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FEDERAL REGISTER

Vol. 82 Thursday,
No. 40 March 2, 2017

Pages 12289–12392

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0004; Directorate Identifier 2012–NE–01–AD; Amendment 39–18794; AD 2017–03–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding airworthiness directive (AD) 2013–05–18 for certain Rolls-Royce plc (RR) RB211 Trent 500 series turbofan engines. AD 2013–05–18 required initial and repetitive inspections of the low-pressure (LP) fuel tubes, fuel tube clips, and fuel/oil heat exchanger (FOHE) mounts for evidence of damage, wear, and fuel leakage. This AD reduces the repetitive inspection intervals. This AD was prompted by additional service experience. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective March 17, 2017.

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

We must receive any comments on this AD by May 1, 2017.

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

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

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; or email: *http://www.rolls-royce.com/contact/civil_team.jsp.* You may view this service information at the FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2012–0004.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2012–0004; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *Robert.Green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0004; Directorate Identifier 2012–NE–01–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Discussion

On March 7, 2013, we issued AD 2013–05–18, Amendment 39–17390 (78 FR 17297, March 21, 2013), for all RR RB211 Trent 500 series turbofan engines. AD 2013–05–18 required initial and repetitive inspections of the fuel tubes, fuel tube clips, and FOHE mounts for evidence of damage, wear, and fuel leakage. AD 2013–05–18 resulted from reports of wear found between the securing clips and the LP fuel tube outer surface, which reduces the fuel tube wall thickness, leading to fracture of the fuel tube and consequent fuel leakage. We issued AD 2013–05–18 to prevent engine fuel leaks, which could result in engine damage and damage to the airplane.

Actions Since AD 2013–05–18 Was Issued

Since we issued AD 2013–05–18, RR has determined that the repetitive inspection interval should be reduced. Also since we issued AD 2013–05–18, the European Aviation Safety Agency (EASA) has issued AD 2016–0227, dated November 10, 2016, which requires correcting some technical instructions and reducing the inspection interval.

Related Service Information Under 1 CFR Part 51

We reviewed RR Alert Non Modification Service Bulletin (NMSB) RB.211–73–AG948, Revision 3, dated September 9, 2016. The NMSB describes procedures for inspecting, removing, and replacing the LP fuel tubes, fuel tube clips, and FOHE mounts. This service information is reasonably

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

FAA's Determination

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

AD Requirements

This AD requires repetitive inspections of the LP fuel tubes and fuel tube clips, and FOHE mounts for evidence of damage, wear, and fuel leakage.

FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Costs of Compliance

We estimate that this AD affects no engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	5 work-hours × $85 per hour = $425	$0	$425	$0

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2013–05–18, Amendment 39–17390 (78 FR 17297, March 21, 2013), and adding the following new AD:

2017–03–03 Rolls-Royce plc: Amendment 39–18794; Docket No. FAA–2012–0004; Directorate Identifier 2012–NE–01–AD.

(a) Effective Date

This AD is effective March 17, 2017.

(b) Affected ADs

This AD supersedes AD 2013–05–18, Amendment 39–17390 (78 FR 17297, March 21, 2013).

(c) Applicability

This AD applies to Rolls-Royce plc (RR) RB211 Trent 553–61, RB211 Trent 553A2–61, RB211 Trent 556–61, RB211 Trent 556A2–61, RB211 Trent 556B–61, RB211 Trent 556B2–61, RB211 Trent 560–61, and RB211 Trent 560A2–61 turbofan engines that have any of the following fuel tube part numbers installed: FW57605, FW17689, FW57604, FK30710, FW57578, or FK30713.

(d) Subject

Joint Aircraft System Component (JASC) Code 7921, Engine Oil Cooler.

(e) Unsafe Condition

This AD was prompted by reports of wear found between the securing clips and the low-pressure (LP) fuel tube outer surface, which reduces the fuel tube wall thickness, leading to fracture of the fuel tube and consequent fuel leakage. We are issuing this AD to prevent engine fuel leaks, which could result in engine damage and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Inspect the LP fuel tubes, clips, and fuel/oil heat exchanger (FOHE) mounts of the LP fuel system of engines that are on wing within 1,600 flight hours after February 24, 2012, or before the next flight after the effective date of this AD, whichever occurs later. Use the Accomplishment Instructions, paragraph 3.A, of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–73–AG948, Revision 3, dated September 9, 2016, to do the inspection.

(2) At intervals not to exceed 5,000 engine flight hours (EFH), reinspect the LP fuel tubes, clips, and FOHE mounts using the Accomplishment Instructions, paragraph 3.A or 3.B, of RR Alert NMSB RB.211–73–AG948, Revision 3, dated September 9, 2016.

(3) If the LP fuel system fails the inspections required by paragraphs (g)(1) and (2) of this AD, replace the part(s) that failed the inspection with hardware eligible for installation before further flight.

(4) At any shop visit after the effective date of this AD, inspect the LP fuel system using the Accomplishment Instructions, paragraph 3.B, of RR Alert NMSB RB.211–73–AG948, Revision 3, dated September 9, 2016.

(h) Definitions

(1) For the purpose of this AD, a shop visit is the induction of an engine into the shop for maintenance or overhaul. The separation of engine flanges solely for the purpose of

transporting the engine without subsequent engine maintenance does not constitute an engine shop visit.

(2) For the purposes of paragraph (g)(2) of this AD, EFHs are those accumulated by the engine since the most recent accomplishment of any RR Service Bulletin (SB), NMSB, or Alert NMSB listed in paragraphs (h)(2)(i) through (h)(2)(v) of this AD:

(i) Accomplishment of RR SB RB.211–73–F737, Revision 5, dated June 9, 2009, or earlier versions.

(ii) Accomplishment of RR SB RB.211–73–F738, Revision 2, dated February 20, 2015, or earlier versions.

(iii) Last inspection in accordance with RR Alert NMSB RB.211–73–AG797, Revision 2, dated June 13, 2012.

(iv) Last inspection in accordance with RR NMSB RB.211–73–G723, Revision 1, dated January 31, 2012.

(v) Last inspection in accordance with RR Alert NMSB RB.211–73–AG948, Revision 3, dated September 9, 2016.

(i) Credit for Previous Actions

You may take credit for the initial inspections required by paragraphs (g)(1) and (2) of this AD, if you performed these inspections before the effective date of this AD, using RR Alert NMSB RB.211–73–AG948, Revision 2, or earlier versions; RR NMSB RB.211–73–G723, Revision 1, or earlier versions; or RR Alert NMSB RB.211–73–AG797, Revision 2, or earlier versions.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(k) Related Information

(1) For more information about this AD, contact Robert Green, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *Robert.Green@faa.gov.*

(2) Refer to MCAI EASA AD 2016–0227, dated November 10, 2016, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2012–0004.

(3) RR SB RB.211–73–F737, Revision 5, dated June 9, 2009; SB RB.211–73–F738, Revision 2, dated February 20, 2015; RR NMSB RB.211–73–G723, Revision 1, dated January 31, 2012; and RR Alert NMSB RB.211–73–AG797, Revision 2, dated June 13, 2012, which are not incorporated by reference in this AD, can be obtained from RR, using the contact information in paragraph (l)(3) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Rolls-Royce plc (RR) Alert Non-Modification Service Bulletin RB.211–73–AG948, Revision 3, dated September 9, 2016.

(ii) Reserved.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp.*

(4) You may view this service information at FAA, Engine & Propeller Directorate, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

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

Issued in Burlington, Massachusetts, on January 27, 2017.

Colleen M. D'Alessandro,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–04053 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0154; Directorate Identifier 2016–SW–069–AD; Amendment 39–18814; AD 2017–05–04]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bell Helicopter Textron Canada Limited (BHTC) Model 206 helicopters. This AD requires removing certain tension-torsion straps (TT straps) from service and is prompted by reports of corroded TT straps. These actions are intended to prevent an unsafe condition on these products.

DATES: This AD becomes effective March 17, 2017.

We must receive comments on this AD by May 1, 2017.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0154; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the Transport Canada AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from

adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

On March 21, 2016, Transport Canada issued AD No. CF–2016–09 to correct an unsafe condition for BHTC Model 206A, 206B, 206L, 206L1, 206L3, and 206L4 helicopters with TT straps with part number (P/N) 206–011–147–005, serial numbers BTFS–23868 through BTFS–24277; and P/N 206–011–147–007, serial numbers BT–22719 through BT–23437. Transport Canada advises that these TT straps may develop cracks in the urethane protective coating, which may result in internal corrosion of the TT straps and subsequent failure of the TT straps prior to their approved airworthiness life limit. Transport Canada further states that because this unsafe condition is limited in scope to these particular part-numbered TT straps, a revision to the airworthiness limitations schedule is unnecessary. To correct the unsafe condition, AD No. CF–2016–09 requires, within 25 hours air time, removing from service affected TT straps that have reached or exceeded 1,000 hours air time or 18 months in service, whichever occurs first from when the rotor hub containing the affected part is installed on the helicopter.

FAA's Determination

These helicopters have been approved by the aviation authority of Canada and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, Transport Canada, its technical representative, has notified us of the unsafe condition described in its AD. We are issuing this AD because we evaluated all information provided by Transport Canada and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

Bell Helicopter has issued Alert Service Bulletin (ASB) 206–13–130, Revision A, dated October 14, 2013, for Model 206A, 206B, and TH67 helicopters and ASB 206L–13–171, Revision A, dated October 14, 2013, for Model 206L series helicopters. Each ASB specifies removing the affected TT straps from service TT straps when they reach 1,000 hours or 18 months, whichever occurs first.

AD Requirements

For affected TT straps that have 1,000 or more hours time-in-service (TIS) or 18 or more months since installation, this AD requires removing the TT strap from service within 25 hours TIS. For all other affected TT straps, this AD requires removing the TT strap from service before accumulating 1,000 hours TIS or 18 months since installation, whichever occurs first.

Costs of Compliance

We estimate that this AD affects 1,740 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, replacing a TT strap will require 3 work-hours, and required parts will cost $4,827, for a cost per helicopter of $5,082 and a cost of $8,842,680 for the U.S. fleet.

According to BHTC's service information, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by BHTC. Accordingly, we have included all costs in our cost estimate.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the actions required by this AD must be accomplished within 25 hours TIS, a very short interval for helicopters used in offshore operations.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–05–04 Bell Helicopter Textron Canada Limited: Amendment 39–18814; Docket No. FAA–2017–0154; Directorate Identifier 2016–SW–069–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L1, 206L3, and 206L4 helicopters, certificated in any category, with a tension-torsion strap (TT strap) part number (P/N) 206–011–147–005 with a serial number BTFS–23868 through BTFS–24277 or P/N 206–011–147–007 with a serial number BT–22719 through BT–23437 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion of a TT strap. This condition could result in failure of the TT strap and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective March 17, 2017.

(d) Compliance

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

(e) Required Actions

Within 25 hours time-in-service (TIS), remove from service any TT strap that has 1,000 or more hours TIS or 18 or more months since installation. Thereafter, remove from service any TT strap before accumulating 1,000 hours TIS or 18 months since installation, whichever occurs first.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Bell Helicopter Alert Service Bulletin (ASB) No. 206–13–130, Revision A, dated October 14, 2013 for model 206A, 206B, and TH67 helicopters and ASB 206L–13–171, Revision A, dated October 14, 2013 for model 206L series helicopters, which are not incorporated by reference, contain additional information about the subject of this final rule. For service information identified in this final rule, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in Transport Canada AD No. CF–2016–09, dated March 21, 2016. You may view the Transport Canada AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0154.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6220 Tension Torsion Strap.

Issued in Fort Worth, Texas, on February 17, 2017.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–03954 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0155; Directorate Identifier 2016–SW–051–AD; Amendment 39–18813; AD 2017–05–03]

RIN 2120–AA64

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

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model BO–105C, BO–105LS A–3, and BO–105S helicopters. This AD requires inspecting each main rotor blade (MRB) for debonding, and is prompted by a report of incorrect bonding of the shell to the MRB. These actions are intended to detect and prevent an unsafe condition on these products.

DATES: This AD becomes effective March 17, 2017.

We must receive comments on this AD by May 1, 2017.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0155; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any

recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued Emergency AD No. 2016–0118–E, dated June 17, 2016, to correct an unsafe condition for Airbus Helicopters Model BO105 C, BO105 D, BO105 LS A–3, and BO105 S helicopters, all variants except CB–5, D, DS, DBS–5, and CBS–5. According to EASA, during an inspection on a Model BO105 S helicopter, debonding was found on the erosion protective shell (shell) of an MRB, caused by incorrect preparation of the shell prior to the bonding process. EASA further states that this condition, if not detected and corrected, could result in loss of the shell in-flight, which could strike the tailboom or the tail rotor, causing an imbalance in the main rotor and high vibrations. EASA also advises that these high vibrations could damage the helicopter, resulting in loss of tail rotor control and subsequent loss of control of the helicopter.

To address this unsafe condition, EASA AD 2016–0118–E requires repetitive inspections of the shells for debonding within 10 hours time-in-service (TIS) and thereafter at 50-hour TIS intervals. After the shells have completed 200 hours TIS since the shell was installed and completed an inspection of the shell, the EASA AD no longer requires the repetitive 50 hour TIS inspections. The EASA AD applies to certain part-numbered MRBs on which the shell was last replaced between December 1, 2010, and February 28, 2015, inclusive, or for which there is no maintenance record available to determine the date the shell was last replaced.

FAA's Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

We reviewed Airbus Helicopters Emergency Alert Service Bulletin (EASB) BO105–10A–128, Revision 0, dated June 16, 2016, for Model BO105C, D, and S helicopters and EASB No. BO105 LS–10A–016, Revision 0, dated June 16, 2016, for Model BO105 LS A–3 helicopters. This service information specifies repetitively inspecting the MRB shell for delamination in accordance with the helicopter's maintenance manual procedures.

Differences Between This AD and the EASA AD

The EASA AD is applicable to the Model BO105D helicopter; this AD is not because it does not have a type certificate in the U.S. The EASA AD prohibits installing an affected MRB on any helicopter until its AD actions have been complied with. This AD does not.

AD Requirements

This AD applies to helicopters with certain part-numbered MRBs with shells that were last replaced between December 1, 2010, and February 28, 2015, inclusive or where the most recent date of replacement of the shell cannot be determined from the helicopter maintenance records. This AD requires inspecting each MRB shell for debonding within 10 hours TIS and thereafter at intervals not to exceed 50 hours TIS until the MRB reaches 200 hours TIS. After the blade has accumulated 200 hours TIS since the last shell replacement, the 50 hours TIS inspections are terminated. If there is any debonding, this AD requires repairing or replacing the MRB before further flight.

Costs of Compliance

We estimate that this AD affects 73 helicopters of U.S. Registry.

At an average labor rate of $85, we estimate that operators may incur the following costs in order to comply with this AD. Inspecting the MRB shells will require 1 work-hour, for a total cost of $85 per helicopter and $6,205 for the fleet, per inspection cycle. If required, replacing an MRB will require 2 work-hours and required parts will cost $114,000, for a cost per helicopter of $114,170.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the inspections required by this AD must be accomplished within 10 hours TIS and 50 hours TIS, a very short interval for helicopters used in helicopter air ambulance operations.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–05–03 Airbus Helicopters Deutschland GmbH (Previously Eurocopter Deutschland GmbH): Amendment 39–18813; Docket No. FAA–2017–0155; Directorate Identifier 2016–SW–051–AD.

(a) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH Model BO–105C, BO–105LS A–3, and BO–105S helicopters, certificated in any category, with a main rotor blade (MRB) part number 105–15103, 105–15141, 105–15141V001, 105–15143, 105–15150, 105–15150V001, 105–15152, 105–81013, 105–87214, 1120–15101, or 1120–15103 that has less than 200 hours time-in-service (TIS) since the MRB erosion protective shell (shell) was last replaced, and where the shell was last replaced between December 1, 2010, and February 28, 2015, inclusive or where the most recent date of replacement of the shell is unknown.

(b) Unsafe Condition

This AD defines the unsafe condition as debonding of the shell of an MRB. This condition could result in loss of the shell in-flight, which could strike the tailboom or tail rotor, resulting in loss of tail rotor control, high main rotor vibration, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective March 17, 2017.

(d) Compliance

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

(e) Required Actions

Within 10 hours TIS, and thereafter at intervals not to exceed 50 hours TIS:

(1) Inspect by tap test each MRB for debonding of the shell.

(2) If the shell has debonded in any area, before further flight, repair any debonding that does not exceed the maximum repair damage limits, or replace the MRB.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Airbus Helicopters Emergency Alert Service Bulletin (EASB) BO105–10A–128 for Model BO105C, D, and S helicopters and EASB BO105 LS–10A–016 for Model BO105 LS A–3 helicopters, both Revision 0, and dated June 16, 2016, which are not incorporated by reference, contain additional information about the subject of this final rule. For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2016–0118–E, dated June 17, 2016. You may view the EASA AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0155.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6210 Main Rotor Blade.

Issued in Fort Worth, Texas, on February 21, 2017.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–03963 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1193 and 1194

RIN 3014–AA37

Information and Communication Technology (ICT) Standards and Guidelines

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule; delay of effective date.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) is briefly postponing the effective date of its recently-promulgated final rule that establishes revised accessibility standards and guidelines for information and communication technology (ICT). The ICT final rule was published in the **Federal Register** on January 18, 2017, and is scheduled to become effective on March 20, 2017. A brief postponement of this effective date is necessitated by the memorandum from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'' (Jan. 20, 2017), which generally calls on Federal agencies to delay the effective dates of published, but not-yet-effective, final rules for 60 days from the date of the memorandum. The ICT final rule will take effect on March 21, 2017.

DATES: The effective date of the final rule published on January 18, 2017 at 82 FR 5790 is delayed to March 21, 2017. However, compliance with the section 508-based standards is not required until January 18, 2018, which is one year after the final rule's original publication date. Compliance with the section 255-based guidelines is not required until the guidelines are adopted by the Federal Communications Commission. The incorporation by reference of certain publications listed in the final rule published on January 18, 2017 at 82 FR 5790 is approved by the Director of the Federal Register as of March 21, 2017.

FOR FURTHER INFORMATION CONTACT: Frances Spiegel, Attorney Advisor, Office of General Counsel, U.S. Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111. Telephone number: (202) 272–0041. Email address: *spiegel@access-board.gov.*

SUPPLEMENTARY INFORMATION: On January 18, 2017, the Access Board issued a final rule that revised and

updated, in a single rulemaking, our existing standards for information and technology (ICT) covered by section 508 of the Rehabilitation Act of 1973 (which includes, among other things, ICT developed, procured, maintained, or used by Federal agencies) (hereafter, ''Revised 508 Standards''), and our existing guidelines for telecommunications equipment and customer premises equipment covered by Section 255 of the Communications Act of 1934 (hereafter, ''Revised 255 Guidelines.''). *See* Information and Communication Technology Standards and Guidelines, 82 FR 5790 (Jan. 18, 2017) (to be codified at 36 CFR parts 1193 and 1194). The published notice for the ICT final rule provided that the rule would take effect on March 20, 2017.

Subsequently, on January 20, 2017, the Assistant to the President and Chief of Staff, issued a memorandum entitled ''Regulatory Freeze Pending Review.'' This memorandum instructed Federal departments and agencies, among other things, to temporarily postpone for 60 days (dating from the date of the memorandum) the effective dates of their respective regulations that had been published in the **Federal Register** but were not yet effective.

In accordance with the January 20 memorandum, the Access Board is briefly postponing the effective date of the ICT final rule until March 21, 2017, which represents a one-day delay in the effective date of this final rule relative to its originally-scheduled effective date. There is no change to the substance of the Revised 508 Standards or Revised 255 Guidelines. Nor does this brief postponement of the effective date alter the compliance date for certain ICT covered by the Revised 508 Standards, which remains January 18, 2018 (*i.e.,* one year after original publication date of ICT final rule).

Pursuant to the Administrative Procedure Act (APA) (5 U.S.C. 553), the Access Board generally provides interested parties the opportunity to comment on proposed regulations and publishes rules not less than 30 days before their effective dates. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking or delay effective dates when the agency, for good cause, finds that these procedural requirements would be impracticable, unnecessary, or contrary to the public interest. *See* 5 U.S.C. 553(b)(B) and (d)(3). Here, a one-day postponement of the effective date of the ICT final rule, as called for in the January 20 memorandum, would neither delay the final rule's implementation to any material degree nor alter the originally-established compliance date for the Revised 508 Standards. Accordingly, because a one-day delay in the effective date of the ICT final rule will have no material impact on its implementation, the Access Board finds that good cause exists to exempt the instant rule from notice-and-comment requirements. *See* 5 U.S.C. 553(b)(B). Additionally, because a one-day postponement of the ICT final rule's originally-published effective date will have no substantive impact, the instant rule is being made effective upon publication in the **Federal Register** and, in any event, a 30-day delay in its effective date would be impracticable and unnecessary in these circumstances. *See* 5 U.S.C. 553(d)(3) (exempting substantive rules from requisite 30-day delay in effective date upon finding of good cause).

David M. Capozzi,

Executive Director.

[FR Doc. 2017–04059 Filed 3–1–17; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket Nos. 120328229–4949–02 and 150121066–5717–02]

RIN 0648–XF210

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; annual adjustment of Atlantic bluefin tuna Purse Seine and Reserve category quotas; inseason quota transfer from the Reserve category to the Longline category.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) Purse Seine and Reserve category quotas for 2017, as it does annually. NMFS is also transferring inseason 45 metric tons (mt) of BFT quota from the Reserve category to the Longline category. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments. NMFS has decided that the transfer to the Longline category will be distributed to permitted Atlantic Tunas Longline vessels with recent fishing activity, rather than to all qualified Individual Bluefin Quota (IBQ) shares recipients. As a result of this transfer, the associated IBQ accounts will each receive 1,102 lb (0.5 mt) of IBQ.

DATES: Effective February 28, 2017, through December 31, 2017.

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

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006), as amended by Amendment 7 to the 2006 Consolidated HMS FMP (Amendment 7) (79 FR 71510, December 2, 2014). NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

Annual Adjustment of the BFT Purse Seine and Reserve Category Quotas

In 2015, NMFS implemented a final rule that increased the U.S. BFT quota and subquotas consistent with ICCAT Recommendation 14–05 (80 FR 52198, August 28, 2015). As a result, based on the currently codified U.S. quota of 1,058.79 mt (not including the 25 mt allocated by ICCAT to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area), the baseline Purse Seine, Longline, and Reserve category quotas are codified as 184.3 mt, 148.3 mt, and 24.8 mt, respectively. See § 635.27(a).

Pursuant to § 635.27(a)(4), NMFS has determined the amount of quota available to individual Atlantic Tunas Purse Seine category participants in 2017, based on their BFT catch (landings and dead discards) in 2016. In accordance with the regulations, NMFS is making available to each Purse Seine category participant either 100 percent, 75 percent, 50 percent, or 25 percent of the individual baseline quota

allocations based on the previous year's catch, as described in § 635.27(a)(4)(ii), and is reallocating the remainder to the Reserve category for 2017. NMFS has calculated the amounts of quota available to individual Purse Seine fishery participants based on their individual catch levels in 2016 and the codified process adopted in Amendment 7. Total Purse Seine category BFT catches were 0 mt in 2016. NMFS did not open (*i.e.,* announce a start date for) the Purse Seine fishery in 2016 because there were no active vessels permitted to fish for tunas with purse seine gear in 2016. Consistent with § 635.27(a)(4)(v)(C), NMFS will notify Atlantic Tunas Purse Seine fishery participants of the amount of quota available for their use this year through the IBQ electronic system established under § 635.15 and in writing.

Based on the procedures described above and by summing the individual available allocations, NMFS has determined the 2017 Purse Seine category quota available to Purse Seine fishery participants is 46.1 mt. Thus, the amount of Purse Seine category quota to be reallocated to the Reserve category is 138.2 mt (184.3 mt − 46.1 mt). This reallocation results in a 2017 Reserve category quota of 163 mt (24.8 mt + 138.2 mt), before any transfers to other categories.

NMFS anticipates that it will consider additional BFT quota adjustments during 2017. For example, when complete 2016 BFT catch information is available and finalized, NMFS may augment the Reserve category quota further by carrying forward underharvest, if any, from 2016, consistent with ICCAT limits. Subsequent notices will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates.

Quota Transfer

Under § 635.15(b), additional BFT quota may be distributed within the Longline category, after the initial annual allocations if the U.S. baseline quota increases as a result of an ICCAT recommendation or as a result of a transfer of quota from the Reserve category to the Longline category, pursuant to criteria for quota adjustments.

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories, after considering the 14 regulatory determination criteria provided under § 635.27(a)(8), which are:

The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; the estimated amounts by which quotas for other gear categories of the fishery might be exceeded; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal distribution, abundance, or migration patterns of BFT; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds; optimizing fishing opportunity; accounting for dead discards, facilitating quota monitoring, supporting other fishing monitoring programs through quota allocations and/or generation of revenue; and support of research through quota allocations and/or generation of revenue. Since implementing Amendment 7, NMFS has transferred quota inseason from the Reserve category to the Longline category twice, once in 2015 and once in 2016 (80 FR 45098, July 29, 2015; 81 FR 19, January 4, 2016).

