket Nos. FD 36100, 36101, and 36102, Conrail, CSXT, and NSR will grant each other local and overhead trackage rights over each other's lines and ancillary trackage described above. The purpose of these trackage rights is to: (1) Recognize the rights of CSXT and NSR for full, joint, and equal operations over the Rail Properties, including trackage rights, as authorized by the IHB Agreement, (2) grant Conrail equivalent trackage rights over CSXT's and NSR's lines, and (3) provide common terms for such trackage rights operations.

The Parties state that the Agreement does not contain interchange commitments.

The transaction may be consummated on March 15, 2017, the effective date of the exemptions (30 days after the combined verified notices were filed).

As a condition to these exemptions, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad*, 360 I.C.C. 653 (1980).

These notices are filed under 49 CFR 1180.2(d)(7). If the notices contain false or misleading information, the exemptions are void ab initio. Petitions to revoke the exemptions under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemptions. Petitions for stay must be filed by March 8, 2017 (at least seven days before the exemptions become effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36099, et al., must be filed with the Surface Transportation Board, 395 E

Treatment” that are “subject to special arrangements that provide for a sharing of routes or facilities to a certain extent”). The 1906 Agreement and 1913 Agreement expired by their terms, respectively, in 2005 and 2012.

<sup>3</sup> Conrail has no current operations on the Rail Properties, but it has always had the right to operate on its own properties. CSXT and NSR have operations over the properties they own and, under the IHB Agreement, they have the right to operate over the remainder of the Rail Properties.

Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Joel Cornfeld, Indiana Harbor Belt Railroad Company, 2721 161st Street, Hammond, IN 46323–1099; Robert M. Jenkins III, Mayer Brown LLP, 1999 K Street NW., Washington, DC 20006–1101; Paul R. Hitchcock, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202; and David L. Coleman, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, VA 23510.

According to the Parties, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at [WWW.STB.GOV](http://WWW.STB.GOV).

Decided: February 23, 2017.

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

**Raina S. Contee,**  
Clearance Clerk.

[FR Doc. 2017–03949 Filed 2–28–17; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA–2016–0015]

### Emergency Route Working Group—Amended Notice of Public Meeting

**AGENCY:** Federal Highway Administration (FHWA); DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice amends the time, date, and location of the third meeting of the Emergency Route Working Group (ERWG).

**DATES:** The third public meeting will be held on Wednesday, March 15, 2017, from 9 a.m. to 5 p.m., e.t., and Thursday, March 16, 2017, from 9 a.m. to 3 p.m.

**ADDRESSES:** Both sessions of this public meeting will be held at the Edison Electric Institute, 701 Pennsylvania Avenue NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Crystal Jones, FHWA Office of Freight Management and Operations, (202) 366–2976, or via email at [Crystal.Jones@dot.gov](mailto:Crystal.Jones@dot.gov) or [erwg@dot.gov](mailto:erwg@dot.gov). For legal questions, contact Seetha Srinivasan, FHWA Office of the Chief Counsel, (202) 366–4099 or via email at [Seetha.Srinivasan@dot.gov](mailto:Seetha.Srinivasan@dot.gov). Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

## Electronic Access

An electronic copy of this notice may be downloaded from the **Federal Register's** home page at: <http://www.archives.gov>; the Government Publishing Office's database at: <https://www.gpo.gov/fdsys/>; or the specific docket page at: [www.regulations.gov](http://www.regulations.gov).

## Background

*Amended date and location for the third ERWG meeting:* Pursuant to the Federal Advisory Committee Act, FHWA's Office of Freight Management and Operations issued a notice for three meetings in the **Federal Register** at 81 FR 95266. The FHWA has held two of the three announced public meetings. The third meeting was originally scheduled for Thursday, March 16, 2017, from 8:30 a.m. to 4 p.m., e.t., at DOT Headquarters. This meeting has been rescheduled for Wednesday, March 15, 2017, from 9 a.m. to 5 p.m., e.t., and Thursday, March 16, 2017, from 9 a.m. to 3 p.m., at the Edison Electric Institute in Washington, DC.

*Minutes and Public Participation:* This meeting is open to the public. Procedure for public comment is available in the original meeting notice. An electronic copy of the minutes from all three ERWG meetings will be available for download within 60 days of each meeting at: <http://ops.fhwa.dot.gov/fastact/erwg/index.htm>.

**Authority:** Section 5502 of Pub. L. 114–94; 5 U.S.C. Appendix 2; 41 CFR 102–3.65; 49 CFR 1.85.

Issued on: February 27, 2017.

**Walter C. Waidelich, Jr.,**

*Acting Deputy Administrator, Federal Highway Administration.*

[FR Doc. 2017–04056 Filed 2–27–17; 4:15 pm]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### FEDERAL RESERVE SYSTEM

### FEDERAL DEPOSIT INSURANCE CORPORATION

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Joint notice and request for comment.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), have approved the publication of proposed revisions to the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101) for public comment. The FFIEC 101 is completed only by banking organizations subject to the advanced approaches risk-based capital rule. Generally, this rule applies to banking organizations with \$250 billion or more in total consolidated assets or \$10 billion or more in on-balance sheet foreign exposures (advanced approaches banking organizations).

The proposed revisions would remove two credit valuation adjustment (CVA) items from the exposure at default (EAD) column on FFIEC 101 Schedule B, Summary Risk-Weighted Asset Information for Banks Approved to Use Advanced Internal Ratings-Based and Advanced Measurement Approaches for Regulatory Capital Purposes (items 31.a and 31.b, column D). Advanced approaches banking organizations would discontinue reporting the EAD CVA data items on FFIEC 101 Schedule B effective with the June 30, 2017, reporting date.

At the end of the comment period, the comments will be analyzed to determine the extent to which the FFIEC and the agencies should modify the proposed revisions. The agencies will then submit the proposed revisions to OMB for review and final approval.

**DATES:** Comments must be submitted on or before May 1, 2017.

**ADDRESSES:** Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

**OCC:** Because paper mail in the Washington, DC, area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible to [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov). Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0239

(FFIEC 101), 400 7th Street SW., Suite 3E–218, mail stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326. You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**Board:** You may submit comments, which should refer to “FFIEC 101,” by any of the following methods:

- **Agency Web site:** <http://www.federalreserve.gov>. Follow the instructions for submitting comments at: <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.
- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Email:** [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov). Include reporting form number in the subject line of the message.
- **Fax:** (202) 452–3819 or (202) 452–3102.
- **Mail:** Robert DeV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at [www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm](http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm) as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

**FDIC:** You may submit comments, which should refer to “FFIEC 101,” by any of the following methods:

- **Agency Web site:** <https://www.fdic.gov/regulations/laws/federal/>. Follow the instructions for submitting comments on the FDIC Web site.

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

- *Email*: [comments@FDIC.gov](mailto:comments@FDIC.gov). Include "FFIEC 101" in the subject line of the message.

- *Mail*: Manuel E. Cabeza, Counsel, Room MB-3007, Attn: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

- *Hand Delivery*: Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

*Public Inspection*: All comments received will be posted without change to <https://www.fdic.gov/regulations/laws/federal/> including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E-1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9:00 a.m. and 5:00 p.m. on business days.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395-6974; or by email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information about the proposed revisions to regulatory reporting requirements discussed in this notice, please contact any of the agency clearance officers whose names appear below. In addition, copies of the proposed revised FFIEC 101 form and instructions can be obtained at the FFIEC's Web site ([http://www.ffiec.gov/ffiec\\_report\\_forms.htm](http://www.ffiec.gov/ffiec_report_forms.htm)).

*OCC*: Shaquita Merritt, OCC Clearance Officer, (202) 649-5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649-5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

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

*FDIC*: Manuel E. Cabeza, Counsel, (202) 898-3767, Federal Deposit Insurance Corporation, 550 17th Street NW., Room MB-3007, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** The agencies are proposing to extend for three years, with revision, the FFIEC 101, which is currently an approved collection of information for each agency.

*Report Title*: Risk-Based Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework.

*Form Number*: FFIEC 101.

*Frequency of Response*: Quarterly.

*Affected Public*: Business or other for-profit.

#### OCC

*OMB Control No.*: 1557-0239.