NMFS has considered the determination criteria regarding inseason adjustments and their applicability to the Longline category fishery and has determined that a quota transfer is warranted, as explained below. Consistent with the criteria for quota adjustments, this transfer is intended to increase the amount of quota available to individual vessels, and therefore help vessel owners account for BFT landings and dead discards while fostering conditions in which permit holders become more willing to lease IBQ. The revised Longline category quota would support the broader objectives of Amendment 7, which include reducing BFT interactions and dead discards while maintaining an economically viable swordfish and yellowfin tuna directed fishery.

Vessels using pelagic longline gear must have IBQ to account for BFT landings and dead discards. If a vessel has insufficient IBQ to account for such landings and dead discards, it goes into ''quota debt.'' A permitted Atlantic Tunas Longline vessel is not allowed to fish with pelagic longline gear if it has outstanding quota debt or does not have the minimum amount of quota (*i.e.,* 276 lb (0.125 mt) to depart on a fishing trip in the Atlantic and 551 lb (0.25 mt) to depart on a fishing trip in the Gulf of Mexico). These minimum amounts were specified to allow the landing and accounting of one BFT, based on average fish weight for each area (*e.g.,* 551 lb of quota would allow for the landing and accounting of one BFT in the Gulf of Mexico).

With respect to the effects of the adjustment on BFT rebuilding and overfishing, and accomplishing the objectives of the fishery management plan (§ 635.27(a)(8)(v) and (vi)), this action is consistent with the previously implemented and analyzed quotas and the existing rebuilding plan, and it is not expected to lead to overfishing or negatively impact stock health or otherwise affect the stock in ways not previously analyzed. The transfer of 45 mt of BFT quota from the Reserve category to the Longline category will result in an adjusted Longline category quota of 193.3 mt (148.3 mt + 45 mt), which remains within the ICCAT quota. NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(8)(iv)) and the ability to account for all 2017 landings and dead discards. Overall, less than 4 percent of the total of the currently available quota for the other commercial quota categories has been harvested as of February 22, 2017. NMFS will need to account for all 2017 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that even with this transfer from the Reserve category. This action is consistent with the rebuilding objectives of the 2006 Consolidated HMS FMP as amended.

Regarding the determination criteria ''optimizing fishing opportunity'' (§ 635.27(a)(8)(x)), the ability of pelagic longline vessel owners to account for BFT with quota allocations or to lease IBQ at an affordable price is key to the success of the IBQ Program and thus to optimize fishing opportunity by moving quota to where it is needed. An inseason transfer of quota to the Longline category would facilitate accomplishing the objectives of the 2006 Consolidated HMS FMP by optimizing fishing opportunity, contributing to full accounting for landings and dead discards, and reducing uncertainty in the fishery as a whole. Quota transferred from the Reserve category and distributed directly to active vessels (discussed below) should reduce

situations where fishing opportunity for target species is constrained by the unavailability of quota (*e.g.,* because of BFT quota debt or a low IBQ balance) or, in the case of vessels with recent fishing activity that are not associated with IBQ shares, by not finding affordable quota (or sufficient quota) for lease. It will also reduce vessel owner uncertainty about whether a vessel owner will have sufficient quota to account for future BFT catch. Without this inseason quota transfer, permit holders may be unnecessarily conservative at the beginning of the year, in a way that does not optimize fishing opportunities nor encourage the appropriate functioning of the IBQ leasing program. For example, vessel owners may fear that they will not have enough IBQ to depart on as many trips as they have planned and enough IBQ to account for BFT retained or discarded dead, and thus may feel they cannot lease IBQ to other vessels. If they do lease out quota, they may set the lease prices unnecessarily high to offset their perceived risks. An inseason distribution of IBQ to active vessels (discussed below) will reduce the perceived risk associated with leasing a portion of their IBQ to other vessels early in the year and will reduce uncertainty in their business plans for the year.

Regarding the determination criteria about accounting for dead discards (§ 635.27(a)(8)(xi)) and variations in seasonal distribution or abundance, a quota transfer from the Reserve category to the Longline category would contribute to full accounting of BFT catch by vessels that accrue quota debt (*i.e.,* reduce quota debt), enhance the likelihood that share recipients will lease IBQ to others, and reduce uncertainty in the fishery as a whole. Transferring quota in early 2017 helps to address the diversity of the fishery with respect to the timing of fishing activities in different geographic areas. A quota transfer later in the year may disadvantage those fishing early in the year. For example, a vessel that fishes only during the first quarter of the year would not benefit from such a quota transfer if it happened at any time after the first quarter. In contrast, a vessel that fishes only during the fourth quarter would not be disadvantaged by a quota transfer during the first quarter, because they would receive the quota distribution during the first quarter, and could keep the IBQ until they are ready to fish. Additional inseason transfers could occur later in the year and the additional quota at the beginning of the year helps equalize the distribution among the active vessels.

Based on the considerations above, NMFS is transferring 45 mt of the adjusted Reserve category quota to the Longline category. As a result of this quota transfer, the adjusted 2017 Reserve category quota is 118 mt (163 mt − 45 mt), and the adjusted 2017 Longline category quota is 193.3 mt.

Distribution of Transferred Quota Within the Longline Category

For each of the 34-mt quota transfers in 2015 and 2016, NMFS distributed 551 lb (0.25 mt) of IBQ equally to each of the 136 qualified IBQ share recipients. In a recent final rule (the ''IBQ inseason transfer rule''), NMFS modified the HMS regulations regarding the distribution of inseason BFT quota transfers to the Longline category (81 FR 95903, December 29, 2016; 82 FR 8821, January 31, 2017; 82 FR 9530, February 7, 2017). That final rule provided NMFS the ability to distribute quota inseason either to all qualified IBQ share recipients (*i.e.,* share recipients who have associated their permit with a vessel) or only to permitted Atlantic Tunas Longline vessels with recent fishing activity, whether or not they are associated with IBQ shares. The final rule described how, in deciding whether to transfer additional quota to the Longline category inseason from the Reserve category, NMFS would first consider the existing 14 regulatory determination criteria, including the need to ''optimize fishing opportunity'' (as described above), and then would decide whether to distribute that quota to all qualified IBQ share recipients or only to permitted Atlantic Tunas Longline vessels with recent fishing activity. The final rule indicated that this decision would be based on information for the subject year and previous year, including the number of BFT landings and dead discards, the number of IBQ lease transactions, the average amount of IBQ leased, the average amount of quota debt, the annual amount of IBQ allocation, any previous inseason allocations of IBQ, the amount of BFT quota in the Reserve category, the percentage of BFT quota harvested by the other quota categories, the remaining number of days in the year, the number of active vessels fishing not associated with IBQ share, and the number of vessels that have incurred quota debt or that have low levels of IBQ allocation. The final rule further indicated that NMFS would determine which approach best meets the specific objectives of the IBQ Program, including the objective of providing flexibility in the quota system to enable pelagic longline vessels to obtain BFT quota from other vessels with available individual quota in order to enable full accounting for BFT landings and dead discards, and minimize constraints on fishing for target species. Discussion of the relevant information and justification for how NMFS is distributing the transferred quota follows.

NMFS has examined the logbook, Vessel Monitoring System (VMS), dealer, and electronic monitoring data for 2016 and for 2017 as of February 22, 2017, and has determined that 90 vessels have recent fishing activity and that, of those, 86 were IBQ share recipients. As described in the final IBQ inseason transfer rule, any vessel activity in the pelagic longline fishery during this date range is sufficient to qualify as ''recent fishing activity.'' For comparison, there are 136 IBQ share recipients under Amendment 7.

Preliminary data indicate that, in 2016, 55 Atlantic Tunas Longline vessels landed a total of 447 BFT (196,142 lb) and 30 Atlantic Tunas Longline vessels discarded dead 175 BFT (19,575 lb). In 2017 through February 22, 18 Atlantic Tunas Longline vessels landed a total of 35 BFT (16,909 lb) and 5 vessels discarded dead 8 BFT (935 lb). These landings and dead discards (as well as VMS data that document BFT released alive) indicate that pelagic longline vessels have been interacting with BFT in 2016 (and early 2017). The vessels have been accounting for BFT using IBQ, as required by the regulations. It is likely that there will continue to be pelagic longline interactions with BFT and a need for vessels to account for the BFT retained and discarded dead in 2017. Distributing only to active vessels provides a focused, more efficient distribution of quota to those that need it (*i.e.,* the active vessels) will help reduce uncertainty and facilitate better business decisions and a more effective leasing program for the remainder of the year. We note that this is only a small influx of quota to facilitate effective leasing and more certainty in operational decisions at the beginning of the year; the baseline category quota is still distributed to all IBQ share recipients, which includes those that are inactive.

There were 103 IBQ lease transactions (81 in 2016; 22 in 2017 through February 22), with 72 distinct share recipients leasing and a total of 170,507 lb leased (127,666 lb in 2016 and 42,841 lb in 2017 through February 22). Nineteen IBQ lessors did not have recent fishing activity. Overall, the average amount of IBQ leased was 1,481

lb and average lease price was $2.42 per pound (weighted average). In discussions with vessel operators, some have indicated that the ex-vessel price of BFT was variable, and relatively low, and that they essentially made little or no money from BFT given expenses including the cost to lease BFT. NMFS data indicate that the ex-vessel price of BFT from pelagic longline vessels from January 1, 2016, through February 22, 2017, ranged from zero to $17/lb, with an average of $4.90/lb. There were four active vessels that were not associated with IBQ shares that leased quota from share recipients in order to fish with pelagic longline gear. Seventeen distinct vessels had quota debt at any given point in 2016, with an average of 708 lb. No vessels had quota debt going into 2017. This price and leasing information demonstrates that the leasing market is active, vessels are paying out of pocket to obtain additional IBQ as needed, and that BFT landings are generally not profitable. It also indicates that influxes of quota inseason by NMFS were helpful in facilitating the effective functioning of the Program and system. Furthermore, share recipients that are not actively fishing are earning some revenue through leasing to those vessels that are fishing (*i.e.,* from 5 such vessels in 2015 to 19 vessels from January 1, 2016 through February 22, 2017). These trends further support distribution of quota to Atlantic Tunas Longline vessels with recent fishing activity in order to facilitate accounting for BFT catch or reducing the likelihood of accrued quota debt, while helping to lower any additional cost of leasing.

The annual amount of Longline category quota allocated in the IBQ system for 2016 was the baseline Longline category quota of 148.3 mt plus the 34-mt transfer that was effective January 1, 2016, for a total of 182.3 mt. The annual amount of Longline category quota currently allocated in the IBQ system for 2017 is the baseline Longline category quota of 148.3 mt. NMFS has not made any inseason transfers thus far in 2017. As described above, the amount of quota in the Reserve category following this action's reallocation from the Purse Seine category is 163 mt. As described in the Quota Transfer section above, commercial landings for categories other than the Longline category total less than 4 percent of available 2017 quota for those categories. Thus, substantial quota remains available in the Reserve category for future transfers, as appropriate.

NMFS has determined that distribution of quota only to Atlantic Tunas Longline vessels with recent fishing activity fulfills IBQ Program objectives. Such a distribution would provide transferred quota only to the vessels that have recently fished and are therefore most likely to need quota in order to account for BFT interactions. One of the principal objectives of the IBQ Program is to require increased individual accountability for BFT catch. Vessels that are not fishing (*i.e.,* not active) do not need IBQ to account for BFT catch. Of the 136 IBQ share recipients, only 86 (63 percent) have recent fishing activity, and a majority of IBQ share recipients with no recent activity are not leasing out their quota (*i.e.,* 31 of 50 inactive share recipients did not lease out quota in the period analyzed). In addition, there are four Atlantic Tunas Longline vessels with recent fishing activity that are not associated with IBQ shares. Efficient distribution of quota to those that need it (*i.e.,* the active vessels) supports the objectives of the IBQ Program, *i.e.,* balance the objectives of limiting bluefin landings and dead discards with the objective of optimizing fishing opportunities and maintaining profitability; and provide flexibility in the quota system to enable pelagic longline vessels to obtain BFT quota from other vessels with available individual quota in order to enable full accounting for BFT landings and dead discards, and minimize constraints on fishing for target species. Vessels with IBQ share that have not been active and would not be given any inseason IBQ through this action, may nevertheless become active if they desire, because such vessels were allocated the annual amount of IBQ for 2017, and may lease additional IBQ if necessary. After considering this information, NMFS has decided to distribute the 45 mt of quota transferred from the Reserve to the Atlantic Tunas Longline vessels with recent fishing activity.

As a result of this quota transfer, 1,102 lb (0.5 mt) of quota is being distributed to each of the 90 permitted Atlantic Tunas Longline vessels with recent fishing activity. For comparison, if the 45 mt were distributed to all qualified IBQ share recipients, each would receive 729 lb (0.33 mt). For those vessels with recent fishing activity that are not associated with valid (*i.e.,* unexpired) permits at the time of the quota transfer, the IBQ will be transferred, but will not be usable by the vessel owner (*i.e.,* may not be leased or used to account for BFT) unless and until the vessel is associated with a valid permit. When a qualified IBQ share recipient with recent fishing activity receives inseason quota, the quota will be designated as either Gulf of Mexico (GOM) IBQ, Atlantic (ATL) IBQ, or both GOM and ATL IBQ, according to the share recipient's regional designations. Those vessels that are participating in the voluntary Deepwater Horizon Oceanic Fish Restoration Project repose period through June 30, 2017, and that have recent fishing activity, would receive a distribution of inseason quota once the repose period ends. For vessels with recent fishing activity that are not qualified IBQ share recipients, NMFS will assign the distributed quota a regional designation based on where the majority of the vessel's ''recent fishing activity'' occurred for the relevant period analyzed (either GOM or ATL). This action is supported by the Amendment 7 Final Environmental Impact Statement and final rule, which analyzed and anticipated inseason quota transfers from the Reserve to the Longline category, and the final IBQ inseason transfer rule. NMFS anticipates that this action will enhance the ability of vessel owners to account for BFT catch, reduce quota debt, facilitate quota leasing, and reduce uncertainty in the fishery.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries, including the pelagic longline fishery, closely through the mandatory landings and catch reports. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT through the electronic BFT dealer reporting system as well as through the online IBQ system. Pelagic longline vessels are required to enter BFT dead discard information through the IBQ system and confirm the accuracy of dealer-reported data. Pelagic longline vessels are also required to report BFT catch through VMS, as well as through the online IBQ system.

Longline category permit holders are reminded that all BFT discarded dead must be reported through VMS, and accounted for in the online IBQ system, consistent with requirements at § 635.15(a).

If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov* for updates on quota monitoring and inseason adjustments.

Classification

The Acting Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and

an opportunity for public comment on, the transfer from the Reserve category to the Longline category for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP, as amended, provide for inseason adjustments to quotas and other aspects of BFT fishery management, to respond to the diverse range of factors which may affect BFT fisheries, including ecological (*e.g.,* rebuilding, or the migratory nature of HMS) and commercial (*e.g.,* optimizing fishing opportunity, or reducing bycatch). Specifically, Amendment 7 stated that NMFS may need to consider providing additional quota to the Longline category as a whole in order to increase the amount of quota available to permitted Atlantic Tunas Longline vessels via the IBQ Program, and balance the need to have an operational directed pelagic longline fishery with the need to reduce BFT bycatch.

NMFS has determined that adjustments to the Reserve and Longline category BFT quotas are warranted. Analysis of available data shows that adjustment to the Longline category quota from the initial level would result in minimal risks of exceeding the ICCAT-allocated quota. The regulations implementing the 2006 Consolidated HMS FMP, as amended, provide the flexibility to provide additional quota to the Longline category in order to optimize fishing opportunity, account for dead discards, and accomplish the objectives of the fishery management plan. A quota transfer effective in early 2017 helps to address the diversity of the fishery with respect to the timing of fishing activities in different geographic areas. A quota transfer later in the year may disadvantage those fishing early in the year.

Affording prior notice and opportunity for public comment to implement the quota transfer is impracticable. The decision on whether to transfer 45 mt of quota from the Reserve category to the Longline category, and whether to distribute that quota to all qualified IBQ share recipients or only to permitted Atlantic Tunas Longline vessels with recent fishing activity, needs to happen at the beginning of the year to facilitate effective leasing and more certainty in operational decisions. NMFS only recently received updated data from the 2016 fishery, as it recently closed, and from the first several weeks of the 2017 fishery. If NMFS were to offer an opportunity for public comment, it would unnecessarily preclude fishing opportunities for some vessel operators, particularly those that fish early in the fishing season. Precluding fishing opportunities is contrary to the public interest because of increased operating costs due to low quota balances. As explained earlier, NMFS conducted notice-and-comment rulemaking on the underlying regulations that set forth the criteria used for this action.

Delays in adjusting the Reserve and Longline category quotas would adversely affect those permitted Atlantic Tunas Longline vessels that would otherwise have an opportunity to reduce or resolve quota debt, lease quota to other vessels, as well as delay potential beneficial effects on the ability for vessel operators to make business plans for their future. NMFS is trying to balance providing opportunity to the pelagic longline fishery, with the reduction of BFT bycatch, and delaying this action would be contrary to the public interest. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.15(b) and (f) and 635.27(a)(8) and (9) and (a)(4) and (7), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 28, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04141 Filed 2–28–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 40
Thursday, March 2, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0125; Directorate Identifier 2016–NM–193–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model DHC–8–401 and DHC–8–402 airplanes. This proposed AD was prompted by a report that a pilot was unable to move the rudder pedal due to an obstruction. This proposed AD would require an inspection to determine if wiring shrouds are present, and modifying the wiring shrouds if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 17, 2017.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com;* Internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0125; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7318; fax: 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0125; Directorate Identifier 2016–NM–193–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2016–27, dated September 14, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–401 and DHC–8–402 airplanes. The MCAI states:

> An operator reported that the flying pilot was unable to move the rudder pedal due to an obstruction caused by the non-flying pilot's foot. The shoe belonging to the non-flying pilot was placed between the rudder pedal and the newly installed wiring shroud and prevented rudder pedal movement. The wiring shroud was installed to support the wire harnesses installed below the cockpit instrument panel.
>
> If not corrected, this condition could prevent rudder movement during critical phases of flight or ground operation, and result in loss of control of the aeroplane.
>
> This [Canadian] AD was issued to re-work the wiring shrouds to eliminate potential for obstruction.

Required actions include an inspection for the presence of wiring shrouds and modification of any existing wiring shrouds. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0125.

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 84–25–169, Revision A, dated April 25, 2016. This service information describes procedures for an inspection to verify if wiring shrouds are installed, and modification of any existing wiring shrouds. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information

referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 82 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$6,970

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Modification of wiring shrouds	7 work-hours × $85 per hour = $595	$71	$666

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2017–0125; Directorate Identifier 2016–NM–193–AD.

(a) Comments Due Date

We must receive comments by April 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–401 and DHC–8–402 airplanes, certificated in any category, as identified in Bombardier Service Bulletin 84–25–169, Revision A, dated April 25, 2016.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by a report that a pilot was unable to move the rudder pedal due to an obstruction caused by the non-flying pilot's foot. We are issuing this AD to prevent an obstruction that could prevent rudder pedal movement during critical phases of flight or ground operations, potentially resulting in loss of control of the airplane.

(f) Compliance

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

(g) Inspection and Modification of Wiring Shrouds

Within 6 months after the effective date of this AD, do a one-time inspection to determine if wiring shrouds are installed, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–25–169, Revision A, dated April 25, 2016.

(1) If the airplane does not have wiring shrouds installed, no further action is required by this AD.

(2) If the airplane has wiring shrouds installed, before further flight, modify the wiring shrouds in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–25–169, Revision A, dated April 25, 2016.

Note 1 to paragraph (g) of this AD: Wiring shrouds were installed in accordance with Bombardier Modification Summary Package (ModSum) IS4Q2500035–1, Revision A, dated July 26, 2011; Revision B, dated October 10, 2013; Revision C, dated March 26, 2014; or Revision D, dated February 26, 2016; or ModSum IS4Q2500035–2, Revision A, dated July 26, 2011; Revision B, dated October 10, 2013; Revision C, dated March

26, 2014; or Revision D, dated February 26, 2016.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170 FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7300; fax: 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2016–27, dated September 14, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0125.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com*; Internet: *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 22, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03995 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0126; Directorate Identifier 2016–NM–211–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by reports of frame web cracking at certain locations. This proposed AD would require repetitive inspections in certain locations of the frame web, and corrective action if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 17, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0126.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0126; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Gaetano Settineri, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *gaetano.settineri@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0126; Directorate Identifier 2016–NM–211–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of frame web cracking at the station (STA) 344 system penetration holes between stringer S–22L and stringer S–24L. There were 11 reports of cracking on airplanes having accumulated between 25,713 and 68,093 total flight cycles and between 55,058 and 76,358 total flight hours. Crack lengths ranged from 0.78 inch to 1.57 inches. Frame cracking is the result of fatigue caused by cyclic pressurization of the fuselage. Undetected cracks can grow until the frames sever. Ultimately, multiple adjacent frames could be severed, or a severed frame could exist near cracks in

the chem-milled fuselage skin. This condition, if not corrected, could result in uncontrolled decompression of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016. The service information describes procedures for repetitive high frequency eddy current (HFEC), detailed, and general visual inspections in certain locations of the frame web. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0126.

The phrase ''corrective actions'' is used in this proposed AD. Corrective actions correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016, specifies to contact the manufacturer for certain instructions, but this proposed AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 82 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC, detailed, and general visual inspections.	114 work-hours × $85 per hour = $9,690 per inspection cycle.	$0	$9,690 per inspection cycle.	$794,580 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0126; Directorate Identifier 2016–NM–211–AD.

(a) Comments Due Date

We must receive comments by April 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of frame web cracking at station (STA) 344 system

penetration holes between stringer S–22L and stringer S–24L. We are issuing this AD to detect and correct such cracking, which could grow in size until frames sever. Multiple adjacent severed frames, or a severed frame near cracks in the chem-milled fuselage skin, could result in an uncontrolled decompression of the airplane.

(f) Compliance

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

(g) Group 1 Airplanes: Inspections and Corrective Actions

For airplanes identified as Group 1 in Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016: Within 120 days after the effective date of this AD, inspect the left- and right-side fuselage frames, as specified in Parts 2 and 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016, and do all applicable corrective actions, using a method approved in accordance with the procedures specified in paragraph (j) of this AD. Do all applicable corrective actions before further flight.

(h) Group 2 Airplanes: Repetitive Inspections and Corrective Actions

For airplanes identified as Group 2 in Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016, except as required by paragraph (i)(1) of this AD: Do the inspections specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A1354, dated December 2, 2016, except as required by paragraph (i)(2) of this AD. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A1354, dated December 2, 2016. Do all applicable corrective actions before further flight.

(1) Do high frequency eddy current (HFEC), detailed, and general visual inspections for cracking of the left side section 41 lower lobe frames, between STA 268.25 and STA 360.

(2) Do detailed and general visual inspections for cracking of the right side section 41 lower lobe frames, between STA 268.25 and STA 360.

(3) Do an HFEC inspection for cracking of the right side STA 312, STA 328, and STA 344, section 41 lower lobe frames.

(i) Service Information Exceptions

(1) Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016, specifies a compliance time ''after the original date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 737–53A1354, dated December 2, 2016, specifies to contact Boeing for repair instructions, and specifies that action as Required for Compliance (RC), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (i)(2) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

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

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

(k) Related Information

(1) For more information about this AD, contact Gaetano Settineri, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *gaetano.settineri@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 21, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03996 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0156; Directorate Identifier 2017–CE–003–AD]

RIN 2120–AA64

Airworthiness Directives; ZLIN AIRCRAFT a.s. Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for ZLIN AIRCRAFT a.s. Model Z–242L airplanes that would supersede AD 2003–11–12. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a need to incorporate new revisions into the Limitations section, Chapter 9, of the FAA-approved maintenance program (*e.g.,* maintenance manual) to impose new or more restrictive life limits on critical components. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 17, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact ZLIN AIRCRAFT a.s., Letiště 1887, 765 02 Otrokovice, Czech Republic, telephone: +420 725 266 711; fax: +420 226 013 830; email: *info@zlinaircraft.eu,* Internet: *http://www.zlinaircraft.eu.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0156; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0156; Directorate Identifier 2017–CE–003–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On May 22, 2003, we issued AD 2003–11–12, Amendment 39–13171 (68 FR 32629, June 2, 2003) (''AD 2003–11–12''). That AD required actions intended to address an unsafe condition on ZLIN AIRCRAFT a.s. Model Z–242L airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2003–11–12, a revision to the airworthiness limitations chapter of the aircraft maintenance manual has been issued, and the State of Design airworthiness authority took AD action, as identified below.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2017–0005, dated January 10, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The airworthiness limitations for the Zlin Aircraft a.s. Z 242 L aeroplanes, which are approved by EASA, are defined and published in Chapter 9 of Zlin Aircraft a.s. Z 242 L Maintenance Manual (MM)—Volume I Document 003.021.1 (in Czech language) or in Chapter 9 of Z 242 L MM—Volume I Document 003.22.1 (in English language). These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition.
>
> Zlin Aircraft a.s. recently published Revision 22 to Chapter 9, Volume I, of the Z 242 L MM, introducing new and/or more restrictive limitations.
>
> For the reason described above, this AD requires accomplishment of the actions specified in the Zlin Aircraft a.s. Z 242 L MM Chapter 9, Volume I, at Revision 22.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0156.

Related Service Information Under 1 CFR Part 51

ZLIN AIRCRAFT a.s. has issued Z 242 L DOC. No. 003.22.1 Maintenance Manual—Vol. I. Chapter 9, Airworthiness Limitations, Revision No. 22, dated March 15, 2016. The revision to the Limitations sections introduces new and/or more restrictive safe life limits for the Model Z 242 airplane. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD would affect 30 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the proposed requirement to incorporate the new revision into the Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual). The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this portion of this proposed AD on U.S. operators to be $2,550, or $85 per product.

The above costs only account for the time to incorporate the document into the Limitations section of the FAA-approved maintenance program. These proposed limitations would impose more restrictive life limits on some parts and provide new life limits for others. While the cost of these proposed replacements could be expensive, they would only be required to operate the airplane past the established times. Ultimately, the proposed estimated cost of replacing all life-limited parts could come close to the cost of the airplane. These proposed life limits are necessary to continue to operate the airplane in an airworthy manner.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–13171 (68 FR 32629, June 2, 2003), and adding the following new AD:

ZLIN AIRCRAFT a.s. (type certificate previously held by MORAVAN a.s.): Docket No. FAA–2017–0156; Directorate Identifier 2017–CE–003–AD.

(a) Comments Due Date

We must receive comments by April 17, 2017.

(b) Affected ADs

This AD replaces AD 2003–11–12, Amendment 39–13171 (68 FR 32629, June 2, 2003) (''AD 2003–11–12'')

(c) Applicability

This AD applies to ZLIN AIRCRAFT a.s. Model Z–242L airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 5: Time Limits.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a need to incorporate new revisions into the Limitations section, Chapter 9, of the FAA-approved maintenance program (*e.g.,* maintenance manual). We are issuing this AD to prevent structural failure of the wing due to fatigue cracking. Such failure could result in a wing separating from the airplane with consequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) *For all affected airplanes:* As of March 21, 2003 (the effective date of AD 2003–03–13 (68 FR 4905, January 21, 2003)), annotate Acrobatic and Utility category operational time in the logbook. If the airplane is utilized in either of these categories at any time during a flight, annotate the total time for that flight in the Utility or Acrobatic category, as appropriate. Do the logbook annotation following the procedures in Moravan Mandatory Service Bulletin Z 242L/37a (Z 142C/17a), Rev. 1, dated October 31, 2000; and Moravan Mandatory Service Bulletin Z 242L/38a (Z142C/18a)—Rev. 1, April 15, 2003. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 may do this action.

(2) *For airplane serial numbers 0001 through 0656 that do not have strengthened wings installed (both left and right side) in accordance with Moravan Mandatory Service Bulletin Z 242L/27a—Rev 2. dated April 15, 2003, or Rev. 1, dated October 31, 2000:*

(i) On or before 10 days after June 5, 2003 (the effective date of AD 2003–11–12), incorporate aerobatic frequency information into the Limitations section of the airplane flight manual (AFM) as specified in Moravan Mandatory Service Bulletin Z 242L/38a—Rev. 1, dated April 15, 2003. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 may do this action. Make an entry into the aircraft records showing compliance with these portions of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(ii) On or before reaching 190 hours time-in-service in the Acrobatic category and/or Utility category or on or before 90 days after March 21, 2003 (the effective date of AD 2003–03–13 (68 FR 4905, January 21, 2003)), whichever occurs later, insert the following information into the Limitations section of the airplane flight manual (AFM): ''Do not operate in the Acrobatic or Utility category. Operate in the Normal category only.''

The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may accomplish this AFM insertion of this AD. Make an entry into the aircraft records showing compliance with these portions of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). This operational restriction is referenced in Moravan Mandatory Service Bulletin Z 242L/37a (Z 142C/17a), Rev. 1, dated October 31, 2000.

(3) *For airplane serial numbers 0657 or higher or one in the range of 0001 through 0656 that has strengthened wings (both left and right side) installed in accordance with Moravan Mandatory Service Bulletin Z 242L/27a—Rev. 1, dated October 31, 2000, or Rev. 2, dated April 15, 2003:* On or before 10 days after June 5, 2003 (the effective date of AD 2003–11–12), incorporate aerobatic frequency information into the Limitations section of the airplane flight manual (AFM) as specified in Moravan Mandatory Service Bulletin Z 242L/38a—Rev. 1, dated April 15, 2003. The owner/operator holding at least a private pilot certificate as authorized by section 43.7 may do this action. Make an entry into the aircraft records showing compliance with these portions of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(4) *For all affected airplanes:* Within 10 days after the effective date of this AD, insert Chapter 9, Airworthiness Limitations, Revision No. 22, dated March 15, 2016, of ZLIN AIRCRAFT a.s. Z 242 L, Doc, No. 003.002.1 Maintenance Manual—Vol. I into the Limitations section of the FAA-approved maintenance program (*e.g.,* maintenance manual). The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may accomplish this maintenance manual insertion requirement of this AD. Make an entry into the aircraft records showing compliance with these portions of the AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9). If a discrepancy is found during the accomplishment of any of the actions required by the document listed in this paragraph, before further flight after finding such discrepancy, contact ZLIN AIRCRAFT a.s. at the address specified in paragraph (h) of this AD for an FAA-approved repair scheme and incorporate that repair scheme.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2017–0005, dated January 10, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0156. For service information related to this AD, contact ZLIN AIRCRAFT a.s., Letiště 1887, 765 02 Otrokovice, Czech Republic, telephone: +420 725 266 711; fax: +420 226 013 830; email: *info@zlinaircraft.eu,* Internet: *http://www.zlinaircraft.eu.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 17, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03965 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0141; Directorate Identifier 2016–SW–067–AD]

RIN 2120–AA64

Airworthiness Directives; The Enstrom Helicopter Corporation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2015–08–51 for Enstrom Helicopter Corporation (Enstrom) Model F–28A, 280, F–28C, F–28C–2, F–28C–2R, 280C, F–28F, F–28F–R, 280F, 280FX, and 480 helicopters. AD 2015–08–51 requires an inspection of the main rotor spindle (spindle) and reporting the inspection results to the FAA. This proposed AD was prompted by additional reports of cracked spindles and would require establishing a life limit and a recurring inspection. These proposed actions are intended to prevent the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 1, 2017.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0141; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Enstrom Helicopter Corporation, 2209 22nd Street, Menominee, MI; telephone (906) 863–1200; fax (906) 863–6821; or at *www.enstromhelicopter.com.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Monica Nemecek, Continued Operational Safety Program Manager, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 East Devon Ave., Des Plaines, IL 60018; (847) 294–7618; email *9-AGL-CHI-ACO-COS@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On May 8, 2015, we issued AD 2015–08–51, Amendment 39–18160 (80 FR 28172, May 18, 2015), which was sent previously as an emergency AD to all known U.S. owners and operators of Enstrom Model F–28A, 280, F–28C, F–28C–2, F–28C–2R, 280C, F–28F, F–28F–R, 280F, 280FX, and 480 helicopters. AD 2015–08–51 applies to helicopters with a spindle part number (P/N) 28–14282–11 or 28–14282–13 installed and requires conducting a one-time magnetic particle inspection (MPI) of the spindle for cracks and reporting the inspection results to the FAA. AD 2015–08–51 was prompted by a fatal accident and reports of spindles with cracks. The actions of AD 2015–08–51 are intended to detect a crack in a spindle and prevent loss of a main rotor blade and subsequent loss of control of the helicopter.

Actions Since AD 2015–08–51 Was Issued

Since we issued AD 2015–08–51, we received additional reports of cracked spindles. Additionally, Enstrom revised its service information to reduce the time for the initial MPI from 3,500 hours TIS to 1,500 hours TIS and extend the compliance time for a recurring MPI of the spindles from 300 hours TIS to 500 hours TIS. Based on a review of the in-service data and a fatigue analysis, the FAA determined a life limit and repetitive MPIs were necessary to reduce the risk of a crack developing in a spindle. We also determined the reporting requirement in AD 2015–08–51 is no longer necessary.

We issued AD 2015–08–51 as interim action; this proposed AD would provide long-term requirements to prevent a spindle failure. Accordingly, this

proposed AD would require an MPI of the spindle every 500 hours TIS until the spindle reaches its new life limit of 1,500 hours TIS. These proposed actions are intended to detect a crack in a spindle and prevent loss of a main rotor blade and subsequent loss of control of the helicopter.

FAA's Determination

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

Related Service Information

We reviewed Enstrom Service Directive Bulletin No. 0119, Revision 3, dated June 24, 2016, for Model F–28A, F–28C, F–28F, 280, 280C, 280F, and 280FX helicopters with a spindle P/N 28–14282–11 or 28–14282–13. We also reviewed Enstrom Service Directive Bulletin No. T–050, Revision 3, dated June 24, 2016, for Model 480 helicopters, serial numbers 5001 through 5004 and 5006, and with a spindle P/N 28–14282–13, except those aircraft modified with tension-torsion straps. Both service directive bulletins specify sending the spindle to Enstrom for an MPI before the spindle reaches 1,500 hours time-in-service (TIS), or within 5 hours TIS for those spindles with 1,500 or more hours TIS. Thereafter, the service directive bulletins specify returning the spindle to Enstrom for an MPI every 500 hours.

Proposed AD Requirements

This proposed AD would require establishing a life limit of 1,500 hours TIS for spindle P/Ns 28–14282–11 and 28–14282–13. This proposed AD would also require an initial and recurring MPI of the spindles.

Differences Between This Proposed AD and the Service Information

This proposed AD would require establishing a spindle life limit of 1,500 hours TIS. The service information does not specify a life limit.

This proposed AD would require that the MPI be conducted by a Level II or Level III inspector or equivalent. The service information specifies sending the spindle to Enstrom for an MPI.

This proposed AD would require an initial MPI before further flight for a spindle with 500 or more hours TIS, unless an MPI has been done within the last 500 hours TIS. The service information specifies an initial MPI compliance time of within 5 hours TIS for a spindle with 1,500 or more hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect 323 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. Inspecting the spindles would take about 15 work-hours for an estimated cost of $1,275 per helicopter and $411,825 for the U.S. fleet per inspection cycle. Replacing a cracked spindle would cost $8,164 for parts and no additional work-hours. Replacing a set of three spindles that have reached their life limit would take about 14 work-hours and parts would cost $17,500 for a total cost of $18,690 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–08–51, Amendment 39–18160 (80 FR 28172, May 18, 2015), and adding the following new AD:

The Enstrom Helicopter Corporation (Enstrom): Docket No. FAA–2017–0141; Directorate Identifier 2016–SW–067–AD.

(a) Applicability

This AD applies to Enstrom Model F–28A, 280, F–28C, F–28C–2, F–28C–2R, 280C, F–28F, F–28F–R, 280F, and 280FX helicopters, all serial numbers; and Enstrom Model 480 helicopters, serial numbers 5001 through 5006; with a main rotor spindle (spindle) part number (P/N) 28–14282–11 or 28–14282–13, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a spindle, which, if not detected, could result in loss of a main rotor blade and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2015–08–51, Amendment 39–18160 (80 FR 28172, May 18, 2015).

(d) Comments Due Date

We must receive comments by May 1, 2017.

(e) Compliance

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

(f) Required Actions

(1) Before further flight, remove from service any spindle P/N 28–14282–11 or 28–14282–13 that has 1,500 or more hours time-in-service (TIS). If the hours TIS of a spindle is unknown, use the TIS of the helicopter.

Thereafter, remove from service any spindle P/N 28–14282–11 or 28–14282–13 before accumulating 1,500 hours TIS.

(2) For each spindle with 500 or more hours TIS, using the hours TIS of the helicopter if the hours TIS of the spindle is unknown:

(i) Before further flight, unless already done within the last 500 hours TIS, conduct a magnetic particle inspection (MPI) of the spindle for a crack, paying particular attention to the threaded portion of the spindle. The MPI of the spindle must be conducted by a Level II or Level III inspector qualified in the MPI in the Aeronautics Sector according to the EN4179 or NAS410 standard or equivalent. If there is a crack in the spindle, replace it with an airworthy spindle before further flight.

(ii) Thereafter at intervals not to exceed 500 hours TIS, repeat the MPI specified in paragraph (f)(2)(i) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Chicago Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Monica Nemecek, Continued Operational Safety Program Manager, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 East Devon Ave., Des Plaines, IL 60018; (847) 294–7618; email *9-AGL-CHI-ACO-COS@faa.gov.*

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

(3) AMOCs approved previously in accordance with AD 2015–08–51, Amendment 39–18160 (80 FR 28172, May 18, 2015), are approved as AMOCs for the corresponding requirements in paragraph (f) of this AD.

(h) Additional Information

Enstrom Service Directive Bulletin Nos. 0119 and T–050, both Revision 3 and both dated June 24, 2016, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Enstrom Helicopter Corporation, 2209 22nd Street, Menominee, MI; telephone (906) 863–1200; fax (906) 863–6821; or at *www.enstromhelicopter.com.* You may review the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6220, Main Rotor Head.

Issued in Fort Worth, Texas, on February 16, 2017.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–03950 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0157; Directorate Identifier 2016–CE–039–AD]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 69–13–03, which applies to all Piper Aircraft, Inc. Models PA–23, PA–23–160, PA–23–235, PA–23–250, PA–E23–250, and PA–30 airplanes. AD 69–13–03 currently requires inspection of the heater exhaust extension, replacement of the extension as necessary, and overhaul of the combustion heater assembly. Since we issued AD 69–13–03, we proposed an AD that applies to the Meggitt (Troy), Inc. combustion heaters, and the proposed combustion heater AD would incorporate corrective actions for the heater that contradict the overhaul requirement of AD 69–13–03. This proposed AD would retain the inspection of the heater exhaust extension, with replacement of the extension as necessary, and remove the overhaul requirement of the combustion heater assembly. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 17, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0157; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Scott Hopper, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5535; fax: (404) 474–5606; email: *scott.hopper@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–9157; Directorate Identifier 2016–CE–039–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued AD 69–13–03, Amendment 39–1749 (38 FR 33765, December 7, 1973) (''AD 69–13–03''), for certain Piper Aircraft, Inc. Models PA–23, PA–23–160, PA–23–235, PA–23–250, PA–E23–250, and PA–30 airplanes. AD 69–13–03 requires inspection of the heater exhaust extension to determine if it is mild steel or stainless steel, repetitive inspections of the mild steel extensions for deterioration, replacing the extension as necessary, and overhaul of the combustion heater assembly. AD 69–13–03 resulted from the potential of carbon monoxide entering the airplane

cabin. We issued AD 69–13–03 to prevent carbon monoxide from entering the airplane cabin.

Actions Since AD 69–13–03 Was Issued

Since we issued AD 69–13–03, we proposed an AD that applies to the Meggitt (Troy), Inc. combustion heaters installed on the airplanes AD 69–13–03 applies to. The proposed combustion heater AD would incorporate corrective actions for the heater that contradict the overhaul requirement of AD 69–13–03. The NPRM for the Meggitt (Troy), Inc. combustion heaters was published in the **Federal Register** on November 3, 2016 (81 FR 76532). You may view the docket for the Meggitt NPRM by going to *http://www.regulations.gov* and searching for Docket No. FAA–2014–0603.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain certain requirements of AD 69–13–03. This proposed AD would remove the requirement for overhaul of the heater assembly.

Costs of Compliance

We estimate that this proposed AD affects 1,950 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD. The new requirements of this proposed AD add no additional economic burden:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Determine installation of a mild steel or stainless steel heater exhaust extension.	1 work-hour × $85 per hour = $85	N/A	$85	$165,750

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection of mild steel heater exhaust extension.	1 work-hour × $85 per hour = $85	Not applicable	$85
Replacement of heater exhaust extension.	1 work-hour × $85 per hour = $85	$1,000 *	1,085
Remove or disable the heater	1 work-hour × $85 per hour = $85	Not applicable	85

* There are currently no replacement parts available for the heater exhaust extension. The $1,000 parts cost is the FAA's best estimate if parts were to become available.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 69–13–03, Amendment 39–1749 (38 FR 33765, December 7, 1973), and adding the following new AD:

Piper Aircraft, Inc.: Docket No. FAA–2017–0157; Directorate Identifier 2016–CE–039–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by April 17, 2017.

(b) Affected ADs

This AD replaces Airworthiness Directive (AD) 69–13–03, Amendment 39–1749 (38 FR 33765, December 7, 1973) (''AD 69–13–03'').

(c) Applicability

This AD applies to Piper Aircraft, Inc. Models PA–23, PA–23–160, PA–23–235, PA–23–250, PA–E23–250, and PA–30 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 21, Air Conditioning.

(e) Unsafe Condition

This AD was prompted by the potential of carbon monoxide entering the airplane cabin. We are issuing this AD to prevent failure of the combustion heater exhaust extension, which could lead to carbon monoxide entering the airplane cabin.

(f) Compliance

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

(g) Mild Steel or Stainless Steel Exhaust Extension Determination

Within the next 25 hours time-in-service (TIS) after December 14, 1973 (the effective date retained from AD 69–13–03), remove the heater exhaust tube shroud and by means of a magnet determine if Stewart-Warner part number (P/N) 486238 exhaust extension (Piper P/N 754–708) is mild steel (magnetic) or stainless steel (non-magnetic).

If the exhaust extension is stainless steel, then no further action is required by this AD.

(h) Mild Steel Exhaust Extensions

If there is a mild steel Stewart-Warner P/N 486238 exhaust extension (Piper P/N 754–708) installed on the airplane, within 25 hours TIS after the effective date of this AD, you must do one of the following actions found in paragraph (h)(1) through (3) of this AD.

(1) Replace the mild steel exhaust extension with a stainless steel exhaust extension.

(2) Visually inspect the mild steel exhaust extension for deterioration (cracks, corrosion, rust, and/or flaking) and repetitively thereafter visually inspect the exhaust extension at intervals not to exceed 25 hours TIS or until the mild steel exhaust extension is replaced with a stainless steel exhaust extension.

(3) Disable or remove the combustion heater.

(i) Deterioration of the Mild Steel Exhaust Extension

If deterioration (cracks, corrosion, rust, and/or flaking) of the extension is found during any of the inspections required in paragraph (h)(2) of this AD, before further flight, you must do one of the following actions in paragraph (i)(1) or (2) of this AD.

(1) Replace the exhaust extension with a stainless steel exhaust extension or a mild steel P/N 486238 exhaust extension that has been inspected per paragraph (h)(2) of this AD and was found free of deterioration. If you install a mild steel P/N 486238 exhaust extension, you must continue the repetitive visual inspections required in paragraph (h)(2) of this AD.

(2) Disable or remove the heater.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(3) AMOCs approved for paragraphs (a) and (b) of AD 69–13–03 are approved as AMOCs for the corresponding provisions of this AD.

(k) Related Information

For more information about this AD, contact Scott Hopper, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5535; fax: (404) 474–5606; email: *scott.hopper@faa.gov.*

Issued in Kansas City, Missouri, on February 17, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03952 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0158; Directorate Identifier 2016–CE–040–AD]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for DG Flugzeugbau GmbH Model DG–500MB gliders that are equipped with a Solo 2625 02 engine that has been modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Service Bulletin (SB)/Technische Mitteilung (TM) 4600–3 ''Fuel Injection System'' and re-identified as Solo 2625 02i. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the connecting rod bearing resulting from too much load on the rod bearings from the engine control unit. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 17, 2017.

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

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

For service information identified in this proposed AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0158; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the

ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0158; Directorate Identifier 2016–CE–040–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2016–0254, dated December 15, 2016, correction dated January 4, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Several occurrences have been reported of connecting rod bearing failure.
>
> This condition, if not corrected, could lead to an uncommanded in-flight engine shut-down, possibly resulting in damage to the powered sailplane.
>
> To address this unsafe condition, Solo Kleinmotoren developed a software update for the engine control unit (ECU) to reduce the load on the rod bearings, and issued SB/TM 4600–6, providing instructions to upload the modified software into the ECU.
>
> For the reason described above, this AD requires a modification, updating the ECU software.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0158.

Related Service Information Under 1 CFR Part 51

Solo Kleinmotoren GmbH has issued Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016. This service information contains a software update that provides new settings to the engine control unit (ECU) to lower the load on the bearings of the crankshaft and is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 3 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $510, or $170 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

DG Flugzeugbau GmbH: Docket No. FAA–2017–0158; Directorate Identifier 2016–CE–040–AD.

(a) Comments Due Date

We must receive comments by April 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DG Flugzeugbau GmbH DG–500MB gliders, all serial numbers, that are:

(1) Equipped with a Solo 2625 02 engine that has been modified with a fuel injection system following the instructions of Solo Kleinmotoren GmbH Service Bulletin (SB)/Technische Mitteilung (TM) 4600–3 ''Fuel Injection System'' and re-identified as Solo 2625 02i, and with a serial number (S/N) up to 369/207, except S/N's 354/194, 356/196,

357/197, 358/198, 361/201, 362/202, 363/203, 364/204, and 368/206; that are

(2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 73: Engine Fuel & Control.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of the connecting rod bearing resulting from too much load on the rod bearings from the engine control unit. We are issuing this proposed AD to prevent such failure that could lead to an uncommanded in-flight engine shut-down, which could result in damage to the glider.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (2) of this AD:

(1) Within the next 60 days after the effective date of this AD, modify the engine by installing a software update for the engine control unit (ECU) following the actions in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

(2) After the modification of an engine as required by paragraph (f)(1) of this AD, do not install a replacement ECU on that engine and do not upload any software update to the ECU of that engine unless the ECU software version is as specified in Solo Kleinmotoren GmbH Technische Mitteilung (English translation: Service Bulletin), Nr. 4600–6, Ausgabe 1 (English translation: Issue 1), dated November 16, 2016.

Note 1 to paragraph (f)(1) and (2) of this AD:

This service information contains German to English translation. The EASA used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren service information as it appears on the document.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2016–0254, dated December 15, 2016, correction dated January 4, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0158. For service information related to this AD, contact Solo Kleinmotoren GmbH, Postfach 600152, 71050 Sindelfingen, Germany; telephone: +49 703 1301–0; fax: +49 703 1301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 17, 2017.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03967 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9055; Directorate Identifier 2016–NM–071–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal for certain Airbus Model A300 B4–600R series airplanes, Model A300 C4–605R Variant F airplanes, and Model A300 F4–600R series airplanes. This action revises the notice of proposed rulemaking (NPRM) by extending the area to be inspected for cracking. This SNPRM also proposes to require an additional inspection for previously inspected airplanes. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: The comment period for the NPRM published in the **Federal Register** on September 8, 2016 (81 FR 62026), is reopened.

We must receive comments on this SNPRM by April 17, 2017.

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

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

For service information identified in this SNPRM, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9055; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–9055; Directorate Identifier 2016–NM–071–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A300 B4–600R series airplanes, Model A300 C4–605R Variant F airplanes, and Model A300 F4–600R series airplanes. The NPRM published in the **Federal Register** on September 8, 2016 (81 FR 62026). The NPRM was prompted by the results of a full stress analysis of the lower area of frame (FR) 40 that revealed a crack could occur in the forward fitting lower radius of FR 40 after a certain number of flight cycles. The NPRM proposed to require an inspection of the lower area of the FR 40 radius for cracking, and corrective action if necessary.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we have determined that the area to be inspected for cracking in the lower area of the FR 40 radius should be extended. We have also determined that an additional inspection is necessary for airplanes previously inspected. In addition, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA AD 2016–0179, dated September 12, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), which supersedes EASA AD 2016–0085, dated April 28, 2016. EASA AD 2016–0085 was the MCAI referred to in the NPRM.

The MCAI was issued to correct an unsafe condition for certain Airbus Model A300 B4–600R series airplanes, Model A300 C4–605R Variant F airplanes, and Model A300 F4–600R series airplanes. The MCAI states:

Following a full stress analysis of the Frame (FR) 40 lower area, supported by a Finite Element Model (FEM), of the post-mod 10221 configuration, it was demonstrated that, for the FR40 forward fitting lower radius, a crack could occur after a certain amount of flight cycles (FC).

This condition, if not detected and corrected, could reduce the structural integrity of the fuselage.

To address this potential unsafe condition, Airbus established that crack detection could be achieved through a special detailed inspection (SDI) using a high frequency eddy current (HFEC) method, and issued Alert Operators Transmission (AOT) A57W009–16 to provide those inspection instructions.

Consequently, EASA issued AD 2016–0085 to require a one-time SDI of the FR40 lower area and, depending on findings, accomplishment of applicable corrective action(s).

Since that [EASA] AD was issued, further cracks were detected, originating from the fastener hole, and, based on these findings, it was determined that inspection area must be enlarged, and Airbus AOT A57W009–16 Revision (Rev.) 01 was issued accordingly.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2016–0085, which is superseded, extends the area of inspection, and requires an additional inspection for aeroplanes previously inspected.