*Estimated Number of Respondents*: 20 national banks and federal savings associations.

*Estimated Time per Response*: 674 burden hours per quarter to file.

*Estimated Total Annual Burden*: 53,920 burden hours to file.

#### Board

*OMB Control No.*: 7100-0319.

*Estimated Number of Respondents*: 6 state member banks; 16 bank holding companies and savings and loan holding companies; and 6 intermediate holding companies.

*Estimated Time per Response*: 674 burden hours per quarter for state member banks to file, 677 burden hours per quarter for bank holding companies and savings and loan holding companies to file; and 3 burden hours per quarter for intermediate holding companies to file.

*Estimated Total Annual Burden*: 16,176 burden hours for state member banks to file; 43,328 burden hours for bank holding companies and savings and loan holding companies to file; and 72 burden hours for intermediate holding companies to file.

#### FDIC

*OMB Control No.*: 3064-0159.

*Estimated Number of Respondents*: 2 insured state nonmember banks and state savings associations.

*Estimated Time per Response*: 674 burden hours per quarter to file.

*Estimated Total Annual Burden*: 5,392 burden hours to file.

#### General Description of Reports

Each advanced approaches banking organization is required to file quarterly regulatory capital data on the FFIEC 101. The FFIEC 101 information collection is mandatory for advanced approaches banking organizations: 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (state member banks), 12 U.S.C. 1844(c) (bank holding companies), 12 U.S.C. 1467a(b) (savings and loan

holding companies), 12 U.S.C. 1817 (insured state nonmember commercial and savings banks), 12 U.S.C. 1464 (savings associations), and 12 U.S.C. 1844(c), 3106, and 3108 (intermediate holding companies).

The agencies use these data to assess and monitor the levels and components of each reporting entity's capital requirements and the adequacy of the entity's capital under the Advanced Capital Adequacy Framework; to evaluate the impact of the Advanced Capital Adequacy Framework on individual reporting entities and on an industry-wide basis and its competitive implications; and to supplement on-site examination processes. The reporting schedules also assist advanced approaches banking organizations in understanding expectations relating to the system development necessary for implementation and validation of the Advanced Capital Adequacy Framework. Submitted data that are released publicly will also provide other interested parties with information about advanced approaches banking organizations' regulatory capital.

#### Current Actions

The agencies are inviting comment on a proposal to remove two items from FFIEC 101 Schedule B. No other revisions to the FFIEC 101 report are being proposed.

The two items proposed for removal collect EAD information related to CVAs that already is captured in a separate item on FFIEC 101 Schedule B. Specifically, the agencies are proposing to remove column D (EAD) for items 31.a, "Credit valuation adjustments—simple approach," and 31.b, "Credit value adjustments—advanced approach." These line items were added to the FFIEC 101 report in March of 2014, and were intended to provide data pertaining to the CVA requirements under the agencies' regulatory capital rules<sup>1</sup> for over-the-counter (OTC) derivative activities.

Under these rules, CVA is the fair value adjustment to reflect counterparty credit risk in the valuation of an OTC derivative contract that has a positive fair value. The advanced approaches risk-based capital rules provide two approaches for calculating the CVA capital requirement: The simple and advanced CVA approaches. The conditions for each approach, as well as the methods for calculation, are described in section 132 of the

<sup>1</sup> For national banks and federal savings associations, 12 CFR part 3 (OCC); for state member banks and holding companies, 12 CFR part 217 (Board); and for state nonmember banks and state savings associations, 12 CFR part 324 (FDIC).

regulatory capital rules. Currently, EAD information pertaining to CVAs that is reported in FFIEC 101 Schedule B remains confidential, even after an institution completes its parallel run period.

The agencies have determined that the EAD information reported in column D of items 31.a and 31.b on FFIEC 101 Schedule B is already captured in column D of item 10 (OTC derivatives—no cross-product netting—EAD adjustment method) on FFIEC 101 Schedule B. Continuing to collect the same EAD information in both places is not only redundant, but also may be misinterpreted by the users of FFIEC 101 data as additional default risk held by the reporting entity. For these reasons, the agencies propose removing column D for items 31.a and 31.b on FFIEC 101 Schedule B.

The agencies would continue to collect the amount of risk-weighted assets for CVAs in column G of items 31.a and 31.b on FFIEC 101 Schedule B.

#### Request for Comment

Public comment is requested on all aspects of this joint notice. Comments are invited on

(a) Whether the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

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

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

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies and will be summarized or included in the agencies' requests for OMB approval. All comments will become a matter of public record.

Dated: February 23, 2017.

**Karen Solomon,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

Board of Governors of the Federal Reserve System, February 23, 2017.

**Robert deV. Frierson,**

*Secretary of the Board.*

Dated at Washington, DC, this 22nd day of February, 2017.

Federal Deposit Insurance Corporation,

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2017-03943 Filed 2-28-17; 8:45 am]

**BILLING CODE 4810-33-P; 6210-01-P; 6714-01-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Sanctions Actions Pursuant to Executive Order 13224

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 2 individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism."

**DATES:** OFAC's actions described in this notice were effective on February 23, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Associate Director for Global Targeting, tel.: 202/622-2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622-2490, Assistant Director for Licensing, tel.: 202/622-2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622-2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site ([www.treas.gov/ofac](http://www.treas.gov/ofac)).

##### Notice of OFAC Actions

On February 23, 2017, OFAC blocked the property and interests in property of the following 2 individuals pursuant to E.O. 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism":

## Individuals

1. AL-HASRI, Bassam Ahmad (a.k.a. HUSARI, Bassam Ahmad; a.k.a. "AKHLAQ, Abu Ahmad"; a.k.a. "AL-SHAMI, Abu Ahmad"), Syria; DOB 01 Jan 1971 to 31 Dec 1971; alt. DOB 01 Jan 1969; POB Qalamun, Damascus Province, Syria; alt. POB Ghutah, Damascus Province, Syria; alt. POB Tadamon, Rif Dimashq, Syria; nationality Syria; alt. nationality Palestinian; Gender Male (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

2. KHALIL, Iyad Nazmi Salih (a.k.a. AL-TOUBASI, Iyad; a.k.a. KHALIL, Ayyad Nazmi Salih; a.k.a. KHALIL, Eyad Nazmi Saleh; a.k.a. "ABU-JULAYBIB"; a.k.a. "AL-DARDA", Abu"; a.k.a. "AL-URDUNI, Abu-Julaybib"), Syria; DOB 01 Jan 1974 to 31 Dec 1974; POB Syria; nationality Jordan; Gender Male; Passport 286062 (Jordan) issued 05 Apr 1999 expires 04 Apr 2004; alt. Passport 654781 (Jordan) issued 01 Jan 2008 to 31 Dec 2010 (individual) [SDGT] (Linked To: AL-NUSRAH FRONT).

Dated: February 23, 2017.

**Andrea Gacki,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2017-03923 Filed 2-28-17; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for TD 9249

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Escrow Funds and Other Similar Funds.

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of regulation should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at [Sara.L.Covington@irs.gov](mailto:Sara.L.Covington@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Escrow Funds and Other Similar Funds.

*OMB Number:* 1545–1631.

*Regulation Project Number:* TD 9249 (REG–209619–93).

*Abstract:* These regulations would amend the final regulations for qualified settlement funds (QSFs) and would provide new rules for qualified escrows and qualified trusts used in deferred section 1031 exchanges; pre-closing escrows; contingent at-closing escrows; and disputed ownership funds.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business or other for-profit organizations, not-for-profit institutions and Federal, state, local or tribal governments.

*Estimated Number of Respondents:* 9,300.

*Estimated Time per Respondent:* 24 minutes.

*Estimated Total Annual Burden Hours:* 3,720.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**Tuawana Pinkston,**

*IRS Supervisory Tax Analyst.*

[FR Doc. 2017–03913 Filed 2–28–17; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Form 8809**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8809, Application for Extension of Time To File Information Returns.

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at [Sara.L.Covington@irs.gov](mailto:Sara.L.Covington@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Application for Extension of Time To File Information Returns.

*OMB Number:* 1545–1081.

*Form Number:* Form 8809.