The one-time SDI for high cycle aeroplanes is intended to mitigate the highest risks within the fleet. Airbus is currently developing instructions for repetitive inspections that are likely to be the subject of further [EASA] AD action.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9055.

Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission (AOT) A57W009–16, Rev 01, including Appendices 1 and 2, dated July 13, 2016 (''AOT A57W009–16, Rev 01''). The service information describes procedures for inspecting the forward fitting lower radius of FR 40 for cracking, and corrective action. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Comments

We gave the public the opportunity to participate in developing this proposed AD. We considered the comments received.

Support for the NPRM

One commenter, Joseph Luna, supported the intent of the NPRM.

Request To Refer to Revised MCAI and Service Information

Airbus requested that the NPRM be revised to specify new MCAI and revised service information. Airbus noted that, after the NPRM was published, the service information and the MCAI referred to in the NPRM were revised. Airbus explained that Airbus AOT A57W009–16, Rev 00, dated February 25, 2016 (''AOT A57W009–16, Rev 00''), was revised to extend the area of inspection, and AOT A57W009–16, Rev 01, was published to include that information. Airbus also pointed out that, after the NPRM was published, EASA superseded EASA AD 2016–0085, dated April 28, 2016, and issued EASA AD 2016–0179, dated September 12, 2016, which extends the area of inspection and requires an additional action for airplanes previously inspected.

We agree with the commenter's request. We have revised this proposed AD to refer to AOT A57W009–16, Rev 01, as the appropriate source of service information for completing the proposed actions. We have also included a one-time additional inspection for airplanes on which the proposed inspection in paragraph (g) of this proposed AD was accomplished using the procedures in AOT A57W009–16, Rev 00. In addition, we added credit for the proposed inspection specified in paragraph (g) of this proposed AD, if that action was done before the effective date of the AD using the procedures in AOT A57W009–16, Rev 00, provided the proposed inspection specified in paragraph (h) of this proposed AD is accomplished. In addition, we revised the preamble and paragraph (m)(1) of this proposed AD to refer to the current EASA AD: AD 2016–0179, dated September 12, 2016.

Request To Delay Issuance of Final Rule

United Parcel Service (UPS) requested that we delay issuance of the final rule until Airbus issues an inspection service bulletin that will specify the same actions described in AOT A57W009–16, Rev 00, and might include repetitive inspections that are not in AOT A57W009–16, Rev 00. UPS stated that Airbus has committed to issue the inspection service bulletin within the 4th quarter of 2016, and the service bulletin will supersede AOT A57W009–16, Rev 00. UPS suggested that, to reduce the issuance of subsequent alternative method of compliance (AMOC) requests and additional proposed rules, the final rule should be

delayed until the Airbus inspection service bulletin is released. UPS noted that the areas to be inspected are currently included in another Airbus service bulletin and other regulations, based on an airplane's modification status. UPS stated that its fleet of airplanes affected by the NPRM is below the initial threshold, so there would not be an impact to the safety of its current fleet. UPS anticipated that the first inspection for its affected airplanes would not take place until 2025.

We do not agree with the commenter's request to delay issuance of a final rule until the Airbus inspection service bulletin is issued. As previously mentioned, after the issuance of the NPRM, Airbus revised AOT A57W009–16, Rev 00, to include an extended area of inspection, and we have revised this proposed AD to refer to the revised AOT (AOT A57W009–16, Rev 01). AOT A57W009–16, Rev 01, contains all of the necessary information to address the identified unsafe condition. When repetitive inspections are developed and related service information is available we will consider if additional rulemaking is necessary to mandate those actions.

In addition, although UPS may have time before the airplanes in its fleet are required to be inspected, other operators might have airplanes that have accumulated total flight cycles that are close to the threshold for the proposed initial inspection.

Request To Specify Actions Required for Compliance (''RC'')

UPS requested that paragraph (g) of the proposed AD (in the NPRM) be revised to specify that the required actions are to be accomplished in accordance with ''paragraph 4.2.2'' of AOT A57W009–16, Rev 00, instead of ''the procedures'' in AOT A57W009–16, Rev 00. UPS stated that, as written, paragraph (g) of the proposed AD would require operators to accomplish all of the actions in AOT A57W009–16, Rev 00, but it is specifically the actions in paragraph 4.2.2 of AOT A57W009–16, Rev 00, that address the unsafe condition. UPS noted that Airbus Service Bulletin A300–57–6115 specifies the identical location, access, and inspection procedures as AOT A57W009–16, Rev 00, but that service bulletin identifies which actions are ''Required for Compliance'' (''RC''). To be in compliance with an AD, operators must accomplish all of the actions identified as ''RC'' in the service information that is required by an AD. The actions that are not identified as ''RC'' in the required service information are classified as recommended for compliance.

We agree with the commenter's request and have revised paragraphs (g) and (h) of this proposed AD to refer to the actions in paragraph 4.2.2 of the Airbus AOT, which are the actions required for compliance. As previously mentioned, we have revised this SNPRM to refer to AOT A57W009–16, Rev 01, which was issued after the NPRM was published. We note that this AOT does not include standard ''RC'' language.

FAA's Determination and Requirements of This SNPRM

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Costs of Compliance

We estimate that this proposed AD affects 94 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255	$0	$255	$23,970
Report	1 work-hour × $85 per hour = $85	0	85	7,990

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this proposed AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a

substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2016–9055; Directorate Identifier 2016–NM–071–AD.

(a) Comments Due Date

We must receive comments by April 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, on which Airbus Modification 10221 was embodied in production.

(1) Airbus Model A300 B4–605R and B4–622R airplanes.

(2) Airbus Model A300 C4–605R Variant F airplanes.

(3) Airbus Model A300 F4–605R and F4–622R airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by the detection of cracking that originated from the fastener holes in the forward fitting lower radius of frame (FR) 40. We are issuing this AD to detect and correct cracking in the forward fitting lower radius of FR 40. Such cracking could reduce the structural integrity of the fuselage.

(f) Compliance

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

(g) Inspection

At the later of the compliance times specified in paragraphs (g)(1) and (g)(2) of this AD, do a high frequency eddy current (HFEC) inspection of the lower area of the FR 40 radius for cracking, in accordance with paragraph 4.2.2 in Airbus Alert Operators Transmission (AOT) A57W009–16, Rev 01, including Appendices 1 and 2, dated July 13, 2016.

(1) Prior to exceeding 19,000 total flight cycles or 41,000 total flight hours since the airplane's first flight, whichever occurs first.

(2) Within 300 flight cycles or 630 flight hours after the effective date of this AD, whichever occurs first.

(h) Additional Inspection for Previously Inspected Airplanes

For airplanes on which the HFEC inspection required by paragraph (g) of this AD was accomplished before the effective date of this AD using the procedures in Airbus AOT A57W009–16, Rev 00, including Appendices 1 and 2, dated February 25, 2016: Within 300 flight cycles or 630 flight hours after the effective date of this AD, whichever occurs first, do a one-time additional HFEC inspection of the lower area of the FR 40 radius for cracking, in accordance with paragraph 4.2.2 in Airbus AOT A57W009–16, Rev 01, including Appendices 1 and 2, dated July 13, 2016.

(i) Corrective Action

If any crack is found during the inspection required by paragraph (g) or (h) of this AD: Before further flight, do the applicable corrective actions in accordance with the procedures in Airbus AOT A57W009–16, Rev 01, including Appendices 1 and 2, dated July 13, 2016. Where AOT A57W009–16, Rev 01, including Appendices 1 and 2, dated July 13, 2016, specifies to contact Airbus for appropriate action, accomplish the corrective actions in accordance with the procedures specified in paragraph (l)(2) of this AD.

(j) Reporting Requirement

Submit a report of all findings (both positive and negative) from the inspection required by paragraph (g) of this AD to Airbus Customer Services through TechRequest on Airbus World (*https://w3.airbus.com/*) by selecting Engineering Domain and ATA 57–10.

(1) For airplanes on which the inspection specified in paragraph (g) of this AD is accomplished on or after the effective date of this AD: Submit the report within 30 days after performing the inspection.

(2) For airplanes on which the inspection specified in paragraph (g) of this AD is accomplished before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for the action required by paragraph (g) of this AD, if that action was done before the effective date of this AD using Airbus AOT A57W009–16, Rev 00, including Appendices 1 and 2, dated February 25, 2016, provided the inspection required by paragraph (h) of this AD is accomplished.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA

Airworthiness Directive 2016–0179, dated September 12, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9055.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 16, 2017.

Thomas Groves,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03953 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. OSHA–H005C–2006–0870]

RIN 1218–AB76

Occupational Exposure to Beryllium: Proposed Delay of Effective Date

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Proposed delay of effective date.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action proposes, following a brief 10-day comment period, to further temporarily delay until May 20, 2017 the effective date of the rule entitled Occupational Exposure to Beryllium, published in the **Federal Register** on January 9, 2017 (82 FR 2470). The current effective date is March 21, 2017. This additional delay will allow OSHA officials the opportunity for further review and consideration of the new regulations.

DATES: Written comments must be submitted (postmarked, sent, or received) by March 13, 2017.

ADDRESSES: *Written comments.* You may submit comments, identified by Docket No. OSHA–H005C–2006–0870, by any of the following methods:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal e-Rulemaking Portal. Follow the instructions on-line for making electronic submissions. When uploading multiple attachments into *Regulations.gov*, please number all of your attachments because *www.Regulations.gov* will not automatically number the attachments. This will be very useful in identifying all attachments in the beryllium rule. For example, Attachment 1—title of your document, Attachment 2—title of your document, Attachment 3—title of your document, etc. Specific instructions on uploading all documents are found in the Facts, Answer, Questions portion and the commenter check list on *Regulations.gov* Web page.

Fax: If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: You may submit your comments to the OSHA Docket Office, Docket No. OSHA–H005C–2006–0870, Room N–3653, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (887) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger/courier service) from 10 a.m. to 3 p.m. e.t., weekdays.

Instructions: All submissions must include the Agency name and the docket number for this rulemaking (Docket No. OSHA–H005C–2006–0870). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

Docket: To read or download comments and materials submitted in response to this **Federal Register** document, go to Docket No. OSHA–H005C–2006–0870 at *http://www.regulations.gov*, or to the OSHA Docket Office at the address above. All comments and submissions are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through that Web site. All comments and submissions are available for inspection at the OSHA Docket Office.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* Copies also are available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1888. This document, as well as news releases and other relevant information, is also available at OSHA's Web site at *http://www.osha.gov.*

FOR FURTHER INFORMATION CONTACT: Frank Meilinger, Director, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

SUPPLEMENTARY INFORMATION: OSHA published a final rule entitled Occupational Exposure to Beryllium on January 9, 2017 (82 FR 2470). On February 1, 2017, OSHA published a document in the **Federal Register** delaying the effective date of this rule from March 10, 2017 until March 21, 2017 (82 FR 8901 (February 1, 2017)). OSHA based this extension on the Presidential directive as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review'' (82 FR 8346 (January 24, 2017)) (''Memorandum''). The Memorandum directed the heads of Executive Departments and Agencies to temporarily postpone for sixty days from the date of the memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect. The Memorandum also noted certain exceptions that do not apply here. OSHA therefore delayed the effective date for the rule entitled ''Occupational Exposure to Beryllium'' to March 21, 2017.

The Memorandum also directed agencies to consider further delaying the effective date for regulations beyond that 60-day period. After further review, OSHA has preliminarily determined that it is appropriate to further delay the effective date of this rule, for the purpose of further reviewing questions of fact, law, and policy raised therein. Therefore, in accordance with the Memorandum, OSHA proposes to further delay the effective date for the rule entitled ''Occupational Exposure to Beryllium'' to May 20, 2017. The proposed extension of the effective date will not affect the compliance dates of the beryllium rule.

OSHA seeks comment by March 13, 2017 on its proposal to extend the effective date by 60 days to May 20, 2017.

Signed at Washington, DC, on February 24, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–04040 Filed 3–1–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2510

RIN 1210–AB79

Definition of the Term ''Fiduciary''; Conflict of Interest Rule—Retirement Investment Advice; Best Interest Contract Exemption (Prohibited Transaction Exemption 2016–01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (Prohibited Transaction Exemption 2016–02); Prohibited Transaction Exemptions 75–1, 77–4, 80–83, 83–1, 84–24 and 86–128

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Proposed rule; extension of applicability date.

SUMMARY: This document proposes to extend for 60 days the applicability date defining who is a ''fiduciary'' under the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code of 1986 (Code), and the applicability date of related prohibited transaction exemptions including the Best Interest Contract Exemption and amended prohibited transaction exemptions (collectively PTEs) to address questions of law and policy. The final rule, entitled Definition of the Term ''Fiduciary;'' Conflict of Interest Rule—Retirement Investment Advice, was published in the **Federal Register** on April 8, 2016, became effective on June 7, 2016, and has an applicability date of April 10, 2017. The PTEs also have applicability dates of April 10, 2017. The President by Memorandum to the Secretary of Labor, dated February 3, 2017, directed the Department of Labor to examine whether the final fiduciary rule may adversely affect the ability of Americans to gain access to retirement information and financial advice, and to prepare an updated economic and legal analysis concerning the likely impact of the final rule as part of that examination. This document invites comments on the proposed 60-day delay of the applicability date, on the questions raised in the Presidential Memorandum, and generally on questions of law and policy concerning the final rule and PTEs. The proposed 60-day delay would be effective on the date of publication of a final rule in the **Federal Register**.

DATES: Comments on the proposal to extend the applicability dates for 60 days should be submitted to the Department on or before March 17, 2017. Comments regarding the examination described in the President's Memorandum, generally and with respect to the specific areas described below, should be submitted to the Department on or before April 17, 2017.

FOR FURTHER INFORMATION CONTACT: Luisa Grillo-Chope, Office of Regulations and Interpretations, Employee Benefits Security Administration (EBSA), (202) 693–8825. (Not a toll-free number).

ADDRESSES: You may submit comments, identified by RIN 1210–AB79, by one of the following methods:

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

Email: EBSA.FiduciaryRuleExamination@dol.gov. Include RIN 1210–AB79 in the subject line of the message.

Mail: Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Fiduciary Rule Examination.

Instructions: All submissions must include the agency name and Regulatory Identification Number (RIN) for this rulemaking. Persons submitting comments electronically are encouraged to submit only by one electronic method and not to submit paper copies. Comments will be available to the public, without charge, online at *www.regulations.gov* and *www.dol.gov/ebsa* and at the Public Disclosure Room, Employee Benefits Security Administration, U.S. Department of Labor, Suite N–1513, 200 Constitution Avenue NW., Washington, DC 20210.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records and are posted on the Internet as received, and can be retrieved by most internet search engines.

SUPPLEMENTARY INFORMATION:

A. Background

On April 8, 2016, the Department of Labor (Department) published a final regulation defining who is a ''fiduciary'' of an employee benefit plan under section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) as a result of giving investment advice to a plan or its participants or beneficiaries. The final rule also applies to the definition of a ''fiduciary'' of a plan (including an individual retirement account (IRA)) under section 4975(e)(3)(B) of the Internal Revenue Code of 1986 (Code). The final rule treats persons who provide investment advice or recommendations for a fee or other compensation with respect to assets of a plan or IRA as fiduciaries in a wider array of advice relationships than was true of the prior regulatory definition (the 1975 Regulation).[1]

On this same date, the Department published two new administrative class exemptions from the prohibited transaction provisions of ERISA (29 U.S.C. 1106), and the Code (26 U.S.C. 4975(c)(1)), as well as amendments to previously granted exemptions. The exemptions and amendments (collectively Prohibited Transaction Exemptions or PTEs) would allow, subject to appropriate safeguards, certain broker-dealers, insurance agents and others that act as investment advice fiduciaries, as defined under the final rule, to continue to receive a variety of forms of compensation that would otherwise violate prohibited transaction rules, triggering excise taxes and civil liability.

By Memorandum dated February 3, 2017, the President directed the Department to conduct an examination of the final rule to determine whether the rule may adversely affect the ability of Americans to gain access to retirement information and financial advice. As part of this examination, the Department was directed to prepare an updated economic and legal analysis concerning the likely impact of the final rule, which shall consider, among other things:

- Whether the anticipated applicability of the final rule has harmed or is likely to harm investors due to a reduction of Americans' access to certain retirement savings offerings, retirement product structures, retirement savings information, or related financial advice;
- Whether the anticipated applicability of the final rule has resulted in dislocations or disruptions

[1] The 1975 Regulation was published as a final rule at 40 FR 50842 (Oct. 31, 1975).

within the retirement services industry that may adversely affect investors or retirees; and

• Whether the final rule is likely to cause an increase in litigation, and an increase in the prices that investors and retirees must pay to gain access to retirement services.

The President directed that if the Department makes an affirmative determination as to any of the above three considerations or the Department concludes for any other reason after appropriate review that the final rule is inconsistent with the priority of the Administration ''to empower Americans to make their own financial decisions, to facilitate their ability to save for retirement and build the individual wealth necessary to afford typical lifetime expenses, such as buying a home and paying for college, and to withstand unexpected financial emergencies,'' then the Department shall publish for notice and comment a proposed rule rescinding or revising the final rule, as appropriate and as consistent with law. The President's Memorandum was published in the **Federal Register** on February 7, 2017 at 82 FR 9675.

B. Regulatory Impact Analysis

The Department is proposing to delay the applicability date of the final rule and PTEs for 60 days. The Department invites comments on the proposal to extend the applicability date of the final rule and PTEs for 60 days.[2] For this purpose, the comment period will end on March 17, 2017.

There are approximately 45 days until the applicability date of the final rule and the PTEs. The Department believes it may take more time than that to complete the examination mandated by the President's Memorandum. Additionally, absent an extension of the applicability date, if the examination prompts the Department to propose rescinding or revising the rule, affected advisers, retirement investors and other stakeholders might face two major changes in the regulatory environment rather than one. This could unnecessarily disrupt the marketplace, producing frictional costs that are not offset by commensurate benefits. This proposed 60-day extension of the applicability date aims to guard against this risk. The extension would make it possible for the Department to take additional steps (such as completing its examination, implementing any necessary additional extension(s), and proposing and implementing a revocation or revision of the rule) without the rule becoming applicable beforehand. In this way, advisers, investors and other stakeholders would be spared the risk and expenses of facing two major changes in the regulatory environment. The negative consequence of avoiding this risk is the potential for retirement investor losses from delaying the application of fiduciary standards to their advisers.

1. Executive Order 12866 Statement

This proposed extension of the applicability date of the final rule and related exemptions is an economically significant regulatory action within the meaning of section 3(f)(1) of Executive Order 12866, because it would likely have an effect on the economy of $100 million in at least one year. Accordingly, the Department has considered the costs and benefits of the proposed extension, and the Office of Management and Budget (OMB) has reviewed the proposed extension.

The Department's regulatory impact analysis (RIA) of the final rule and related exemptions predicted that resultant gains for retirement investors would justify compliance costs. The analysis estimated a portion of the potential gains for IRA investors at between $33 billion and $36 billion over the first 10 years. It predicted, but did not quantify, additional gains for both IRA and ERISA plan investors. The analysis predicted $16 billion in compliance costs over the first 10 years, $5 billion of which are first-year costs.

By deferring the rules' and related exemptions' applicability for 60 days, this proposal could delay its predicted effects, and give the Department time to make at least a preliminary determination whether it is likely to make significant changes to the rules and exemptions. The nature and magnitude of any such delay of the effects is highly uncertain, as some variation can be expected in the pace at which firms move to comply and mitigate advisory conflicts and at which advisers respond to such mitigation and adjust their recommendations to satisfy impartial conduct standards. Notwithstanding this uncertainty, some delay of the predicted effects seems likely, and seems likely to generate economically significant results. Moreover, the economic effects may be partially dependent on what action the Department ultimately takes, and in the shorter term, what the public anticipates the Department may do. Such delay could lead to losses for retirement investors who follow affected recommendations, and these losses could continue to accrue until affected investors withdraw affected funds or reinvest them pursuant to new recommendations.[3] As an illustration, a 60-day delay in the commencement of the potential investor gains estimated in the RIA published on April 8, 2016, and referenced above, could lead to a reduction in those estimated gains of $147 million in the first year and $890 million over 10 years using a three percent discount rate. The equivalent annualized estimates are $104 million using a three percent discount rate and $87 million using a seven percent discount rate.

The estimates of potential investor losses presented in this illustration are derived in the same way as the estimates of potential investor gains that were presented in the RIA of the final rule and exemptions. Both make use of empirical evidence that front-end-load mutual funds that share more of the load with distributing brokers attract more flows but perform worse.[4]

Relative to the actual impact of the proposed delay on retirement investors, which is unknown, this illustration is uncertain and incomplete. The illustration is uncertain because it assumes that the final rule and exemptions would entirely eliminate the negative effect of load-sharing on mutual fund selection, and that the proposed delay would leave that negative effect undiminished for an additional 60 days. If some of that negative effect would remain under the final rule, and/or if market changes in anticipation of the final rule have already diminished that negative effect, then the impact of the proposed delay would be smaller than illustrated here. The illustration is incomplete because it represents only one negative effect (poor mutual fund selection) of one source of conflict (load sharing), in one market segment (IRA investments in front-load mutual funds). Not included are additional potential negative effects of the proposed delay that would be associated with other sources of potential conflicts, such as revenue sharing, or mark-ups in principal transactions, other effects of conflicts such as excessive or poorly timed trading, and other market segments susceptible to conflicts such as annuity sales to IRA investors and advice rendered to ERISA-covered plan

[2] The Department would also treat Interpretative Bulletin 96–1 as continuing to apply during any extension of the applicability date of the final rule.

[3] While losses would cease to accrue after the funds are re-advised or withdrawn, afterward the losses would not be recovered, and would continue to compound, as the accumulated losses would have reduced the asset base that is available later for reinvestment or spending.

[4] The methodology is detailed in Appendix B of the RIA.

participants or sponsors. The Department invites comments on these points and on the degree to which they may cause the illustration to overstate or understate the potential negative effect of the proposed delay on retirement investors. And if some entities are subject to the current regulation, but might not be subject to the same sort of regulation under a revised proposal, the industry might avoid additional costs now that would otherwise become sunk costs. A 60-day delay could defer or reduce start-up compliance costs, particularly in circumstances where more gradual steps toward preparing for compliance are less expensive. However, due to lack of systematic evidence on the portion of compliance activities that have already been undertaken, thus rendering the associated costs sunk, the Department is unable to quantify the potential change in start-up costs that would result from a delay in the applicability date. The Department requests comment, including data that would contribute to estimation of such impacts. Beyond start-up costs, the delay would likely relieve industry of relevant day-to-day compliance burdens; using the inputs and methods that appear in the April 2016 RIA, the Department estimates associated savings of $42 million during those 60 days. The equivalent annualized values are $8 million using a three percent discount rate and $9 million using a seven percent discount rate.

These savings are substantially derived from foregone on-going compliance requirements related to the transition notice requirements for the Best Interest Contract Exemption, data collection to demonstrate satisfaction of fiduciary requirements, and retention of data to demonstrate the satisfaction of conditions of the exemption during the Transition Period. Estimates are derived from the ''Data Collection,'' ''Record Keeping (Data Retention),'' and ''Supervisory, Compliance, and Legal Oversight'' categories discussed in section 5.3.1 of the final RIA and reductions in the number of the transition notices that will be delivered.

The Department also considered the possible impact of a longer extension of the applicability date. Under the RIA published on April 8, 2016, a 180-day delay in the application of the fiduciary standards and conditions set forth in the rule and exemptions would reduce the same portion of potential investor gains from the rule by $441 million in the first year and $2.7 billion over 10 years, while relieving industry of 180 days of day-to-day compliance burdens, worth an estimated $126 million.

The costs and benefits of this proposal are highly uncertain, and may vary widely depending on several variables, including the eventual results of the Department's examination of the final rule and exemptions pursuant to the Presidential Memorandum, and the amount of time that will be required to complete that review and, if appropriate, rescind or revise the rule. The Department invites comments as to whether the benefits of the proposed 60-day delay, including the potential reduction in transition costs should the Department ultimately revise or rescind the final rule, justify its costs, including the potential losses to affected retirement investors. The Department also invites comments on whether it should delay applicability of all, or only part, of the final rule's provisions and exemption conditions. For example, under an alternative approach, the Department could delay certain aspects (*e.g.,* notice and disclosure provisions) while permitting others (*e.g.,* the impartial conduct standards set forth in the exemptions) to become applicable on April 10, 2017. The Department also invites comments regarding whether a different delay period would best serve the interests of investors and the industry.

2. Paperwork Reduction Act

The PRA (Pub. L. 104–13) prohibits federal agencies from conducting or sponsoring a collection of information from the public without first obtaining approval from the Office of Management and Budget (OMB). See 44 U.S.C. 3507. Additionally, members of the public are not required to respond to a collection of information, nor be subject to a penalty for failing to respond, unless such collection displays a valid OMB control number. See 44 U.S.C. 3512.

OMB has approved information collections contained in the final fiduciary rule and new and amended PTEs. The Department is not modifying the substance of the information collection requests (ICRs) at this time; therefore, no action under the PRA is required. The information collections will become applicable at the same time the rule and exemptions become applicable. The information collection requirements contained in the final rule and exemptions are discussed below.

Final Rule: The information collections in the final rule are approved under OMB Control Number 1210–0155. Paragraph (b)(2)(i) requires that certain ''platform providers'' provide disclosure to a plan fiduciary. Paragraph (b)(2)(iv)(C) and (D) require asset allocation models to contain specific information if they furnish and provide certain specified investment educational information. Paragraph (c)(1) requires a disclosure to be provided by a person to an independent plan fiduciary in certain circumstances for them to be deemed not to be an investment advice fiduciary. Finally, paragraph (c)(2) requires certain counterparties, clearing members and clearing organizations to make a representation to certain parties so they will not be deemed to be investment advice fiduciaries regarding certain swap transactions required to be cleared under provisions of the Dodd-Frank Act.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 20946, 20994.

PTE 2016–01, the Best Interest Contract Exemption: The information collections in PTE 2016–01, the Best Interest Contract Exemption, are approved under OMB Control Number 1210–0156. The exemption requires disclosure of material conflicts of interest and basic information relating to those conflicts and the advisory relationship (Sections II and III), contract disclosures, contracts and written policies and procedures (Section II), pre-transaction (or point of sale) disclosures (Section III(a)), web-based disclosures (Section III(b)), documentation regarding recommendations restricted to proprietary products or products that generate third party payments (Section (IV)), notice to the Department of a Financial Institution's intent to rely on the exemption, and maintenance of records necessary to prove that the conditions of the exemption have been met (Section V). Finally, Section IX provides a transition period under which relief from these prohibitions is available for Financial Institutions and advisers during the period between the applicability date and January 1, 2018 (the ''Transition Period''). As a condition of relief during the Transition Period, Financial Institutions must provide a disclosure with a written statement of fiduciary status and certain other information to all retirement investors (in ERISA plans, IRAs, and non-ERISA plans) prior to or at the same time as the execution of recommended transactions. For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21002, 21071.

PTE 2016–02, the Prohibited Transaction Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (Principal Transactions Exemption):

The information collections in PTE 2016–02, the Principal Transactions Exemption, are approved under OMB Control Number 1210–0157. The exemption requires Financial Institutions to provide contract disclosures and contracts to Retirement Investors (Section II), adopt written policies and procedures (Section IV), make disclosures to Retirement Investors and on a publicly available Web site (Section IV), maintain records necessary to prove they have met the exemption conditions (Section V), and provide a transition disclosure to Retirement Investors (Section VII).

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21089, 21129.

Amended PTE 75–1: The information collections in Amended PTE 75–1 are approved under OMB Control Number 1210–0092. Part V, as amended, requires that prior to an extension of credit, the plan must receive from the fiduciary written disclosure of (i) the rate of interest (or other fees) that will apply and (ii) the method of determining the balance upon which interest will be charged in the event that the fiduciary extends credit to avoid a failed purchase or sale of securities, as well as prior written disclosure of any changes to these terms. It also requires broker-dealers engaging in the transactions to maintain records demonstrating compliance with the conditions of the PTE.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21139, 21145. The Department concluded that the ICRs contained in the amendments to Part V impose no additional burden on respondents.

Amended PTE 86–128: The information collections in Amended PTE 86–128 are approved under OMB Control Number 1210–0059. As amended, Section III of the exemption requires Financial Institutions to make certain disclosures to plan fiduciaries and owners of managed IRAs in order to receive relief from ERISA's and the Code's prohibited transaction rules for the receipt of commissions and to engage in transactions involving mutual fund shares. Financial Institutions relying on either PTE 86–128 or PTE 75–1, as amended, are required to maintain records necessary to demonstrate that the conditions of these exemptions have been met.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21181, 21199.

Amended PTE 84–24: The information collections in Amended PTE 84–24 are approved under OMB Control Number 1210–0158. As amended, Section IV(b) of PTE 84–24 requires Financial Institutions to obtain advance written authorization from an independent plan fiduciary or IRA holder and furnish the independent fiduciary or IRA holder with a written disclosure in order to receive commissions in conjunction with the purchase of Fixed Rate Annuity Contracts and Insurance Contracts. Section IV(c) of PTE 84–24 requires investment company Principal Underwriters to obtain approval from an independent fiduciary and furnish the independent fiduciary with a written disclosure in order to receive commissions in conjunction with the purchase by a plan of securities issued by an investment company Principal Underwriter. Section V of PTE 84–24, as amended, requires Financial Institutions to maintain records necessary to demonstrate that the conditions of the exemption have been met.

For a more detailed discussion of the information collections and associated burden, see the Department's PRA analysis at 81 FR 21147, 21171.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other laws. Unless the head of an agency certifies that a proposed rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires that the agency present an initial regulatory flexibility analysis (IRFA) describing the rule's impact on small entities and explaining how the agency made its decisions with respect to the application of the rule to small entities. Small entities include small businesses, organizations and governmental jurisdictions.

The Department has determined that this rulemaking will have a significant economic impact on a substantial number of small entities, and hereby provides this IRFA. As noted above, the Department is proposing regulatory action to delay the applicability of the final fiduciary rule and exemptions. The proposed regulation is intended to reduce any unnecessary disruption that could occur in the marketplace if the applicability date of the final rule and exemptions occurs while the Department examines the final rule and exemptions as directed in the Presidential Memorandum.

The Small Business Administration (SBA) defines a small business in the Financial Investments and Related Activities Sector as a business with up to $38.5 million in annual receipts. The Department examined the dataset obtained from SBA which contains data on the number of firms by NAICS codes, including the number of firms in given revenue categories. This dataset allowed the Department to estimate the number of firms with a given NAICS code that falls below the $38.5 million threshold to be considered a small entity by the SBA. However, this dataset alone does not provide a sufficient basis for the Department to estimate the number of small entities affected by the rule. Not all firms within a given NAICS code would be affected by this rule, because being an ERISA fiduciary relies on a functional test and is not based on industry status as defined by a NAICS code. Further, not all firms within a given NAICS code work with ERISA-covered plans and IRAs.

Over 90 percent of broker-dealers (BDs), registered investment advisers (RIAs), insurance companies, agents, and consultants are small businesses according to the SBA size standards (13 CFR 121.201). Applying the ratio of entities that meet the SBA size standards to the number of affected entities, based on the methodology described at greater length in the RIA of the final fiduciary duty rule, the Department estimates that the number of small entities affected by this proposed rule is 2,438 BDs, 16,521 RIAs, 496 insurers, and 3,358 other ERISA service providers. For purposes of the RFA, the Department continues to consider an employee benefit plan with fewer than 100 participants to be a small entity. The 2013 Form 5500 filings show nearly 595,000 ERISA covered retirement plans with less than 100 participants.

Based on the foregoing, the Department estimates that small entities would save approximately $38 million in compliance costs due to the proposed 60-day delay of the applicability date for the final fiduciary rule and exemptions.[5] These cost savings are substantially derived from foregone on-going compliance requirements related to the transition notice requirements for the Best Interest Contract Exemption, data collection to demonstrate satisfaction of fiduciary requirements,

[5] This estimate includes savings from notice requirements. Savings from notice requirements include savings from all firms because it is difficult to break out cost savings only from small entities as defined by SBA.

and retention of data to demonstrate the satisfaction of conditions of the exemption during the Transition Period. The Department invites comments regarding this assessment.

4. Congressional Review Act

The proposed rule is subject to the Congressional Review Act (CRA) provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and, if finalized, would be transmitted to Congress and the Comptroller General for review.

5. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. For purposes of the Unfunded Mandates Reform Act, as well as Executive Order 12875, this proposal does not include any federal mandate that we expect would result in such expenditures by state, local, or tribal governments, or the private sector. The Department also does not expect that the proposed rule will have any material economic impacts on State, local or tribal governments, or on health, safety, or the natural environment.

6. Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017. Section 2(a) of Executive Order 13771 requires an agency, unless prohibited by law, to identify at least two existing regulations to be repealed when the agency publicly proposes for notice and comment, or otherwise promulgates, a new regulation. In furtherance of this requirement, section 2(c) of Executive Order 13771 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. OMB's interim guidance, issued on February 2, 2017, explains that for Fiscal Year 2017 the above requirements only apply to each new ''significant regulatory action that imposes costs.'' OMB has determined that this proposed rule does not impose costs that would trigger the above requirements of Executive Order 13771.

C. Examination of Fiduciary Rule and Exemptions

As noted above, pursuant to the President's Memorandum, the Department is now examining the fiduciary duty rule to determine whether it may adversely affect the ability of Americans to gain access to retirement information and financial advice. As part of this examination, the Department will prepare an updated economic and legal analysis concerning the likely impacts of the rule.

The Department's April 2016 regulatory impact analysis of the final rule and related exemptions found that conflicted advice was widespread, causing harm to plan and IRA investors, and that disclosing conflicts alone would not adequately mitigate the conflicts or remedy the harm. The analysis concluded that by extending fiduciary protections the new rule would mitigate advisory conflicts and deliver gains for retirement investors.

The analysis cited economic evidence that advisory conflicts erode retirement savings. This evidence included:

- Statistical comparisons finding poorer risk-adjusted investment performance in more conflicted settings;
- experimental and audit studies revealing problematic adviser conduct;
- studies detailing gaps in consumers' financial literacy, errors in their financial decision-making, and the inadequacy of disclosure as a consumer protection;
- federal agency reports documenting abuse and investors' vulnerability;
- a 2015 study by the President's Council of Economic Advisers that attributed annual IRA investor losses of $17 billion to advisory conflicts;
- economic theory that predicts harmful market failures due to the information asymmetries that are present when ordinary investors rely on advisers who are far more expert than them, but highly conflicted; and
- overseas experience with harmful advisory conflicts and responsive reforms.

The analysis estimated that advisers' conflicts arising from load sharing on average cost their IRA customers who invest in front-end-load mutual funds between 0.5 percent and 1.0 percent annually in estimated foregone risk-adjusted returns, which the analysis concluded to be due to poor fund selection. The Department estimated that such underperformance could cost IRA investors between $95 billion and $189 billion over the next 10 years. The analysis further estimated that the final rule and exemptions would potentially reduce these losses by between $33 billion and $36 billion over 10 years. Investors' gains were estimated to grow over time, due both to net inflows and compounding of returns. According to the analysis, these estimates reflect only part of the potential harm from advisers' conflicts and the likely benefits of the new rule and exemptions. The analysis estimated that complying with the new rule would cost $16 billion over ten years, mainly reflecting the cost of consumer protections attached to the exemptions. The Department invites comment on whether the projected investor gains could be offset by a reduction in consumer investment, if consumers have reduced access to retirement savings advice as a result of the final rule, and whether there is any evidence of such reduction in consumer investment to date.

With respect to topics now under examination pursuant to the President's Memorandum, the analysis anticipated that the rule would have large and far-reaching effects on the markets for investment advice and investment products. It examined a variety of potential and anticipated market impacts. Such market impacts would extend beyond direct compliance activities and related costs, and beyond mitigation of existing advisory conflicts and associated changes in affected investment recommendations. It concluded that the final rule and exemptions would move markets toward a more optimal mix of advisory services and financial products. The Department invites comments on whether the final rule and exemptions so far have moved markets or appear likely to move markets in this predicted direction.

The analysis examined the likely impacts of the final rule and exemptions on small investors. It concluded that quality, affordable advisory services would be available to small plans and IRA investors under the final rule and exemptions. Subsection 8.4.5 reviewed ongoing and emerging innovation trends in markets for investment advice and investment products. The analysis indicated that these trends have the potential to deliver affordable, quality advisory services and investment products to all retirement investors, including small investors, and that the final rule and exemptions would foster competition to innovate in consumers' best interest. The Department invites comments on the emerging and expected effects of the final rule and exemptions on retirement investors' access to quality, affordable investment advice services and investment products, including small investors' access.

The Department invites comments that might help inform updates to its legal and economic analysis, including any issues the public believes were inadequately addressed in the RIA and particularly with respect to the issues identified in the President's Memorandum.

For more detailed information, commenters are directed to the final rule and final new and amended PTEs published in the **Federal Register** on April 8, 2016, at 81 FR pages 20946 through 21221, and to the Department's Full Report Regulatory Impact Analysis for Final Rule and Exemptions (RIA), and the additional RIA documents posted on the Department's Web site at *www.dol.gov/agencies/ebsa/laws-and-regulations/rules-and-regulations/completed-rulemaking/1210-AB32-2.*

The Department invites comments on market responses to the final rule and the PTEs to date, and on the costs and benefits attached to such responses. Some relevant questions include,

- Do firms anticipate changes in consumer demand for investment advice and investment products? If so, what types of changes are anticipated, and how will firms respond?
- Are firms making changes to their target markets? In particular, are some firms moving to abandon or deemphasize the small IRA investor or small plan market segments? Are some aiming to expand in that segment? What effects will these developments have on different customer segments, especially small IRA investors and small plans?
- Are firms making changes to their line-ups of investment products, and/or to product pricing? What are those changes, what is the motivation behind them, and will the changes advance or undermine firms' abilities to serve their customers' needs?
- Are firms making changes to their advisory services, and/or to the pricing of those services? Are firms changing the means by which customers pay for advisory services, and by which advisers are compensated? For example, are firms moving to increase or reduce their use of commission arrangements, asset-based fee arrangements, or other arrangements? With respect to any such changes, what is the motivation behind them, and will these changes advance or undermine firms' abilities to serve their customers' needs?
- Has implementation or anticipation of the rule led investors to shift investments between asset classes or types, and/or are such changes expected in the future? If so, what mechanisms have led or are expected to lead to these changes? How will the changes affect investors?
- Has implementation or anticipation of the rule led to increases or reductions in commissions, loads, or other fees? Have firms changed their minimum balance requirements for either commission-based or asset-based fee compensation arrangements?
- Has implementation or anticipation of the rule led to changes in the compensation arrangements for advisory services surrounding the sale of insurance products such as fixed-rate, fixed-indexed, and variable annuities?
- For those firms that intend to make use of the Best Interest Contract Exemption, what specific policies and procedures have been considered to mitigate conflicts of interest and ensure impartiality? How costly will those policies and procedures be to maintain?
- What innovations or changes in the delivery of financial advice have occurred that can be at least partially attributable to the rule? Will those innovations or changes make retirement investors better or worse off?
- What changes have been made to investor education both in terms of access and content in response to the rule and PTEs, and to what extent have any changes helped or harmed investors?
- Have market developments and preparation efforts since the final rule and PTEs were published in April 2016 illuminated whether or to what degree the final rule and PTEs are likely to cause an increase in litigation, and how any such increase in litigation might affect the prices that investors and retirees must pay to gain access to retirement services? Have firms taken steps to acquire or increase insurance coverage of liability associated with litigation? Have firms factored into their earnings projections or otherwise taken specific account of such potential liability?
- The Department's examination of the final rule and exemptions pursuant to the Presidential Memorandum, together with possible resultant actions to rescind or amend the rule, could require more time than this proposed 60-day extension would provide. What costs and benefit considerations should the Department consider if the applicability date is further delayed, for 6 months, a year, or more?
- Class action lawsuits may be brought to redress a variety of claims, including claims involving ERISA-covered plans. What can be learned from these class action lawsuits? Have they been particularly prone to abuse? To what extent have class action lawsuits involving ERISA claims led to better or worse outcomes for plan participants? What other impacts have these class action lawsuits had?
- Have market developments and preparation efforts since the final rule and PTEs were published in April 2016 illuminated particular provisions that could be amended to reduce compliance burdens and minimize undue disruptions while still accomplishing the regulatory objective of establishing an enforceable best interest conduct standard for retirement investment advice and empowering Americans to make their own financial decisions, save for retirement and build individual wealth?
- How has the pattern of market developments and preparation efforts occurring since the final rule and exemptions were published in April, 2016, compared with the implementation pattern prior to compliance deadlines in other jurisdictions, such as the United Kingdom, that have instituted new requirements for investment advice? What does a comparison of such patterns indicate about the Department's prospective estimates of the rule's and exemptions' combined impacts?
- Have there been new insights from or into academic literature on contracts or other sources that would aid in the quantification of the rule's and exemptions' effectiveness at ensuring advisers' adherence to a best interest standard? If so, what are the implications for revising the Best Interest Contract Exemption or other regulatory or exemptive provisions to more effectively ensure adherence to a best interest standard?
- To what extent have the rule's and exemptions' costs already been incurred and thus cannot, at this point in time, be lessened by regulatory revisions or delays? Can the portion of costs that are still avoidable be quantified or otherwise characterized? Are the rule's intended effects entirely contingent upon the costs that have not yet been incurred, or will some portion be achieved as a result of compliance actions already taken? How will they be achieved and will they be sustained?
- Have there been changes in the macroeconomy since early 2016 that would have implications for the rule's and exemptions' impacts (for example, a reduction in the unemployment rate, likely indicating lower search costs for workers who seek new employment within or outside of the financial industry)?
- What do market developments and preparation efforts that have occurred since the final rule and exemptions were published in April, 2016—or new insights into other available evidence—

indicate regarding the portion of rule-induced gains to investors that consist of benefits to society (most likely, resource savings associated with reduced excessive trading and reduced unsuccessful efforts to outperform the market) and the portion that consists of transfers between entities in society?

• In response to the approaching applicability date of the rule, or other factors, has the affected industry already responded in such a way that if the rule were rescinded, the regulated community, or a subset of it, would continue to abide by the rule's standards? If this is the case, would the rule's predicted benefits to consumers, or a portion thereof, be retained, regardless of whether the rule were rescinded? What could ensure compliance with the standards if they were no longer enforceable legal obligations?

Upon completion of its examination, the Department may decide to allow the final rule and PTEs to become applicable, issue a further extension of the applicability date, propose to withdraw the rule, or propose amendments to the rule and/or the PTEs. In addition to any other comments, the Department specifically requests comments on each of these possible outcomes. The comment period for the broader purpose of examining the final rule and exemptions in response to the President's Memorandum will end on April 17, 2017.

List of Proposed Amendments to Prohibited Transaction Exemptions

For the reasons set forth above, the Department is proposing to amend the Best Interest Contract Exemption (Prohibited Transaction Exemption 2016–01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (Prohibited Transaction Exemption 2016–02); and Prohibited Transaction Exemptions 75–1, 77–4, 80–83, 83–1, 84–24 and 86–128, as follows:

• The Best Interest Contract Exemption (PTE 2016–01) (81 FR 21002 (April 8, 2016), as corrected at 81 FR 44773 (July 11, 2016)) is amended by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017'' as the *Applicability date* in the introductory **DATES** section and in Section IX of the exemption.

• The Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016–02) (81 FR 21089 (April 8, 2016), as corrected at 81 FR 44784 (July 11, 2016)), is amended by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017'' as the *Applicability date* in the introductory **DATES** section and in Section VII of the exemption.

• Prohibited Transaction Exemption 84–24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters (49 FR 13208 (April 3, 1984), as corrected 49 FR 24819 (June 15, 1984), as amended 71 FR 5887 (February 3, 2006), and as amended 81 FR 21147 (April 8, 2016)) is amended by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017'' as the *Applicability date* in the introductory **DATES** section.

• Prohibited Transaction Exemption 86–128 for Securities Transactions Involving Employee Benefit Plans and Broker-Dealers (51 FR 41686 (November 18, 1986) as amended at 67 FR 64137 (October 17, 2002) and as amended at 81 FR 21181 (April 8, 2016)) and Prohibited Transaction Exemption 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, Parts I and II (40 FR 50845 (October 31, 1975), as amended at 71 FR 5883 (February 3, 2006), and as amended at 81 FR 21181 (April 8, 2016)) are amended by removing the date ''April 10 2017'' and adding in its place ''June 9, 2017'' as the *Applicability date* in the introductory **DATES** section.

• Prohibited Transaction Exemption 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, Parts III and IV, (40 FR 50845 (October 31, 1975), as amended at 71 FR 5883 (February 3, 2006), and as amended at 81 FR 21208 (April 8, 2016); Prohibited Transaction Exemption 77–4, Class Exemption for Certain Transactions Between Investment Companies and Employee Benefit Plans, 42 FR 18732 (April 8, 1977), as amended at 81 FR 21208 (April 8, 2016); Prohibited Transaction Exemption 80–83, Class Exemption for Certain Transactions Involving Purchase of Securities Where Issuer May Use Proceeds To Reduce or Retire Indebtedness to Parties in Interest, 45 FR 73189 (November 4, 1980), as amended at 67 FR 9483 (March 1, 2002) and as amended at 81 FR 21208 (April 8, 2016); and Prohibited Transaction Exemption 83–1 Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts, 48 FR 895 (January 7, 1983), as amended at 67 FR 9483 (March 1, 2002) and as amended at 81 FR 21208 (April 8, 2016) are each amended by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017'' as the *Applicability date* in the introductory **DATES** section.

• Prohibited Transaction Exemption (PTE) 75–1, Exemptions from Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks, Part V, 40 FR 50845 (October 31, 1975), as amended at 71 FR 5883 (February 3, 2006) and as amended at 81 FR 21139 (April 8, 2016), is amended by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017'' as the *Applicability Date* in the introductory **DATES** section.

This document serves as a notice of pendency before the Department of proposed amendments to these PTEs.

List of Subjects in 29 CFR Parts 2510 and 2550

Employee benefit plans, Exemptions, Fiduciaries, Investments, Pensions, Prohibited transactions, Reporting and recordkeeping requirements, and Securities.

For the reasons set forth above, the Department proposes to amend part 2510 of subchapter B of Chapter XXV of Title 29 of the Code of Federal Regulations as follows:

Subchapter B—Definitions and Coverage Under the Employee Retirement Income Security Act of 1974

PART 2510—DEFINITIONS OF TERMS USED IN SUBCHAPTERS C, D, E, F, G, AND L OF THIS CHAPTER

■ 1. The authority citation for part 2510 continues to read as follows:

Authority: 29 U.S.C. 1002(2), 1002(21), 1002(37), 1002(38), 1002(40), 1031, and 1135; Secretary of Labor's Order 1–2011, 77 FR 1088; Secs. 2510.3–21, 2510.3–101 and 2510.3–102 also issued under Sec. 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 237. Section 2510.3–38 also issued under Pub. L. 105–72, Sec. 1(b), 111 Stat. 1457 (1997).

§ 2510.3–21 [Amended]

■ 2. Section 2510.3–21 is amended by extending the expiration date of paragraph (j) to June 9, 2017, and by removing the date ''April 10, 2017'' and adding in its place ''June 9, 2017'' in paragraphs (h)(2), (j)(1) introductory text, and (j)(3).

Signed at Washington, DC, this 27th day of February 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2017–04096 Filed 3–1–17; 8:45 am]

BILLING CODE 4510–29–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 201

[Docket No. 2017–4]

Disruption of Copyright Office Electronic Systems

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is proposing to amend its regulations governing delays in the receipt of material caused by the disruption of postal or other transportation or communication services. As proposed, the amended rule would, for the first time, specifically address the effect of a disruption or suspension of any Copyright Office electronic system on the Office's receipt of applications, fees, deposits, or other materials, and the assignment of a constructive date of receipt to such materials. The proposed rule would also make various revisions to the existing portions of the rule for usability and readability. In addition, the proposed rule would specify how the Office will assign effective dates of receipt when a specific submission is lost in the absence of a declaration of disruption, as might occur during the security screening procedures used for mail that is delivered to the Office.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on April 3, 2017.

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

FOR FURTHER INFORMATION CONTACT: Anna Chauvet, Assistant General Counsel, by email at *achau@loc.gov,* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: Section 709 of the Copyright Act (title 17, United States Code) addresses the situation where the ''general disruption or suspension of postal or other transportation or communications services'' prevents the timely receipt by the Office of ''a deposit, application, fee, or any other material.'' In such situations, and ''on the basis of such evidence as the Register may by regulation require,'' the Register of Copyrights may deem the receipt of such material to be timely, so long as it is actually received ''within one month after the date on which the Register determines that the disruption or suspension of such services has terminated.'' 17 U.S.C. 709. In addition, section 702 of the Copyright Act authorizes the Register to ''establish regulations not inconsistent with law for the administration of the functions and duties made the responsibility of the Register under this title.'' 17 U.S.C. 702.

The Copyright Office's regulations implementing section 709 can be found in 37 CFR 201.8. When the U.S. Copyright Office first promulgated these regulations, many of the Office's current electronic systems did not exist, and the regulations were not amended to specifically address outages of such systems. In 2015, the Office's online system used to register initial copyright claims was disrupted for over a week due to an equipment failure, highlighting the need for the Office to update its regulations to address the effect of a disruption or suspension of any Copyright Office electronic system on the Office's receipt of applications, fees, deposits, or any other materials.