*Abstract:* Form 8809 is used to request an extension of time to file Forms W–2, W–2G, 1042–S, 1094–C, 1095, 1097, 1098, 1099, 3921, 3922, 5498, or 8027. The IRS reviews the information contained on the form to determine whether an extension should be granted.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, individuals, not-for-profit institutions, farms, and Federal, State, local or tribal governments.

*Estimated Number of Respondents:* 50,000.

*Estimated Time per Respondents:* Four (4) hours, 44 minutes.

*Estimated Total Annual Burden Hours:* 237,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**Laurie Brimmer,**

*IRS Senior Tax Analyst.*

[FR Doc. 2017–03914 Filed 2–28–17; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Regulation Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning TD 8556, Computation and Characterization of Income and Earnings and Profits Under the Dollar Approximate Separate Transactions Method of Accounting (DASTM).

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Computation and Characterization of Income and Earnings and Profits Under the Dollar Approximate Separate Transactions Method of Accounting (DASTM).

*OMB Number:* 1545-1051.

*Regulation Project Number:* TD 8556.

*Abstract:* This regulation provides that taxpayers operating in hyperinflationary currencies must use the United States dollar as their functional currency and compute income using the dollar approximate separate transactions method (DASTM). Small taxpayers may elect an alternate method by which to compute income or loss. For prior taxable years in which income was computed using the profit and loss method, taxpayers may elect to recompute their income using DASTM.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Responses:* 700.

*Estimated Time per Respondent:* 1 hour, 26 minutes.

*Estimated Total Annual Burden Hours:* 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**Tuawana Pinkston,**

*IRS Reports Clearance Officer.*

[FR Doc. 2017-03915 Filed 2-28-17; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning TD 8586,

Treatment of Gain From Disposition of Certain Natural Resource Recapture Property.

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Treatment of Gain From Disposition of Certain Natural Resource Recapture Property.

*OMB Number:* 1545-1352.

*Regulation Project Number:* TD 8586.

*Abstract:* This regulation prescribes rules for determining the tax treatment of gain from the disposition of natural resource recapture property in accordance with Internal Revenue Code section 1254. Gain is treated as ordinary income in an amount equal to the intangible drilling and development costs and depletion deductions taken with respect to the property. The information that taxpayers are required to retain will be used by the IRS to determine whether a taxpayer has properly characterized gain on the disposition of section 1254 property.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals and business or other for-profit organizations.

*Estimated Number of Respondents:* 400.

*Estimated Time per Respondent:* 5 hours.

*Estimated Total Annual Burden Hours:* 2,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**Tuawana Pinkston,**  
IRS Reports Clearance Officer.

[FR Doc. 2017-03916 Filed 2-28-17; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning TD 9289, Treatment of Disregarded Entities Under Section 752.

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW.,

Washington, DC 20224, or through the Internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Treatment of Disregarded Entities Under Section 752.

**OMB Number:** 1545-1905.

**Regulation Project Number:** TD 9289.

**Abstract:** Generally, the regulation recognizes that only the assets of a disregarded entity that limits its member's liability are available to satisfy creditors' claims under local law. The regulation provides rules under section 752 for taking into account the net value of a disregarded entity owned by a partner or related person for purposes of allocating partnership liabilities. Specifically, it provides that in determining the extent to which a partner bears the economic risk of loss for a partnership liability, payment obligations of a disregarded entity are taken into account only to the extent of the net value of the disregarded entity.

**Current Actions:** There is no change in the paperwork burden previously approved by OMB.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, individuals or households and not-for-profit institutions.

**Estimated Number of Respondents:** 1,500.

**Estimated Time per Respondent:** 2 hours.

**Estimated Total Annual Burden Hours:** 3,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**Tuawana Pinkston,**  
IRS Reports Clearance Officer.

[FR Doc. 2017-03919 Filed 2-28-17; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 2032

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 2032, Contract Coverage Under Title II of the Social Security Act.

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Contract Coverage Under Title II of the Social Security Act.