Assigning a date of receipt based on the date materials would have been received but for the disruption of a Copyright Office electronic system is important in a number of contexts. For example, thousands of copyright claims are filed each year using the Office's electronic filing system, and the effective date of registration of a copyright is the date the application, fees, and deposit are received by the Copyright Office. 17 U.S.C. 410(d). That date can affect the copyright owner's rights and remedies, such as eligibility for statutory damages and attorney's fees. *See* 17 U.S.C. 412 (statutory damages and attorney's fees available only for works with effective date of registration prior to commencement of infringement or, for published works, within three months of first publication of the work). In addition, certain filings may be submitted to the Office *only* in electronic form. *See* 37 CFR 201.38 (online service providers must designate an agent to receive notifications of claimed copyright infringement through the Copyright Office's Web site).

The proposed rule accordingly makes several updates to 37 CFR 201.8 to account for electronic outages. Among other things, the proposed rule allows the Register to assign, as the date of receipt, the date on which she determines the material would have been received but for the disruption or suspension of the electronic system. Ordinarily, when a person submits materials through a Copyright Office electronic system, those materials are received in the Copyright Office on the date the submission was made. In cases where a person attempts to submit materials, but is unable to do so because of a disruption or suspension of a Copyright Office electronic system, the proposed rule will allow the Register to use the date that the attempt was made as the date of receipt. In cases where it is unclear when the attempt was made, the proposed rule provides the Register with discretion to determine the effective date of receipt on a case-by-case basis.

In addition, the proposed rule makes several changes to update the rule to account for more recent practices, and improve the usability and readability of the regulation. For instance, the proposed rule comprehensively updates paragraph (c) of section 201.8, which specifies the deadline for requesting an adjustment of the date of receipt in cases where a person attempted to submit material to the Office but was unable to do so due to the suspension or disruption of a Copyright Office electronic system. In the past, most materials were submitted to the Office on paper. Permitting the submission of requests prior to the issuance of the certificate of registration or recordation would have imposed unacceptable burdens on the Office due to difficulties in locating the pending applications or submissions to which the requests pertained. Now that the Office has implemented electronic systems, it is easier to make date adjustments, such as correcting the effective date of registration or date of recordation, while the application or submission is still pending. Accordingly, the Office proposes that persons seeking to adjust the date of receipt of any material that could not be submitted electronically due to a disruption or suspension of an Office electronic system, should be permitted to submit a request up to one year after the date on which the

disruption or suspension has terminated under section 201.8(a).

Finally, the proposed rule adds sections 201.8(b)(2) and (c)(2), which address a related issue. On occasion, a person may deliver or attempt to deliver material to the Office, but the Office may have no record of having received such material or may have lost or misplaced that material after it was received. Although such situations are rare, they do occur occasionally as mail delivered to the Copyright Office must go through extensive security screening. If the person provides satisfactory evidence that he or she sent that material to the Office, the proposed rule would allow the Register to assign, as the date of receipt, the date on which the material would have been received. Such a request must be made no later than one year after the person delivered or attempted to deliver the application, fee, deposit, or other material to the Copyright Office. As a technical matter, these provisions do not implement section 709, which pertains to a *general* disruption of postal or other services; rather, the Office is implementing these provisions as an exercise of its general regulatory authority under section 702 of the Copyright Act.

List of Subjects in 37 CFR Part 201

Copyright.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.8 [Amended]

■ 2. Amend § 201.8 as follows:
■ a. Revise paragraphs (a), (b) and (c);
■ b. In paragraph (d), add ''*Return of certificate.*'' before ''In cases'', remove ''in which'' and add in its place ''where'', and add ''under paragraph (b)'' after ''along with the request''.
■ c. Revise paragraph (e) introductory text.
■ d. In paragraph (e)(1), add a comma after ''Priority Mail''.
■ e. In paragraph (e)(2), add a semicolon after ''Copyright Office''.
■ f. In paragraph (e)(2)(ii), remove ''2'' and add in its place ''two''.
■ g. Revise paragraphs (e)(3) and (e)(4);
■ h. Revise paragraph (f) introductory text.
■ i. In paragraph (f)(4), remove the period at the end of the sentence and replace it with a semicolon.
■ j. Add paragraph (f)(5).
■ k. Remove paragraph (g).
■ l. Add authority citation to the end of the section.

The revisions and additions read as follows:

§ 201.8 Disruption of postal or other transportation or communication services.

(a) *Declaration of disruption.* For purposes of 17 U.S.C. 709, when the Register has determined that there is or has been a general disruption or suspension of postal or other transportation or communications services, including a disruption or suspension of a Copyright Office electronic system, that has delayed the receipt by the Copyright Office of applications, fees, deposits, or any other materials, the Register shall publish an announcement of that determination, stating the date on which the disruption or suspension commenced. The announcement may, if appropriate, limit the means of delivery that are subject to relief pursuant to section 709. Following the cessation of the disruption or suspension of services, the Register shall publish an announcement stating the date on which the disruption or suspension has terminated, and may provide specific instructions on how to make a request under paragraph (b)(1).

(b) *Request for earlier filing date due to disruption.* (1) *When the Register has declared a disruption.* When the Register has made a declaration of disruption under paragraph (a) of this section, any person who, in compliance with any instructions provided by the Register, provides satisfactory evidence as described in paragraph (e) of this section that he or she attempted to deliver an application, fee, deposit, or other material to the Copyright Office, but that receipt by the Copyright Office was delayed due to a general disruption or suspension of postal or other transportation or communications services announced under paragraph (a), shall be assigned, as the date of receipt of the application, fee, deposit, or other material, the date on which the Register determines the material would have been received but for the disruption or suspension of services, so long as the application, fee, deposit, or other material was actually received in the Copyright Office within one month after the date the Register identifies pursuant to paragraph (a) of this section that disruption or suspension of services has terminated. Such requests should be mailed to the address specified in § 201.1(c)(1), or through any other delivery method the Register specifies in a published announcement under paragraph (a) of this section.

(2) *With respect to disruption affecting specific submission.* In the absence of a declaration of disruption under paragraph (a) of this section, any person who provides satisfactory evidence as described in paragraph (e) of this section that he or she delivered or attempted to deliver an application, fee, deposit, or other material to the Copyright Office, but that the Office did not receive that material or that it was lost or misplaced by the Office after its delivery to the Office, shall be assigned, as the date of receipt, the date that the Register determines that the material was received or would have been received. Such requests may be mailed to the address specified in § 201.1(c)(1), or through any other delivery method specified by the Copyright Office.

(c) *Timing.* (1) A request under paragraph (b)(1) of this section shall be made no earlier than the date on which the Register publishes the announcement under paragraph (a) declaring that the disruption or suspension has terminated, and no later than one year after the publication of that announcement.

(2) A request under paragraph (b)(2) of this section shall be made no later than one year after the person delivered or attempted to deliver the application, fee, deposit, or other material to the Copyright Office.

* * * * *

(e) *Satisfactory evidence.* In all cases the Register shall have discretion in determining whether materials submitted with a request under paragraph (b) of this section constitute satisfactory evidence. For purposes of paragraph (b) of this section, satisfactory evidence may include:

* * * * *

(3) A statement under penalty of perjury, pursuant to 28 U.S.C. 1746, from a person with actual knowledge of the facts relating to the attempt to deliver the material to the Copyright Office, setting forth with particularity facts which satisfy the Register that in the absence of the general disruption or suspension of postal or other transportation or communications services, including a disruption or suspension of a Copyright Office electronic system, or but for the misdelivery, misplacement, or loss of materials sent to the Copyright Office, the material would have been received by the Copyright Office by a particular date; or

(4) Other documentary evidence which the Register deems equivalent to the evidence set forth in paragraphs (e)(1) and (2) of this section.

(f) *Presumption of receipt.* For purposes of paragraph (b) of this section, the Register shall presume that but for the general disruption or suspension of postal or other transportation or communications services, including a disruption or suspension of a Copyright Office electronic system, or but for the misdelivery, misplacement, or loss of materials sent to the Copyright Office;:

* * * * *

(5) Materials submitted or attempted to be submitted through a Copyright Office electronic system would have been received in the Copyright Office on the date the attempt was made. If it is unclear when an attempt was made, the Register will determine the effective date of receipt on a case-by-case basis.

(17 U.S.C. 702, 709)

Dated: February 23, 2017.

Sarang V. Damle,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2017–03907 Filed 3–1–17; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52

[EPA–R04–OAR–2016–0748; FRL–9959–07–Region 4]

Air Plan Approvals; TN; Prong 4–2010 NO_2, SO_2, and 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to conditionally approve the visibility transport (prong 4) portions of revisions to the Tennessee State Implementation Plan (SIP), submitted by the Tennessee Department of Environment and Conservation (TDEC), addressing the Clean Air Act (CAA or Act) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO_2), 2010 1-hour Sulfur Dioxide (SO_2), and 2012 annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an ''infrastructure SIP.'' Specifically, EPA is proposing to conditionally approve the prong 4 portions of Tennessee's March 13, 2014, 2010 1-hour NO_2 and 2010 1-hour SO_2 infrastructure SIP submission and December 16, 2015, 2012 annual $PM_{2.5}$ infrastructure SIP submission. All other applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings.

DATES: Comments must be received on or before April 3, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0748 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

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

SUPPLEMENTARY INFORMATION:

I. Background

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

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

Through this action, EPA is proposing to conditionally approve the prong 4 portions of Tennessee's infrastructure SIP submissions for the 2010 1-hour NO_2, 2010 1-hour SO_2, and 2012 annual $PM_{2.5}$ NAAQS. All other applicable infrastructure SIP requirements for these SIP submissions have been or will be addressed in separate rulemakings. A brief background regarding the NAAQS relevant to today's proposal is provided below. For comprehensive information on these NAAQS, please refer to the **Federal Register** notices cited in the following subsections.

a. 2010 1-Hour NO_2 NAAQS

On January 22, 2010, EPA established a new 1-hour primary NAAQS for NO_2 at a level of 100 parts per billion, based

on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. *See* 75 FR 6474 (February 9, 2010). States were required to submit infrastructure SIP submissions for the 2010 1-hour NO_2 NAAQS to EPA no later than January 22, 2013. For the 2010 1-hour NO_2 NAAQS, this proposed action only addresses the prong 4 element of Tennessee's infrastructure SIP submission received on March 13, 2014. EPA has taken action on the remainder of Tennessee's March 13, 2014, SIP submission through separate rulemakings.

b. 2010 1-Hour SO_2 NAAQS

On June 2, 2010, EPA revised the primary SO_2 NAAQS to an hourly standard of 75 parts per billion based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. *See* 75 FR 35520 (June 22, 2010). States were required to submit infrastructure SIP submissions for the 2010 1-hour SO_2 NAAQS to EPA no later than June 2, 2013. For the 2010 1-hour SO_2 NAAQS, this proposed action only addresses the prong 4 element of Tennessee's infrastructure SIP submission received on March 13, 2014. EPA has taken action on the remainder of Tennessee's March 13, 2014, SIP submission through separate rulemakings.

c. 2012 Annual $PM_{2.5}$ NAAQS

On December 14, 2012, EPA revised the primary annual $PM_{2.5}$ NAAQS to 12 micrograms per cubic meter ($\mu g/m^3$) based on a 3-year average of the annual average $PM_{2.5}$ concentrations. *See* 78 FR 3086 (January 15, 2013). States were required to submit infrastructure SIP submissions for the 2012 $PM_{2.5}$ NAAQS to EPA no later than December 14, 2015. For the 2012 annual $PM_{2.5}$ NAAQS, this proposed action only addresses the prong 4 element of Tennessee's infrastructure SIP submission received on December 16, 2015. Several of the other infrastructure elements of Tennessee's December 16, 2015, SIP submission have been addressed through a separate rulemaking and the remaining elements will be addressed in a future rulemaking.

II. What is EPA's approach to the review of infrastructure SIP submissions?

The requirement for states to make a SIP submission of this type arises out of section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''each such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of section 110(a)(1) and (2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of Title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of section 169A of the CAA, and nonattainment new source review permit program submissions to address the permit requirements of CAA, Title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[1] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of Title I of the CAA, which specifically address nonattainment SIP requirements.[2] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years or in some cases three years, for such designations to be promulgated.[3] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within section 110(a)(1) and (2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the

[1] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; Section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of Title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[2] *See, e.g.,* ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[3] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, *e.g.,* that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[4] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[5]

Ambiguities within section 110(a)(1) and (2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[6]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires attainment plan SIP submissions required by part D to meet the ''applicable requirements'' of section 110(a)(2); thus, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of Title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[7] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[8] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[9] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). EPA interprets section 110(a)(1) and (2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of

[4] *See, e.g.,* ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' 78 FR 4337 (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[5] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submission.

[6] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[7] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[8] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[9] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address Section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d 7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

Section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in section 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including Greenhouse Gases (GHGs). By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction (SSM) that may be contrary to the CAA and EPA's policies addressing such excess emissions;[10] (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (NSR Reform). Thus, EPA believes that it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[11] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in section 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of section 110(a)(1) and (2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[12] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[13]

[10] Subsequent to issuing the 2013 Guidance, EPA's interpretation of the CAA with respect to the approvability of affirmative defense provisions in SIPs has changed. See ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' 80 FR 33839 (June 12, 2015). As a result, EPA's 2013 Guidance (p. 21 & n.30) no longer represents the EPA's view concerning the validity of affirmative defense provisions, in light of the requirements of section 113 and section 304.

[11] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption or affirmative defense for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[12] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. *See* ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[13] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. *See* ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under section 110(k)(6) of the CAA to remove numerous other SIP provisions that the Agency determined it had approved in error. *See, e.g.,* 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062, November 16, 2004 (corrections

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Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[14]

III. What are the Prong 4 requirements?

Section 110(a)(2)(D)(i)(II) requires a state's implementation plan to contain provisions prohibiting sources in that state from emitting pollutants in amounts that interfere with any other state's efforts to protect visibility under part C of the CAA (which includes sections 169A and 169B). The 2013 Guidance states that these prong 4 requirements can be satisfied by approved SIP provisions that EPA has found to adequately address any contribution of that state's sources to impacts on visibility program requirements in other states. The 2013 Guidance also states that EPA interprets this prong to be pollutant-specific, such that the infrastructure SIP submission need only address the potential for interference with protection of visibility caused by the pollutant (including precursors) to which the new or revised NAAQS applies.

The 2013 Guidance lays out two ways in which a state's infrastructure SIP may satisfy prong 4. The first way is through an air agency's confirmation in its infrastructure SIP submission that it has an EPA-approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. 40 CFR 51.308 and 51.309 specifically require that a state participating in a regional planning process include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. A fully approved regional haze SIP will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility.

Alternatively, in the absence of a fully approved regional haze SIP, a state may meet the requirements of prong 4 through a demonstration in its infrastructure SIP submission that emissions within its jurisdiction do not interfere with other air agencies' plans to protect visibility. Such an infrastructure SIP submission would need to include measures to limit visibility-impairing pollutants and ensure that the reductions conform with any mutually agreed regional haze reasonable progress goals for mandatory Class I areas in other states.

IV. What is EPA's analysis of how Tennessee addressed Prong 4?

Tennessee's March 13, 2014, 2010 1-hour NO_2 and 2010 1-hour SO_2 submission cites to the State's regional haze SIP and Clean Air Interstate Rule (CAIR) SIP as satisfying prong 4 requirements.[15] In its December 16, 2015, 2012 annual $PM_{2.5}$ submission, the State notes that it is developing a regional haze SIP revision with the intent to obtain a fully approved regional haze SIP and that Tennessee's SIP will be adequate with regard to prong 4 if EPA approves that revision. As explained below, EPA has not yet fully approved Tennessee's existing regional haze SIP because the SIP relies on CAIR to satisfy the nitrogen oxides (NO_X) and SO_2 Best Available Retrofit Technology (BART) requirements for the CAIR-subject electric generating units (EGUs) in the State and the requirement for a long-term strategy sufficient to achieve the state-adopted reasonable progress goals.[16]

EPA demonstrated that CAIR achieved greater reasonable progress toward the national visibility goal than BART for NO_X and SO_2 at BART-eligible EGUs in CAIR affected states, and revised the regional haze rule to provide that states participating in CAIR's cap-and-trade programs need not require affected BART-eligible EGUs to install, operate, and maintain BART for emissions of SO_2 and NO_X. *See* 70 FR 39104 (July 6, 2005). As a result, a number of states in the CAIR region designed their regional haze SIPs to rely on CAIR as an alternative to NO_X and SO_2 BART for CAIR-subject EGUs. These states also relied on CAIR as an element of a long-term strategy for achieving their reasonable progress goals.

The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR in 2008,[17] but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR.[18] On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated the Cross-State Air Pollution Rule (CSAPR) to replace CAIR and thus to address the interstate transport of emissions contributing to nonattainment and interfering with maintenance of the two air quality standards covered by CAIR as well as the 2006 $PM_{2.5}$ NAAQS.

Due to CAIR's status as a temporary measure following the D.C. Circuit's 2008 ruling, EPA could not fully approve regional haze SIP revisions to the extent that they relied on CAIR to satisfy the BART requirement and the requirement for a long-term strategy sufficient to achieve the state-adopted reasonable progress goals. On these grounds, EPA finalized a limited approval and limited disapproval of Tennessee's regional haze SIP on April 24, 2012 (77 FR 24392), triggering the requirement for EPA to promulgate a Federal Implementation Plan (FIP) unless Tennessee submitted and EPA approved a SIP revision that corrected the deficiencies.

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C.

to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[14] *See, e.g.,* EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). *See, e.g.,* 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011) (final disapproval of such provisions).

[15] In its March 13, 2014, submission, Tennessee states that its regional haze SIP and its ''CAIR SIP are sufficient to ensure emissions within its jurisdiction do not interfere with other agencies' plans to protect visibility.'' However, as Tennessee notes in its submittal, a state's infrastructure SIP submission can satisfy prong 4 solely through confirmation that the state has a fully approved regional haze SIP.

[16] CAIR, promulgated in 2005, required 27 states and the District of Columbia to reduce emissions of NO_X and SO_2 that significantly contribute to, or interfere with maintenance of, the 1997 NAAQS for fine particulates and/or ozone in any downwind state. CAIR imposed specified emissions reduction requirements on each affected State, and established several EPA-administered cap and trade programs for EGUs that States could join as a means to meet these requirements.

[17] *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

[18] *North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008).

Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015). EPA began implementation of CSAPR, which replaced CAIR, on January 1, 2015. Therefore, Tennessee cannot rely on CAIR to satisfy the BART requirement and the requirement for a long-term strategy sufficient to achieve the state-adopted reasonable progress goals.

As mentioned above, a state may meet the requirements of prong 4 without a fully approved regional haze SIP by showing that its SIP contains adequate provisions to prevent emissions from within the state from interfering with other states' measures to protect visibility. Tennessee did not, however, provide a demonstration in any of the infrastructure SIP submissions subject to this proposed action that emissions within its jurisdiction do not interfere with other states' plans to protect visibility.

As discussed above, Tennessee does not have a fully approved regional haze SIP that meets the requirements of 40 CFR 51.308 and has not otherwise shown that its SIP contains adequate provisions to prevent emissions from within the state from interfering with other states' measures to protect visibility. Therefore, on December 7, 2016, Tennessee submitted a commitment letter to EPA requesting conditional approval of the prong 4 portions of the aforementioned infrastructure SIP revisions. In this letter, Tennessee commits to submit an infrastructure SIP revision, within one year of final conditional approval, that will satisfy the prong 4 requirements for the 2010 1-hour NO_2 NAAQS, 2010 1-hour SO_2 NAAQS, and 2012 annual $PM_{2.5}$ NAAQS through reliance on a fully approved regional haze SIP or through an analysis showing that emissions from sources in Tennessee will not interfere with the attainment of the reasonable progress goals of other states. If the revised infrastructure SIP revision relies on a fully approved regional haze SIP revision to satisfy prong 4 requirements, Tennessee also commits to providing the necessary regional haze SIP revision to EPA within one year of EPA's final conditional approval.

If Tennessee meets its commitment within one year of final conditional approval, the prong 4 portions of the conditionally approved infrastructure SIP submissions will remain a part of the SIP until EPA takes final action approving or disapproving the new SIP revision(s). However, if the State fails to submit these revisions within the one-year timeframe, the conditional approval will automatically become a disapproval one year from EPA's final conditional approval and EPA will issue a finding of disapproval. EPA is not required to propose the finding of disapproval. If the conditional approval is converted to a disapproval, the final disapproval triggers the FIP requirement under CAA section 110(c).

V. Proposed Action

As described above, EPA is proposing to conditionally approve the prong 4 portions of Tennessee's March 13, 2014, 2010 1-hour NO_2 and 2010 1-hour SO_2 infrastructure SIP submission and December 16, 2015, 2012 $PM_{2.5}$ infrastructure SIP submission. All other outstanding applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings.

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 21, 2017.

Kenneth R. Lapierre,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–04009 Filed 3–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 320

[EPA–HQ–SFUND–2015–0781; FRL–FRL 9959–85–OLEM]

RIN 2050–AG61

Financial Responsibility Requirements Under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule entitled

''Financial Responsibility Requirements under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry.'' That proposed rule was published on January 11, 2017, and the public comment period was scheduled to end on March 13, 2017. However, a number of parties have requested additional time to review the proposed rule and supporting information, and to develop and submit comments. Therefore, in response, EPA is extending the comment period an additional 120 days, so that comments are now due on or before July 11, 2017.

DATES: Comments on the proposed rule must be received on or before July 11, 2017.

ADDRESSES: Submit your comments on the proposed rule, identified by Docket ID No. EPA–HQ–SFUND–2015–0781, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For questions on the January 11, 2017, proposed rule or on this document, contact Barbara Foster, Program Implementation and Information Division, Office of Resource Conservation and Recovery, Mail code 5303P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 308–7057; email address: *foster.barbara@epa.gov,* or Michael Pease, Program Implementation and Information Division, Office of Resource Conservation and Recovery, Mail code 5303P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 308–0008; email address: *pease.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: On January 11, 2017, EPA published in the **Federal Register** proposed requirements under section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for demonstrating financial responsibility.[1] The proposed rule would create a new part in the CERCLA regulations to require financial responsibility under CERCLA section 108(b), define requirements for demonstration of financial responsibility, define requirements for maintenance of financial responsibility instruments, and establish criteria for owners and operators to be released from financial responsibility requirements. In addition, the proposed rule would establish specific financial responsibility requirements applicable to certain classes of mines and associated mineral processing facilities within the hardrock mining industry.

The comment period for the proposed rule was scheduled to end on March 13, 2017. Since publication, EPA has received more than 60 requests to extend that comment period to allow the public additional time to develop comments on the proposed rule. The requests were for extensions ranging from 60 days to 120 days, and came from members of Congress, mining companies, states, state groups, and trade associations. The requestors cited a number of reasons for needing an extended comment period including the size and complexity of the rule, and the amount of background information in the rulemaking docket.

In addition to requests to extend the comment period, EPA also received a request to not extend it. This request came from several environmental groups concerned that the rule move forward without delay.

EPA acknowledges that the proposed rule and supporting materials include a substantial amount of information, and that EPA's proposed section 108(b) requirements are novel. Those commenters who have requested an extension have provided information to EPA demonstrating that they need more time than the 60 days EPA originally allotted to evaluate EPA's proposal and supporting information and develop their comments. Thus, after considering these comments, EPA has decided to extend the comment period for 120 days. This document is the Agency's response to those persons who requested an extension of the comment period.

As a result of this action, comments on the proposed rule must be submitted by July 11, 2017.

List of Subjects in 40 CFR Part 320

Environmental protection, Financial responsibility, Hardrock mining, Hazardous substances.

Dated: February 23, 2017.

Barry N. Breen,

Acting Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2017–04007 Filed 3–1–17; 8:45 am]

BILLING CODE 6560–50–P

[1] *See* Financial Responsibility Requirements under CERCLA § 108(b) for Classes of Facilities in the Hardrock Mining Industry (82 FR 3388, January 11, 2017).

Notices

Federal Register
Vol. 82, No. 40
Thursday, March 2, 2017

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

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee To Finalize Preparations for a Public Hearing To Gather Testimony Regarding Civil Rights and Policing Practices in Minnesota

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Minnesota Advisory Committee (Committee) will hold a meeting on Wednesday, March 15, 2017, at 12:00 p.m. CST for the purpose of preparing for a public hearing to gather testimony regarding civil rights and policing practices in Minnesota.

DATE: The meeting will be held on Wednesday, March 15, 2017, at 12:00 p.m. CST.

PUBLIC CALL INFORMATION: Dial: 877–440–5787, Conference ID: 1262900.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 877–440–5787, conference ID: 1262900. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Minnesota Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=256*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call

Discussion of Hearing Preparation: Civil Rights and Policing Practices in Minnesota

Public Comment

Future Plans and Actions

Adjournment

Dated: February 24, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–04062 Filed 3–1–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee for a Meeting To Hear Public Testimony Regarding Civil Rights and Policing Practices in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Minnesota Advisory Committee (Committee) will hold a meeting on Tuesday March 21, 2017, from 8:00 a.m. to 5:15 p.m. CST, for the purpose of hearing public testimony regarding civil rights and policing practices in the state.

DATES: The meeting will be held on Tuesday, March 21, 2017, from 8:00 a.m. to 5:10 p.m. CST.