**OMB Number:** 1545-0137.

**Form Number:** 2032.

**Abstract:** U.S. citizens and resident aliens employed abroad by foreign affiliates of American employers are exempt from social security taxes. Under Internal Revenue Code section 3121(l), American employers may file



an agreement on Form 2032 to waive this exemption and obtain social security coverage for U.S. citizens and resident aliens employed abroad by their foreign affiliates. The American employers can later file Form 2032 to cover additional foreign affiliates as an amendment to their original agreement.

**Current Actions:** There are no changes being made to the form at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households, and business or other for-profit organizations.

**Estimated Number of Respondents:** 160.

**Estimated Time per Respondent:** 6 hours, 48 minutes.

**Estimated Total Annual Burden Hours:** 973.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 16, 2017.

**Laurie E. Brimmer,**  
Senior Tax Analyst.

[FR Doc. 2017-03917 Filed 2-28-17; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Representation of Taxpayers Before the Internal Revenue Service

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

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

Currently, the IRS is soliciting comments concerning representation of taxpayers before the Internal Revenue Service.

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Representation of taxpayers before the Internal Revenue Service.

**OMB Number:** 1545-0150.

**Form Number:** 2848; 2848(SP).

**Abstract:** Form 2848 or Form 2848(SP) is issued to authorize someone to act for the taxpayer in tax matters. It grants all powers that the taxpayer has except signing a return and cashing refund checks. The information on the form is used to identify representatives and to ensure that confidential information is not divulged to unauthorized persons.

**Current Actions:** There are no changes being made to the form at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households, business or other for-profit organizations, not-for-profit institutions, and farms.

The burden estimate is as follows:

	Number of responses	Time per response	Total hours
Form 2848 (paper) .....	458,333	1.66	755,833
Form 2848(SP) .....	80,000	2.26	180,800
	538,333	.....	936,633

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**R. Joseph Durbala,**  
Tax Analyst, IRS.

[FR Doc. 2017-03920 Filed 2-28-17; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request Regarding Affordable Care Act Notice Relating to Rescissions

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the Affordable Care Act notice of rescission.

**DATES:** Written comments should be received on or before May 1, 2017. To be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, (202) 317-5746, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at [RJoseph.Durbala@irs.gov](mailto:RJoseph.Durbala@irs.gov).

**Title:** Affordable Care Act Notice of Rescission.

**OMB Number:** 1545-2180.

**Regulation Project Number:** TD 9744.

**Abstract:** Treasury Decision 9744 contains final regulations regarding grandfathered health plans, preexisting condition exclusions, lifetime and annual dollar limits on benefits, rescissions, coverage of dependent children to age 26, internal claims and appeal and external review processes, and patient protections under the Affordable Care Act. The Public Health Service Act (PHS) Act section 2712, as added by the Affordable Care Act, provides that a group health plan or health insurance issuer offering group or individual health insurance coverage must not rescind coverage unless a covered individual commits fraud or

makes an intentional misrepresentation of material fact. This standard applies to all rescissions, whether in the group or individual insurance market, or self-insured coverage. The collections under this approval number relate to standards for rescission, including that the rules of PHS Act section 2712 apply whether the coverage is rescinded for an individual or a group.

**Current Actions:** There is no change to this existing regulation.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations.

**Estimated Number of Respondents:** 800.

**Estimated Total Annual Burden Hours:** 25 Hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 16, 2017.

**R. Joseph Durbala,**  
Tax Analyst, IRS.

[FR Doc. 2017-03918 Filed 2-28-17; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 4562

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 4562, Depreciation and Amortization (Including Information on Listed Property).

**DATES:** Written comments should be received on or before May 1, 2017 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Sara Covington, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at [Sara.L.Covington@irs.gov](mailto:Sara.L.Covington@irs.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Depreciation and Amortization (Including Information on Listed Property).

**OMB Number:** 1545-0172.

**Form Number:** Form 4562.

**Abstract:** Form 4562 is used to claim a deduction for depreciation and amortization; to make the election to expense certain tangible property under Internal Revenue Code section 179; and to provide information on the business/investment use of automobiles and other listed property. The form provides the IRS with the information necessary to determine that the correct depreciation deduction is being claimed.

**Current Actions:** There are no changes being made to Form 4562 at this time.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Business or other for-profit organizations, farms, and individuals.