LOCATION: Frey Moot Courtroom, University of St. Thomas Minnesota School of Law, 1000 LaSalle Avenue, Minneapolis, MN 55403.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: This meeting is free and open to the public. Persons with disabilities requiring reasonable accommodations should contact the Midwest Regional Office 10 days prior to the meeting to make appropriate arrangements. Members of the public are invited to make statements during an open comment period, beginning at 4:15 p.m. In addition, members of the public may submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they

become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Minnesota Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=256*). Select ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Opening Remarks and Introductions (8:00 a.m.–8:15 a.m.)
Panel 1: Academic (8:15 a.m.–9:30 a.m.)
Panel 2: Community I (9:45 a.m.–11:00 a.m.)
Panel 3: Community II (11:15 a.m.–12:30 p.m.)
Break (12:30 p.m.–1:30 p.m.)
Panel 4: Law Enforcement (1:30 p.m.–2:45 p.m.)
Panel 5: Policy Makers/Judiciary (3:00 p.m.–4:15 p.m.)
Open Forum (4:15 p.m.–5:00 p.m.)
Closing Remarks (5:00 p.m.)

Dated: February 24, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–04063 Filed 3–1–17; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee for a Meeting To Continue Discussion of a Draft Report Resulting From the Committee's Study of Hate Crime in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Wisconsin Advisory Committee (Committee) will hold a meeting on Thursday, March 23, 2017, at 12:00 p.m. CST for the purpose of discussing testimony received regarding hate crime in the state, in preparation to issue a civil rights report to the Commission on the topic.

DATES: The meeting will be held on Thursday March 23, 2017, at 12:00 p.m. CST.

PUBLIC CALL INFORMATION: Dial: 888–211–0193, Conference ID: 9709346.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–211–0193, conference ID: 9709346. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Wisconsin Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=282*). Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Committee Officers
Discussion of civil rights report: Hate Crime in Wisconsin
Future Plans and Actions: Civil Rights in Wisconsin
Public Comment
Adjournment

Dated: February 27, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–04064 Filed 3–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2028]

Approval of Subzone Status; Volvo Car US Operations, Inc.; Ridgeville, South Carolina

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the South Carolina State Ports Authority, grantee of Foreign-Trade Zone 21, has made application to the Board for the establishment of a subzone at the facility of Volvo Car US Operations, Inc., located in Ridgeville, South Carolina (FTZ Docket B–77–2016, docketed November 14, 2016);

Whereas, notice inviting public comment has been given in the **Federal Register** (81 FR 83799, November 22, 2016) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Volvo Car US Operations, Inc., located in Ridgeville, South Carolina (Subzone 21F), as described in the application and **Federal Register** notice, subject to

the FTZ Act and the Board's regulations, including Section 400.13.

Dated: February 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–04018 Filed 3–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2028]

Approval of Subzone Status; Volvo Car US Operations, Inc.; Ridgeville, South Carolina

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the South Carolina State Ports Authority, grantee of Foreign-Trade Zone 21, has made application to the Board for the establishment of a subzone at the facility of Volvo Car US Operations, Inc., located in Ridgeville, South Carolina (FTZ Docket B–77–2016, docketed November 14, 2016);

Whereas, notice inviting public comment has been given in the **Federal Register** (81 FR 83799, November 22, 2016) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves subzone status at the facility of Volvo Car US Operations, Inc., located in Ridgeville, South Carolina (Subzone 21F), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: February 16, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–04019 Filed 3–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–873]

Certain Cold-Rolled Steel Flat Products From Japan: Final Results of Changed Circumstances Review, and Revocation of Antidumping Duty Order, in Part

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

SUMMARY: On January 4, 2017, the Department of Commerce (the ''Department'') published its initiation and preliminary results of a changed circumstances review (''CCR'') and stated its intention to revoke, in part, the antidumping duty order on certain cold-rolled steel flat products from Japan (the ''*Order*''). The Department preliminarily determined that producers accounting for substantially all of the domestic production of the like product had no interest in the continued application of the *Order* with respect to certain light gauge cold-rolled flat-rolled steel meeting the requirements of ASTM A424 Type 1. For the final results, the Department is revoking, in part, the *Order* with respect to the cold-rolled steel flat products described above.

DATES: Effective March 2, 2017.

FOR FURTHER INFORMATION CONTACT: Robert Bolling, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3434.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 2017, the Department published a notice of *Initiation and Preliminary Results of Changed Circumstances Review, and Intent to Revoke Order in Part.*[1] In the *Preliminary Results,* the Department determined that five domestic producers,[2] which account for ''substantially all'' of the cold-rolled steel production in the United States,[3] expressed a lack of interest with respect to certain light gauge cold-rolled flat-rolled steel meeting the requirements of ASTM A424 Type 1. As a result, the Department preliminarily determined that the domestic industry producing the like product has no interest in the continued application of the *Order* with respect to the above-referenced merchandise.

We invited interested parties to comment on the *Preliminary Results.*[4] ArcelorMittal USA LLC (''ArcelorMittal'') was the only interested party that submitted comments.[5] Specifically, ArcelorMittal asked the Department to modify language describing Petitioners' scope exclusion request in the narrative portion of the *Preliminary Results* to reflect more closely the language contained in Petitioners' proposed scope.[6]

On February 9, 2017, the Department extended the deadline for issuance of the final results of this CCR, and requested additional information from Petitioners regarding the proposed scope language.[7] On February 16, 2017, Petitioners submitted a letter containing a modification to their proposed exclusionary language, in which they proposed removing the words ''for porcelain enameling'' from the exclusion language.[8] No interested party commented in response to Petitioners' proposed modification.

Final Results of Changed Circumstances Review, and Revocation of the Order, in Part

After an analysis of the comments received, the Department continues to find that ''substantially all'' of the domestic industry has no interest in the continued application of the *Order* with

[1] *See Certain Cold-Rolled Steel Flat Products from Japan: Initiation and Preliminary Results of Changed Circumstances Review, and Intent to Revoke Order in Part,* 82 FR 821 (January 4, 2017) (''*Preliminary Results*'').

[2] The five domestic producers are ArcelorMittal USA LLC, AK Steel Corporation, Nucor Corporation, Steel Dynamics Inc., and United States Steel Corporation (collectively, ''Petitioners'').

[3] *See Preliminary Results,* 82 FR at 823.

[4] *See id.* at 824.

[5] *See* Letter from ArcelorMittal to Department, ''Certain Cold-Rolled Steel Flat Products from Japan—Comments on the Preliminary Results of Changed Circumstances Review, and Intent to Revoke Order in Part,'' dated January 18, 2017 (''ArcelorMittal Comments'').

[6] The modified scope was attached as Appendix 1 to the *Preliminary Results.*

[7] *See* Memo to the file, ''Final Results of Changed Circumstances Review, and Revocation of Antidumping Duty Order, in Part—Extension of Final,'' dated February 9, 2017.

[8] *See* Letter from Petitioners to Department, ''Certain Cold-Rolled Steel Flat Products from Japan—Changed Circumstances Review and Partial Revocation Request—Response to the Department's Request to Remove Certain Language from the Proposed Amended Scope of the Order,'' dated February 16, 2017 (''Petitioners' Amendment to Exclusionary Language'').

respect to the merchandise that is subject to this CCR. Accordingly, we are notifying the public of our revocation, in part, of the *Order* as it relates to imports of certain light gauge cold-rolled flat-rolled steel meeting the requirements of ASTM A424 Type 1.

Consistent with the discussion above, we intend to modify the scope of the *Order* to include the following exclusion: [9]

Also excluded from the scope of this order is certain cold-rolled flat-rolled steel meeting the requirements of ASTM A424 Type 1 and having each of the following characteristics:

—Continuous annealed cold-reduced steel in coils with a thickness of between 0.30 mm and 0.36 mm that is in widths either from 875 mm to 940 mm or from 1,168 to 1,232 mm;
a chemical composition, by weight, of:
—not more than 0.004% carbon;
—not more than 0.010% aluminum;
—0.006%–0.010% nitrogen
—0.012%–0.030% boron
—0.010%–0.025% oxygen
—less than 0.002% of titanium;
—less than 0.002% by weight of vanadium;
—less than 0.002% by weight of niobium,
—less than 0.002% by weight of antimony;
—a yield strength of from 179.3 MPa to 344.7 MPa;
—a tensile strength of from 303.7 MPa to 413.7 MPa;
—a percent of elongation of from 28% to 46% on a standard ASTM sample with a 5.08 mm gauge length;
—a product shape of flat after annealing, with flat defined as less than or equal to 1 I unit with no coil set as set forth in ASTM A568, Appendix X5 (alternate methods for expressing flatness).

The full scope of the *Order,* incorporating the exclusion described above, is provided in Appendix 1 of this notice.

Instructions to U.S. Customs and Border Protection (''CBP'')

Because we determine that there are changed circumstances that warrant the revocation of the *Order,* in part, we will instruct CBP to liquidate without regard to antidumping duties, and to refund any estimated antidumping duties on, all unliquidated entries of the merchandise covered by this partial revocation that are not covered by the final results of an administrative review or automatic liquidation.

Notification to Interested Parties

This notice serves as the only 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 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 are issuing and publishing these results of review in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216.

Dated: February 23, 2017.

Carole Showers,

Executive Director, Office of Policy, Policy & Negotiations.

Appendix

The products covered by this order are certain cold-rolled (cold-reduced), flat-rolled steel products, whether or not annealed, painted, varnished, or coated with plastics or other non-metallic substances. The products covered do not include those that are clad, plated, or coated with metal. The products covered include coils that have a width or other lateral measurement (''width'') of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges). For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is 2 percent or less, by weight; and (3) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

- 2.50 percent of manganese, or
- 3.30 percent of silicon, or
- 1.50 percent of copper, or
- 1.50 percent of aluminum, or
- 1.25 percent of chromium, or
- 0.30 percent of cobalt, or
- 0.40 percent of lead, or
- 2.00 percent of nickel, or
- 0.30 percent of tungsten (also called wolfram), or
- 0.80 percent of molybdenum, or
- 0.10 percent of niobium (also called columbium), or
- 0.30 percent of vanadium, or
- 0.30 percent of zirconium.

Unless specifically excluded, products are included in this scope regardless of levels of boron and titanium.

For example, specifically included in this scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (''IF'')) steels, high strength low alloy (''HSLA'') steels, motor lamination steels, Advanced High Strength Steels (''AHSS''), and Ultra High Strength Steels (''UHSS''). IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium and/or niobium added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Motor lamination steels contain micro-alloying levels of elements such as silicon and aluminum. AHSS and UHSS are considered high tensile strength and high elongation steels, although AHSS and UHSS are covered whether or not they are high tensile strength or high elongation steels.

Subject merchandise includes cold-rolled steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cold-rolled steel.

All products that meet the written physical description, and in which the chemistry quantities do not exceed any one of the noted element levels listed above, are within the scope of this order unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this order:

- Ball bearing steels; [10]

[9] The Department adopts the exclusionary language included in the proposed amended scope that Petitioners submitted on December 13, 2016, as modified by the Petitioners' February 16, 2017, submission. *See* Letter from Petitioners to Department, ''Certain Cold-Rolled Steel Flat Products from Japan—Changed Circumstances Review and Partial Revocation Request—Proposed Amended Scope Language,'' dated December 13, 2016, at Attachment; *see also* Petitioners' Amendment to Exclusionary Language; ArcelorMittal Comments at 2–3.

[10] Ball bearing steels are defined as steels which contain, in addition to iron, each of the following elements by weight in the amount specified: (i) Not less than 0.95 nor more than 1.13 percent of carbon;

• Tool steels; [11]
• Silico-manganese steel; [12]
• Grain-oriented electrical steel (''GOES'') as defined in the final determination of the U.S. Department of Commerce in *Grain-Oriented Electrical Steel from Germany, Japan, and Poland*.[13]
• Non-Oriented Electrical Steels (''NOES''), as defined in the antidumping orders issued by the U.S. Department of Commerce in *Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan*.[14]

Also excluded from the scope of this order is ultra-tempered automotive steel, which is hardened, tempered, surface polished, and meets the following specifications:
• Thickness: Less than or equal to 1.0 mm;
• Width: Less than or equal to 330 mm;
• Chemical composition:

Element	C	Si	Mn	P	S
Weight %	0.90–1.05	0.15–0.35	0.30–0.50	Less than or equal to 0.03	Less than or equal to 0.006.

• Physical properties:

Width less than or equal to 150 mm.	Flatness of less than 0.2% of nominal strip width.
Width of 150 to 330 mm.	Flatness of less than 5 mm of nominal strip width.

• Microstructure: Completely free from decarburization. Carbides are spheroidal and fine within 1% to 4% (area percentage) and are undissolved in the uniform tempered martensite;
• Surface roughness: less than or equal to 0.80 to µm Rz;
• Non-metallic inclusion:
▪ Sulfide inclusion less than or equal to 0.04% (area percentage);
▪ Oxide inclusion less than or equal to 0.05% (area percentage); and
• The mill test certificate must demonstrate that the steel is proprietary grade ''PK'' and specify the following:
▪ The exact tensile strength, which must be greater than or equal to 1600 N/mm^2;
• The exact hardness, which must be greater than or equal to 465 Vickers hardness number;
• The exact elongation, which must be between 2.5% and 9.5%; and
• Certified as having residual compressive stress within a range of 100 to 400 N/mm^2.

Also excluded from the scope of this order is certain cold-rolled flat-rolled steel meeting the requirements of ASTM A424 Type 1 and having each of the following characteristics:
• Continuous annealed cold-reduced steel in coils with a thickness of between 0.30 mm and 0.36 mm that is in widths either from 875 mm to 940 mm or from 1,168 to 1,232 mm;
• a chemical composition, by weight, of:
▪ Not more than 0.004% carbon;
▪ not more than 0.010% aluminum;
▪ 0.006%–0.010% nitrogen;
▪ 0.012%–0.030% boron;
▪ 0.010%–0.025% oxygen;
▪ less than 0.002% of titanium;
▪ less than 0.002% by weight of vanadium;
▪ less than 0.002% by weight of niobium;
▪ less than 0.002% by weight of antimony;
• a yield strength of from 179.3 MPa to 344.7 MPa;
• a tensile strength of from 303.7 MPa to 413.7 MPa;
• a percent of elongation of from 28% to 46% on a standard ASTM sample with a 5.08 mm gauge length;
• a product shape of flat after annealing, with flat defined as less than or equal to 1 I unit with no coil set as set forth in ASTM A568, Appendix X5 (alternate methods for expressing flatness).

The products subject to this order are currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers: 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0070, 7209.16.0091, 7209.17.0030, 7209.17.0060, 7209.17.0070, 7209.17.0091, 7209.18.1530, 7209.18.1560, 7209.18.2510, 7209.18.2520, 7209.18.2580, 7209.18.6020, 7209.18.6090, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6090, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7225.50.6000, 7225.50.8080, 7225.99.0090, 7226.92.5000, 7226.92.7050, and 7226.92.8050. The products subject to the order may also enter under the following HTSUS numbers: 7210.90.9000, 7212.50.0000, 7215.10.0010, 7215.10.0080, 7215.50.0016, 7215.50.0018, 7215.50.0020, 7215.50.0061, 7215.50.0063, 7215.50.0065, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.19.0000, 7226.19.1000, 7226.19.9000, 7226.99.0180, 7228.50.5015, 7228.50.5040, 7228.50.5070, 7228.60.8000, and 7229.90.1000. The HTSUS subheadings above are provided for convenience and U.S. Customs and Border Protection purposes only. The written description of the scope of the order is dispositive.

[FR Doc. 2017–04055 Filed 3–1–17; 8:45 am]
BILLING CODE 3510–DS–P

(ii) not less than 0.22 nor more than 0.48 percent of manganese; (iii) none, or not more than 0.03 percent of sulfur; (iv) none, or not more than 0.03 percent of phosphorus; (v) not less than 0.18 nor more than 0.37 percent of silicon; (vi) not less than 1.25 nor more than 1.65 percent of chromium; (vii) none, or not more than 0.28 percent of nickel; (viii) none, or not more than 0.38 percent of copper; and (ix) none, or not more than 0.09 percent of molybdenum.

[11] Tool steels are defined as steels which contain the following combinations of elements in the quantity by weight respectively indicated: (i) More than 1.2 percent carbon and more than 10.5 percent chromium; or (ii) not less than 0.3 percent carbon and 1.25 percent or more but less than 10.5 percent chromium; or (iii) not less than 0.85 percent carbon and 1 percent to 1.8 percent, inclusive, manganese; or (iv) 0.9 percent to 1.2 percent, inclusive, chromium and 0.9 percent to 1.4 percent, inclusive, molybdenum; or (v) not less than 0.5 percent carbon and not less than 3.5 percent molybdenum; or (vi) not less than 0.5 percent carbon and not less than 5.5 percent tungsten.

[12] Silico-manganese steel is defined as steels containing by weight: (i) Not more than 0.7 percent of carbon; (ii) 0.5 percent or more but not more than 1.9 percent of manganese, and (iii) 0.6 percent or more but not more than 2.3 percent of silicon.

[13] *See Grain-Oriented Electrical Steel from Germany, Japan, and Poland: Final Determinations of Sales at Less Than Fair Value and Certain Final Affirmative Determination of Critical Circumstances,* 79 FR 42501, 42503 (July 22, 2014) (''*Grain-Oriented Electrical Steel from Germany, Japan, and Poland*''). This determination defines grain-oriented electrical steel as ''a flat-rolled alloy steel product containing by weight at least 0.6 percent but not more than 6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, in coils or in straight lengths.''

[14] *See Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan: Antidumping Duty Orders,* 79 FR 71741, 71741–71742 (December 3, 2014) (''*Non-Oriented Electrical Steel from the People's Republic of China, Germany, Japan, the Republic of Korea, Sweden, and Taiwan*''). The orders define NOES as ''cold-rolled, flat-rolled, alloy steel products, whether or not in coils, regardless of width, having an actual thickness of 0.20 mm or more, in which the core loss is substantially equal in any direction of magnetization in the plane of the material. The term 'substantially equal' means that the cross grain direction of core loss is no more than 1.5 times the straight grain direction (*i.e.,* the rolling direction) of core loss. NOES has a magnetic permeability that does not exceed 1.65 Tesla when tested at a field of 800 A/m (equivalent to 10 Oersteds) along (*i.e.,* parallel to) the rolling direction of the sheet (*i.e.,* B800 value). NOES contains by weight more than 1.00 percent of silicon but less than 3.5 percent of silicon, not more than 0.08 percent of carbon, and not more than 1.5 percent of aluminum. NOES has a surface oxide coating, to which an insulation coating may be applied.''

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Application and Reports for Registration as a Tanner Agent.

OMB Control Number: 0648–0179.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 12.

Average Hours per Response: 2 hours each, for applications and reports.

Burden Hours: 24.

Needs and Uses: This request is for extension of a currently approved information collection.

The Marine Mammal Protection Act exempts Alaskan natives from the prohibitions on taking, killing, or injuring marine mammals if the taking is done for subsistence or for creating and selling authentic native articles of handicraft or clothing. The natives need no permit, but non-natives who wish to act as a tanner or agent for such native products must register with NOAA and maintain and submit certain records. The information is necessary for law enforcement purposes.

Affected Public: Business or other for-profit organizations; state, local or tribal government.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: February 24, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–04020 Filed 3–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Chesapeake Bay Watershed Environmental Literacy Indicator Tool.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 503.

Average Hours per Response: 90 minutes.

Burden Hours: 528, annualized.

Needs and Uses: This request is for a new information collection.

The Chesapeake Bay Watershed Agreement of 2014 requires monitoring of progress towards the environmental literacy goal: ''Enable students in the region to graduate with the knowledge and skills needed to act responsibly to protect and restore their local watersheds.'' The National Oceanic and Atmospheric Administration (NOAA), on behalf of the Chesapeake Bay Program, will ask the state education agencies for Maryland, Pennsylvania, Delaware, Virginia, West Virginia, and the District of Columbia to survey their local education agencies (LEAs) to determine: (1) LEA capacity to implement a comprehensive and systemic approach to environmental literacy education, (2) student participation in Meaningful Watershed Educational Experiences during the school year, (3) sustainability practices at schools, and (4) LEA needs for improving environmental literacy education programming. LEAs (generally school districts, in some cases charter school administration) are asked to complete the survey on the status of their LEA on a set of key indicators for the four areas listed above. One individual from each LEA is asked to complete this survey once every two years.

Affected Public: State, local or tribal government.

Frequency: Biennially.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: February 24, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–04021 Filed 3–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE943

Atlantic Highly Migratory Species; Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: On November 16, 2016, NMFS published a Notice of Intent (NOI) announcing our intent to issue exempted fishing permits (EFPs), scientific research permits (SRPs), letters of acknowledgement (LOAs), and display permits for research regarding highly migratory species (HMS) in 2017. In the NOI, NMFS requested comments regarding the issuance of EFPs and LOAs for HMS research. In general, EFPs and related permits would authorize collection of a limited number of tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico for the purposes of scientific data collection and public display. Comments were accepted on the NOI until December 16, 2016, and many of the comments received were related to white shark research and the need to provide additional opportunity for public review of such research before permits are issued. In this notice, NMFS summarizes public comments received on the initial NOI, and announces the receipt of applications for permits under the EFP program to conduct research on white sharks during 2017. NMFS invites additional public comment on these requests.

DATES: Written comments must be received on or before April 3, 2017.

ADDRESSES: Comments may be submitted by either of the following methods:

- *Email: nmfs.hms.efp2017@noaa.gov.* Include in the subject line the following identifier: 0648–XE943.
- *Mail:* Craig Cockrell, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Craig Cockrell at (301) 427–8503. The comments received on the NOI that published in November 2016, the **Federal Register** notice, and the applications for EFPs received to date may be found on the HMS Management Division's Web site at: *http://*

www.nmfs.noaa.gov/sfa/hms/compliance/efp/index.html.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 2016 (81 FR 80646), NMFS published a Notice of Intent (NOI) announcing the intent to issue EFPs, scientific research permits (SRP), display permits, LOAs, and chartering permits for the collection and tagging of a limited number of tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico for the purposes of scientific data collection and public display.

Regulations specify that ''NMFS may authorize activities otherwise prohibited by the regulations contained in this part for the conduct of scientific research, the acquisition of information and data, the enhancement of safety at sea, the purpose of collecting animals for public education or display, the investigation of bycatch, economic discard and regulatory discard, or for chartering arrangements.'' 50 CFR 635.32(a)(1). During the comment period for the November 2016 NOI, NMFS received numerous comments regarding previous years' white shark research in Federal waters, focusing primarily on concerns about the need for coordination among researchers regarding the potential effects of one project on another. The volume of these comments indicated to us that any EFPs or SRP applications involving white sharks in 2017 should be considered ''controversial'' and would warrant an additional opportunity for public comment, which we would consider before issuing the permits.

Summary of Comments

In response to the NOI, NMFS received comments regarding white shark research in Federal waters and impacts to existing research being conducted in state or Federal waters. A number of the comments requested that NMFS consult with the public before issuing permits for white shark research for the purpose of expressing concerns related to the specifics of those EFP applications (*e.g.,* any potential interference with ongoing white shark research). Additionally, many of the comments specifically mentioned interactions between the Commonwealth of Massachusetts mark-recapture study on white sharks in their state waters and the research activities being conducted by the research group OCEARCH in adjacent Federal waters. NMFS also received a comment in support of issuing an EFP to a purse seine fishery participant and two comments in support of the continued issuance of display permits for Atlantic HMS.

In 2016, NMFS issued an SRP to OCEARCH to tag and collect tissue samples from a variety of sharks in Federal waters of the Gulf of Mexico and Atlantic Ocean, including white, tiger, great hammerhead, smooth hammerhead, bull, sand tiger, shortfin mako, longfin mako, oceanic whitetip, blue, silky, and Caribbean reef sharks. In mid-September, OCEARCH moved to Federal waters off the coast of Massachusetts and began their tagging and collection activities. NMFS was not aware of any potential conflict between OCEARCH's shark research in Federal waters and the Commonwealth of Massachusetts white shark research in state waters until after the 2016 SRP had been issued and the research was underway. Once it became clear that OCEARCH was intending to conduct research in Federal waters just outside of Massachusetts state waters, the state and other organizations expressed concern regarding the potential impact of OCEARCH's tagging activities on the state's mark-recapture study.

Current Applications for White Shark Research

In 2016, NMFS issued an SRP to OCEARCH because the group was deploying archival tags on Atlantic sharks, and the regulations in place at the time specifically required written authorization for such activities. Due to the final rule modifying archival tag permitting and reporting requirements (August 19, 2016, 81 FR 55376), OCEARCH no longer needs an SRP for its tagging activities, as archival tagging activities no longer require written authorization from NMFS. NMFS recently received an application for OCEARCH to conduct tagging and non-lethal biological sampling activities within Federal waters in 2017. Because the Magnuson-Stevens Fishery Conservation and Management Act states that scientific research activity conducted on a scientific research vessel is not defined as ''fishing'' under the Act, NMFS does not otherwise require a permit for the research activities and would consider issuing a LOA to OCEARCH and its associated scientists after reviewing their research plan. An LOA only acknowledges the activity as scientific research, but NMFS has in the past requested that applicants comply with certain terms and conditions, usually in association with Endangered Species Act requirements. Since research is not considered fishing, there would be no regulatory exemptions or limitations on fishing gear or fishing areas (within Federal waters) as long as the activities being conducted are consistent with the research plan provided to NMFS.