**Estimated Number of Respondents:** 12,313,626.

**Estimated Time per Respondent:** 39 hours, 36 minutes.

*Estimated Total Annual Burden  
Hours: 448,368,447.*

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and

tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the

quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 21, 2017.

**Tuawana Pinkston,**

*IRS Supervisory Tax Analyst.*

[FR Doc. 2017-03922 Filed 2-28-17; 8:45 am]

**BILLING CODE 4830-01-P**



# FEDERAL REGISTER

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Vol. 82

Wednesday,

No. 39

March 1, 2017

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Part II

The President

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Executive Order 13777—Enforcing the Regulatory Reform Agenda



# Presidential Documents

## Title 3—

Executive Order 13777 of February 24, 2017

## The President

## Enforcing the Regulatory Reform Agenda

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to lower regulatory burdens on the American people by implementing and enforcing regulatory reform, it is hereby ordered as follows:

**Section 1. *Policy.*** It is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.

**Sec. 2. *Regulatory Reform Officers.*** (a) Within 60 days of the date of this order, the head of each agency, except the heads of agencies receiving waivers under section 5 of this order, shall designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. These initiatives and policies include:

- (i) Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs), regarding offsetting the number and cost of new regulations;
- (ii) Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended, regarding regulatory planning and review;
- (iii) section 6 of Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), regarding retrospective review; and
- (iv) the termination, consistent with applicable law, of programs and activities that derive from or implement Executive Orders, guidance documents, policy memoranda, rule interpretations, and similar documents, or relevant portions thereof, that have been rescinded.

(b) Each agency RRO shall periodically report to the agency head and regularly consult with agency leadership.

**Sec. 3. *Regulatory Reform Task Forces.*** (a) Each agency shall establish a Regulatory Reform Task Force composed of:

- (i) the agency RRO;
- (ii) the agency Regulatory Policy Officer designated under section 6(a)(2) of Executive Order 12866;
- (iii) a representative from the agency's central policy office or equivalent central office; and
- (iv) for agencies listed in section 901(b)(1) of title 31, United States Code, at least three additional senior agency officials as determined by the agency head.

(b) Unless otherwise designated by the agency head, the agency RRO shall chair the agency's Regulatory Reform Task Force.

(c) Each entity staffed by officials of multiple agencies, such as the Chief Acquisition Officers Council, shall form a joint Regulatory Reform Task Force composed of at least one official described in subsection (a) of this section from each constituent agency's Regulatory Reform Task Force. Joint Regulatory Reform Task Forces shall implement this order in coordination with the Regulatory Reform Task Forces of their members' respective agencies.

(d) Each Regulatory Reform Task Force shall evaluate existing regulations (as defined in section 4 of Executive Order 13771) and make recommendations to the agency head regarding their repeal, replacement, or modification, consistent with applicable law. At a minimum, each Regulatory Reform Task Force shall attempt to identify regulations that:

- (i) eliminate jobs, or inhibit job creation;
- (ii) are outdated, unnecessary, or ineffective;
- (iii) impose costs that exceed benefits;
- (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;
- (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or
- (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

(e) In performing the evaluation described in subsection (d) of this section, each Regulatory Reform Task Force shall seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.

(f) When implementing the regulatory offsets required by Executive Order 13771, each agency head should prioritize, to the extent permitted by law, those regulations that the agency's Regulatory Reform Task Force has identified as being outdated, unnecessary, or ineffective pursuant to subsection (d)(ii) of this section.

(g) Within 90 days of the date of this order, and on a schedule determined by the agency head thereafter, each Regulatory Reform Task Force shall provide a report to the agency head detailing the agency's progress toward the following goals:

- (i) improving implementation of regulatory reform initiatives and policies pursuant to section 2 of this order; and
- (ii) identifying regulations for repeal, replacement, or modification.

**Sec. 4. Accountability.** Consistent with the policy set forth in section 1 of this order, each agency should measure its progress in performing the tasks outlined in section 3 of this order.

(a) Agencies listed in section 901(b)(1) of title 31, United States Code, shall incorporate in their annual performance plans (required under the Government Performance and Results Act, as amended (see 31 U.S.C. 1115(b))), performance indicators that measure progress toward the two goals listed in section 3(g) of this order. Within 60 days of the date of this order, the Director of the Office of Management and Budget (Director) shall issue guidance regarding the implementation of this subsection. Such guidance may also address how agencies not otherwise covered under this subsection should be held accountable for compliance with this order.

(b) The head of each agency shall consider the progress toward the two goals listed in section 3(g) of this order in assessing the performance of the Regulatory Reform Task Force and, to the extent permitted by law, those individuals responsible for developing and issuing agency regulations.

**Sec. 5. Waiver.** Upon the request of an agency head, the Director may waive compliance with this order if the Director determines that the agency generally issues very few or no regulations (as defined in section 4 of Executive Order 13771). The Director may revoke a waiver at any time. The Director shall publish, at least once every 3 months, a list of agencies with current waivers.



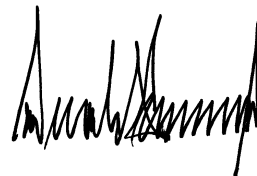
**Sec. 6. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,  
*February 24, 2017.*

# Reader Aids

Federal Register

Vol. 82, No. 39

Wednesday, March 1, 2017

## CUSTOMER SERVICE AND INFORMATION

### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

**Laws** **741-6000**

### Presidential Documents

Executive orders and proclamations **741-6000**

**The United States Government Manual** **741-6000**

### Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

Public Laws Update Service (numbers, dates, etc.) **741-6043**

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**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **<http://bookstore.gpo.gov/>**.

## FEDERAL REGISTER PAGES AND DATE, MARCH

12167-12288..... 1

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**LIST OF PUBLIC LAWS**

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**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List February 21, 2017

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**Public Laws Electronic Notification Service (PENS)**

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## TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 2017

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 1	Mar 16	Mar 22	Mar 31	Apr 5	Apr 17	May 1	May 30
March 2	Mar 17	Mar 23	Apr 3	Apr 6	Apr 17	May 1	May 31
March 3	Mar 20	Mar 24	Apr 3	Apr 7	Apr 17	May 2	Jun 1
March 6	Mar 21	Mar 27	Apr 5	Apr 10	Apr 20	May 5	Jun 5
March 7	Mar 22	Mar 28	Apr 6	Apr 11	Apr 21	May 8	Jun 5
March 8	Mar 23	Mar 29	Apr 7	Apr 12	Apr 24	May 8	Jun 6
March 9	Mar 24	Mar 30	Apr 10	Apr 13	Apr 24	May 8	Jun 7
March 10	Mar 27	Mar 31	Apr 10	Apr 14	Apr 24	May 9	Jun 8
March 13	Mar 28	Apr 3	Apr 12	Apr 17	Apr 27	May 12	Jun 12
March 14	Mar 29	Apr 4	Apr 13	Apr 18	Apr 28	May 15	Jun 12
March 15	Mar 30	Apr 5	Apr 14	Apr 19	May 1	May 15	Jun 13
March 16	Mar 31	Apr 6	Apr 17	Apr 20	May 1	May 15	Jun 14
March 17	Apr 3	Apr 7	Apr 17	Apr 21	May 1	May 16	Jun 15
March 20	Apr 4	Apr 10	Apr 19	Apr 24	May 4	May 19	Jun 19
March 21	Apr 5	Apr 11	Apr 20	Apr 25	May 5	May 22	Jun 19
March 22	Apr 6	Apr 12	Apr 21	Apr 26	May 8	May 22	Jun 20
March 23	Apr 7	Apr 13	Apr 24	Apr 27	May 8	May 22	Jun 21
March 24	Apr 10	Apr 14	Apr 24	Apr 28	May 8	May 23	Jun 22
March 27	Apr 11	Apr 17	Apr 26	May 1	May 11	May 26	Jun 26
March 28	Apr 12	Apr 18	Apr 27	May 2	May 12	May 30	Jun 26
March 29	Apr 13	Apr 19	Apr 28	May 3	May 15	May 30	Jun 27
March 30	Apr 14	Apr 20	May 1	May 4	May 15	May 30	Jun 28
March 31	Apr 17	Apr 21	May 1	May 5	May 15	May 30	Jun 29