In addition to the application from OCEARCH, NMFS has received one application from Dr. Gregory Skomal, Massachusetts Division of Marine Fisheries, to conduct research on white sharks from both research vessels and recreational vessels. Dr. Skomal and associated researchers would examine the fine- and broad-scale movements of several shark species by tagging them with an acoustic transmitter, M-tag, and/or a satellite tag. Non-lethal biological samples (*e.g.,* blood samples, fin clips) would also be collected from the tagged sharks. The research would be conducted in Federal waters from Florida to Maine. NMFS expects that this research would require an EFP if issued because part of this research would be conducted from private vessels, not bona-fide research vessels. NMFS invites comments on this specific application and the impacts it may pose to other research being conducted on white sharks in the Atlantic, including the Gulf of Mexico and Caribbean Sea.

NMFS notes that before issuing any EFP or SRP, NMFS does consider whether environmental impacts or socioeconomic impacts will occur beyond the existing analyses and whether additional consultation or analyses are needed over the impacts. Absent such impacts, we do not conduct detailed analyses about the impact of one research project on another. Coordination among researchers regarding research goals, methodologies, and research areas and practices is primarily the responsibility of the researchers themselves.

Comments must be submitted by April 3, 2017. For more information about the applications, see **FOR FURTHER INFORMATION CONTACT**.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: February 24, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04010 Filed 3–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF101

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Seabird and Shorebird Monitoring and Research at the Eastern Massachusetts National Wildlife Refuge Complex, Massachusetts

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Eastern Massachusetts (MA) National Wildlife Refuge (NWR) Complex, U.S. Fish and Wildlife Service (USFWS) to incidentally harass, by Level B harassment only, marine mammals during seabird and shorebird monitoring and other research activities in the Eastern MA NWR Complex (Complex).

DATES: This Authorization is effective from April 1, 2017 through March 31, 2018.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from the USFWS's monitoring and research activities. A Finding of No Significant Impact (FONSI) was signed in March 2017. A copy of the EA and FONSI is available on our Web site at *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

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

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the MMPA of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

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

Summary of Request

On March 16, 2016, NMFS received an application from the USFWS for the taking of marine mammals incidental to seabird and shorebird monitoring and research activities within the Complex. NMFS received updated applications on September 14 and December 16, 2016 with updated take numbers and mitigation measures. NMFS determined the application complete and adequate on December 29, 2016.

The USFWS plans to conduct seabird and shorebird monitoring and research at several locations within the Complex over a varying number of days for each project. This authorization, will be valid for one year, beginning on April 1, 2017. The following specific aspects of the planned activities would likely result in the disturbance of marine mammals: (1) Vessel landings; (2) research activities (*e.g.,* cannon nets, sign installation); and (3) human presence. Thus, NMFS anticipates that take, by Level B harassment only, of gray seals (*Halichoerus grypus grypus*) and harbor seals (*Phoca vitulina concolor*) could result from the specified activity.

Description of the Specified Activity

Overview

The USFWS plans to conduct biological tasks for refuge purposes at Monomoy NWR, Nantucket NWR, and Nomans Land Island NWR in MA. These three refuges are managed through the Complex as part of the NWR System of the USFWS. Complex staff census and monitor the presence and productivity of breeding and migrating shorebirds using the beaches of Monomoy, Nantucket, and Nomans Land Island NWRs from April 1–November 30, annually. Monitoring activities occur daily (on Monomoy and Nantucket) from April–August and are necessary to document the productivity (number of chicks fledged per pair) and population of protected shorebird and seabird species. Monomoy NWR also participates in several less frequent, but equally important, high priority conservation tasks to monitor for threatened and endangered species, including censusing northeastern beach tiger beetles (*Cicindela dorsalis*) and participating in a red knot (*Calidris canutus*) migration study during southward migration. Additionally, both Monomoy and Nantucket NWRs serve as vital staging grounds for migrating roseate terns (*Sterna dougallii*), where USFWS staff resight and stage counts. A detailed description of the planned monitoring and research project is provided in the **Federal Register** notice for the proposed IHA (82 FR 3738; January 12, 2017). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity, including the dates and duration and the specified geographic region.

Comment and Responses

A notice of NMFS's proposal to issue an IHA to the USFWS was published in the **Federal Register** on January 12, 2017 (82 FR 3738). That notice described, in detail, the USFWS's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission. The Marine Mammal Commission recommended that NMFS issue the IHA, subject to inclusion of the proposed mitigation, monitoring, and reporting measures as described in our notice of proposed IHA and the application. All measures proposed in the initial **Federal Register** notice are included within the IHA.

Sound Sources and Sound Characteristics

NMFS does not expect acoustic stimuli to result from human presence, and therefore, will not have the potential to harass marine mammals, incidental to the conduct of the planned activities. One activity (cannon nets) will have an acoustic component, but take from this activity can be avoided through implementation of mitigation.

This section includes a brief explanation of the sound measurements frequently used in the discussions of acoustic effects in this notice. Sound pressure is the sound force per unit area and is usually measured in micropascals (μPa), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of 1 square meter (m). Sound pressure level (SPL) is the ratio of a measured sound pressure and a reference level. The commonly used reference pressure is 20 μPa for in air, and the units for SPLs are dB re: 20 μPa.

SPL (in decibels (dB)) = 20 log (pressure/reference pressure).

SPL is an instantaneous measurement expressed as the peak, the peak-peak, or the root mean square (rms). Root mean square is the square root of the arithmetic average of the squared instantaneous pressure values. All references to SPL in this document refer to the root mean square unless otherwise noted. SPL does not take into account the duration of a sound.

Research Activities Sound Characteristics

Activities that have an acoustic component (*e.g.,* cannon nets) are not expected to reach the thresholds for Level B harassment. Cannon nets are an airborne source of noise, and have a measured source level (SL) of 128 dB at one m (estimated based on a measurement of 98.4 dB at 30 m; L. Niles, pers. comm., December 2016); however, based on calculations using the SL and spherical spreading, the SPL is expected to be less than the thresholds for airborne pinniped disturbance (*e.g.* 90 dB for harbor seals, and 100 dB for all other pinnipeds) at 25 m and 80 m from the source, respectively. The USFWS will stay at least 100 m from all pinnipeds if cannon nets are used for research purposes.

Description of Marine Mammals in the Area of the Specified Activity

Table 1 provides the following information: All marine mammal species with possible or confirmed occurrence in the activity area; information on those species' regulatory status under the MMPA and the ESA of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the activity area. A detailed description of the species likely to be affected by the USFWS's project, including brief introductions to the species and relevant stocks, available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (82 FR 3738; January 12, 2017); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to the draft 2016 NMFS Marine Mammal Stock Assessment Report available online at: *http://www.nmfs.noaa.gov/pr/sars/* for further information on the biology and distribution of these species.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY HAUL OUT ON NORTHWEST SEAL ROCK, NOVEMBER 2015 THROUGH NOVEMBER 2016

Species	Stock	Regulatory status [1] [2]	Stock abundance (CV, N_{min}, most recent abundance survey) [3]	PBR	Occurrence and seasonality
Gray seal (*Halichoerus grypus grypus*)	Western North Atlantic.	MMPA–NC ESA–NL.	505,000 (unk; unk; unk) *.	unk	Year-round presence.
Harbor seal (*Phoca vitulina concolor*) ...	Western North Atlantic.	MMPA–NC ESA–NL.	75,834 (0.15; 66,884; 2012).	2,006	Occasional.

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] 2016 draft NMFS Stock Assessment Reports: Waring *et al.* (2016).
* The Western North Atlantic stock of gray seals is comprised of the Canadian and U.S. populations. The U.S. population abundance estimate is unknown, but the Canadian population abundance estimate is 505,000. The 2016 draft SAR states that the western North Atlantic stock is equivalent to the Canada population.

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

The effects of airborne noise and visual disturbance from monitoring and research activities for the USFWS's project have the potential to result in behavioral harassment of marine mammals in the vicinity of the action area. The **Federal Register** notice for the proposed IHA (82 FR 3738; January 12, 2017) included a discussion of the effects of anthropogenic noise and visual disturbance on marine mammals, therefore that information is not repeated here; please refer to that **Federal Register** notice for that information.

Anticipated Effects on Marine Mammal Habitat

The main impact associated with the USFWS's project would be visual and acoustic disturbance from human presence, vessels, and potential cannon nets. The project would not result in permanent impacts to habitats used directly by marine mammals, such as haulout sites, or short-term impacts to food sources, but may have minor impacts to the immediate substrate during installation of signage during the monitoring and research project. These potential effects are discussed in detail in the **Federal Register** notice for the proposed IHA (82 FR 3738; January 12, 2017, therefore that information is not repeated here; please refer to that **Federal Register** notice for that information.

Mitigation Measures

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking'' for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or

stocks, their habitat (50 CFR 216.104(a)(11)).

Time and Frequency: The USFWS plans to conduct research activities throughout the course of the year between April 1 and November 30, 2017.

Vessel Approach and Timing Techniques: The USFWS will ensure that its vessel approaches to beaches with pinniped haul outs are conducted so as to minimize or avoid disturbing marine mammals. To the extent possible, the vessel should approach the beaches in a slow and controlled approach, as far away as possible from haul outs to prevent or minimize flushing. Staff will also avoid or proceed cautiously when operating boats in the direct path of swimming seals that may be present in the area.

Avoidance of Acoustic Impacts from Cannon Nets: Cannon nets have a measured SL of 128 dB at one m (estimated based on a measurement of 98.4 dB at 30 m; L. Niles, pers. comm., December 2016); however, the SPL is expected to be less than the thresholds for airborne pinniped disturbance (*e.g.* 90 dB for harbor seals, and 100 dB for all other pinnipeds) at 80 m from the source. The USFWS will stay at least 100 m from all pinnipeds if cannon nets are to be used for research purposes.

Avoidance of Visual and Acoustic Contact with People: The USFWS will instruct its members and research staff to avoid making unnecessary noise and not visually reveal themselves to pinnipeds whenever practicable. USFWS staff will stay at least 50 m from hauled out pinnipeds, unless it is absolutely necessary to approach seals closer in order to continue conducting endangered species conservation work. When disturbance is unavoidable, staff will work quickly and efficiently to minimize the length of disturbance. Researchers and staff will do so by proceeding in a slow and controlled manner, which allows for the seals to slowly flush into the water. Staff will also maintain a quiet working atmosphere, avoiding loud noises, and using hushed voices in the presence of hauled-out pinnipeds. Pathways of approach to the desired study or nesting site will be chosen to minimize seal disturbance if an activity event may result in the disturbance of seals. USFWS staff will scan the surrounding waters near the haul outs, and if predators (*i.e.,* sharks) are seen, seals will not be flushed by USFWS staff.

Researchers, USFWS staff, and volunteers will be properly informed about the MMPA take prohibitions, and will educate the public on the importance of not disturbing marine mammals, when applicable. Staff at Nantucket NWR will remain present on the beaches utilized by pinnipeds to prevent anthropogenic disturbance during times of high public use (late spring–early fall). Staff at Monomoy NWR will also be present on beaches utilized by seals during the same time of year, and will inform the public to keep a distance from haul outs if an issue is noticed. Similar to the USFWS, the National Park Service also takes precautionary mitigation to help prevent seal take by the public. In August and on the weekends in September, staff and volunteers are present on the National Seashore beaches to share with the public the importance of preventing disturbance to seals by keeping people at a proper viewing distance of at least 50 m.

The presence/proximity of seal haul outs and the loud sound created by the firing of cannon nets are taken into consideration when selecting trapping sites for the Red Knot Stopover Study. Trapping sites are decided based on the presence of red knots, the number of juveniles located within roosts, and the observation of birds with attached geolocators and flags. Trapping will not take place on sites where there is a strong possibility of disturbing seals (*i.e.,* closer than 100 m). The Red Knot Stopover Study occurs during the time of year (July–Sept) when the least number of seals are present at the activity sites.

Mitigation Conclusions

NMFS has carefully evaluated the USFWS's mitigation measures in the context of ensuring that we prescribe the means of affecting the least practicable impact on the affected marine mammal species and stocks and their habitat. The evaluation of potential measures included consideration of the following factors in relation to one another:

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

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to vessel or visual presence that NMFS expects to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals exposed to vessel or visual presence that NMFS expects to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to vessel or visual presence that NMFS expects to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of the USFWS's planned measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring Measures

In order to issue an incidental take authorization for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for IHAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that NMFS expects to be present in the action area.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

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

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

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

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

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

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

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

8. An increase in the probability of detecting marine mammals (through improved technology or methodology) to better achieve the above goals.

The USFWS will conduct marine mammal monitoring, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the IHA. The USFWS submitted a marine mammal monitoring plan in Section 13 and Appendix A of their IHA application. These include:

Monitoring seals as project activities are being conducted. Monitoring requirements in relation to the USFWS's planned activities will include species counts, numbers of observed disturbances, and descriptions of the disturbance behaviors during the research activities, including location, date, and time of the event. In addition, the USFWS will record observations regarding the number and species of any marine mammals either observed in the water or hauled out. Behavior of seals will be recorded on a three point scale (1 = alert reaction; not considered harassment, 2 = moving at least 2 body lengths, or change in direction >90 degrees, 3 = flushing) (Table 2). USFWS staff will also record and report all observations of sick, injured, or entangled marine mammals on Monomoy NWR to the International Fund for Animal Welfare (IFAW) marine mammal rescue team, and will report to NOAA if injured seals or unusual species of marine mammals are found at Nantucket NWR and Nomans NWR. Tagged or marked marine mammals will also be recorded and reported to the appropriate research organization or federal agency. Photographs will be taken when possible. This information will be incorporated into a report for NMFS at the end of the season. The USFWS will also coordinate with any university, state, or federal researchers to attain additional data or observations that may be useful for monitoring marine mammal usage at the activity sites.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any kind of any other marine mammal occurs, and such action may be a result of the USFWS's activities, the USFWS will suspend research activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

TABLE 2—DISTURBANCE SCALE OF PINNIPED RESPONSES TO IN-AIR SOURCES TO DETERMINE TAKE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2*	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3*	Flush	All retreats (flushes) to the water.

* Only Levels 2 and 3 are considered take, whereas Level 1 is not.

Reporting Measures

The USFWS will submit a draft report to NMFS' Office of Protected Resources no later than 90 days after the expiration of the IHA. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA. The USFWS will submit a final report to the NMFS within 30 days after receiving comments from NMFS on the draft report. If the USFWS receives no comments from NMFS on the report, NMFS will consider the draft report to be the final report.

The report will describe the operations conducted and sightings of marine mammals near the project activities. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report will provide:

1. A summary and table of the dates, times, and weather during all research activities.

2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities.

3. An estimate of the number (by species) of marine mammals exposed to human presence associated with the USFWS's activities.

4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (*e.g.,* stampede), USFWS personnel shall immediately cease the specified activities and immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Northeast Regional Stranding Coordinator. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

The USFWS shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with the USFWS to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The USFWS may not resume their activities until notified by us via letter, email, or telephone.

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

In the event that the USFWS discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the USFWS will report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Northeast Regional Stranding Coordinator within 24 hours of the discovery. The USFWS personnel will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. The USFWS can continue their survey activities while NMFS reviews the circumstances of the incident.

Estimated Take by Incidental Harassment

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

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. NMFS expects that the mitigation and monitoring measures will minimize the possibility of injurious or lethal takes. NMFS considers the potential for take by injury, serious injury, or mortality as remote. NMFS expects that the presence of the USFWS personnel could disturb animals hauled out on beaches near research activities and that the animals may alter their behavior or attempt to move away from the USFWS personnel.

As discussed earlier, NMFS assumes that pinnipeds that move greater than two body lengths to longer retreats over the beach, or if already moving, a change of direction of greater than 90 degrees in response to the presence of surveyors, or pinnipeds that flush into the water, are behaviorally harassed, and thus subject to Level B taking (Table 2). NMFS estimates that 39,666 gray seals will be taken, by Level B harassment, over the course of the IHA (Table 3).

This estimate is based on the number of seals observed in past research years that have been flushed during research activities. USFWS biologists used their knowledge of the number of seals that use the haul outs near their research activities, and how many of those may be taken (Levels 2 and 3 on the disturbance scale). The majority of takes will occur on Monomoy NWR, which is one of the main haul outs for gray seals in the country. While the average number of gray seals present (in regards to Monomoy NWR) is less than observed counts (B. Josephson, NOAA, personal communication), not every hauled-out seal on the beach is impacted from each activity and not all seals are impacted from every activity event. This is especially true for Monomoy NWR because the seal haul out stretches across over four miles of beach. For example, the gray seal counts on Monomoy NWR are very high, but the beaches are very large, and most of the work takes place on the upper berm close to the dune (farther away from seals). During April and May when seals are hauled out in very large numbers on the refuge, they may be present at beaches of varying width, between 30 m and 300 m. In narrower areas, all of the seals may be flushed; in mid-width areas, some of the younger and smaller seals may flush, but large males may remain on the beach; and in the widest area, USFWS activities may have no impact at all on the hauled out seals. Also, the amount of disturbance to seals may vary based on staff activities (*e.g.,* if project activities require staff to walk quickly through an area versus spending more time in one area close to seals). Take numbers were estimated from the number of seals using the refuge and the times that the activity might overlap with seal use areas. For example, most of the staging counts are not done in areas where seals haul out so the number of disturbances is very low during this task. Group size also played into the estimates. USFWS staff would impact a smaller number of seals during times of the year when group sizes are smaller (*e.g.,* outside of April and May). USFWS staff who have conducted these activities for multiple years is provide best information available to us about the number of takes these activities may cause. In this IHA, we have included monitoring requirements that should inform our take numbers in future years.

The take numbers for gray seals is thought to be conservative, and likely an overestimate. USFWS staff believe these estimates are realistic and do not expect to exceed the take numbers.

TABLE 3—ESTIMATED NUMBER OF GRAY SEAL TAKES PER ACTIVITY AT MONOMOY, NANTUCKET, AND NOMANS LAND ISLAND NWRS

Gray seal			
Age: all		Sex: Male & female	
	Number takes/event [a]	Number events/activity [b]	Total takes
Shorebird and Seabird Monitoring & Research	1000 (Monomoy) 50 (Nantucket) 10 (Nomans)	34 (Monomoy) 8 (Nantucket) 3 (Nomans)	34,430
Roseate Tern Staging Counts & Resighting	10 (Monomoy) 10 (Nantucket)	6 (Monomoy) 4 (Nantucket)	100
Red Knot Stopover Study	250 (Monomoy) 150 (CACO)	5 (Monomoy) 5 (CACO)	2,000
Northeastern beach tiger beetle Census	750 (Monomoy)	3 (Monomoy)	2,250
Coastal Shoreline Change Survey	500 (Monomoy)	1 (Monomoy)	500
			39,280

[a] Number of takes/event are estimates based on NOAA unpublished data (B. Josephson, personal communication) and USFWS field observations.
[b] Number of events/activity were calculated using the numbers in Table 1 of the USFWS's application for each site location and duration.

NMFS estimates that 1,964 harbor seals could be affected by Level B behavioral harassment over the course of the IHA. USFWS staff estimate that of all of the seals hauled out in mixed species haul outs, approximately five percent are harbor seals. We estimated the number of Level B takes of harbor seals by taking 5 percent of the total takes of gray seals (*i.e.,* 5 percent of 39,280 is 1,964). These incidental harassment take numbers represent less than three percent of the affected stocks of harbor seals and less than eight percent of the stock of gray seals (Table 4). However, actual take may be slightly less if animals decide to haul out at a different location for the day or if animals are foraging at the time of the survey activities. The number of individual seals taken is also assumed to be less than the take estimate since these species show high philopatry (Waring *et al.,* 2016; Wood *et al.,* 2011). We expect the take numbers to represent the number of exposures, but assume that the same seals may be behaviorally harassed over multiple days, and the likely number of individual seals that may be harassed will be less. For example, the maximum number of seals observed hauled out on Monomoy NWR during the year is 19,166 (B. Josephson, NOAA, personal communication); therefore, we expect the actual number of individual takes to be closer to that number for activities at Monomoy NWR. Raw counts are not available for Nantucket NWR and Nomans NWR.

TABLE 4—THE PERCENTAGE OF STOCK AFFECTED BY THE NUMBER OF TAKES PER SPECIES

Species	Take number	Stock abundance	Percent of stock
Gray seal (*Halichoerus grypus grypus*)	39,280	* 505,000	7.78
Harbor seal (*Phoca vitulina concolor*)	1,964	75,834	2.59

* The Western North Atlantic stock of gray seals is comprised of the Canadian and U.S. populations. The U.S. population abundance estimate is unknown, but the Canadian population abundance estimate is 505,000. The 2016 draft SAR states that the western North Atlantic stock is equivalent to the Canada population.

Because of the required mitigation measures and the likelihood that some pinnipeds will avoid the area, NMFS does not expect any injury, serious injury, or mortality to pinnipeds to occur and NMFS has not authorized take by Level A harassment for this activity.

Analysis and Determinations

Negligible Impact

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

Although the USFWS's survey activities may disturb a small number of marine mammals hauled out on beaches in the Complex, NMFS expects those impacts to occur to a localized group of animals. Marine mammals would likely become alert or, at most, flush into the water in reaction to the presence of the USFWS's personnel during the activities. Much of the disturbance will be limited to a short duration, allowing marine mammals to reoccupy haul outs within a short amount of time. Thus, the planned activities are unlikely to result in long-term impacts such as permanent abandonment of the area because of the availability of alternate areas for pinnipeds to avoid the resultant acoustic and visual disturbances from the research activities

The USFWS's activities will occur during the least sensitive time (*e.g.,*

April through November, outside of the pupping season) for hauled out pinnipeds in the Complex. Thus, pups or breeding adults will not be present during the planned activity days. If mothers and pups are observed, USFWS staff will avoid disturbing them by rescheduling surveys, if possible, or by refraining from activities that may cause disturbance (*e.g.,* large movements or flushing).

Moreover, the USFWS's mitigation measures regarding vessel approaches and procedures that attempt to minimize the potential to harass the seals will minimize the potential for flushing and large-scale movements. Thus, the potential for large-scale movements and flushing leading to injury, serious injury, or mortality is low.

In summary, NMFS anticipates that impacts to hauled-out pinnipeds during the USFWS's planned research activities would be behavioral harassment of limited intensity (*i.e.,* temporary flushing at most). NMFS does not expect stampeding, and therefore does not expect injury or mortality to occur (see *Mitigation Measures* for more details). Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the USFWS's survey activities will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that the USFWS's planned activities could potentially affect, by Level B harassment only, two species of marine mammal under our jurisdiction. For each species, these estimates are small numbers (less than three percent of the affected stock of harbor seals and less than eight percent of the stock of gray seals) relative to the population size (Table 4). As stated before, the number of individual seals taken is also assumed to be less than the take estimate (number of exposures) since we assume that the same seals may be behaviorally harassed over multiple days.

Based on the analysis contained in this notice of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that the USFWS's activities will take small numbers of marine mammals relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

NMFS does not expect that the USFWS's planned research activities will affect any species listed under the ESA. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

NMFS prepared an EA and analyzed the potential impacts to marine mammals that may result from the USFWS's monitoring and research activities. A FONSI was signed in February 2017. A copy of the EA and FONSI is available on our Web site at *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

Authorization

NMFS has issued an IHA to the USFWS for the potential harassment of small numbers of two marine mammal species incidental to the seabird and shorebird monitoring and other research activities in the Complex, provided the previously mentioned mitigation, monitoring and reporting.

Dated: February 24, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–04002 Filed 3–1–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11:00 a.m., Thursday, March 9, 2017.

PLACE: Three Lafayette Centre, 1155 21st Street NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, enforcement, and examinations matters. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Natise Allen,

Executive Assistant.

[FR Doc. 2017–04113 Filed 2–28–17; 11:15 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Grant Exclusive Patent License to Diamond B Technology Solutions, LLC; Billings, MT

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army hereby gives notice of its intent to grant to Diamond B Technology Solutions, LLC; a corporation having its principle place of business at 3529 Gabel Rd., Billings, MT 59102, an exclusive license.

DATES: Written objections must be filed not later than 15 days following publication of this announcement.

ADDRESSES: Send written objections to U.S. Army Research Laboratory Technology Transfer and Outreach Office, RDRL–DPT/Thomas Mulkern, Building 321 Room 110, Aberdeen Proving Ground, MD 21005–5425.

FOR FURTHER INFORMATION CONTACT: Thomas Mulkern, (410) 278–0889, E-Mail: *ORTA@arl.army.mil*

SUPPLEMENTARY INFORMATION: The Department of the Army plans to grant an exclusive license to Diamond B Technology Solutions, LLC in all fields of use relative to the following: ''System to Evaluate Airborne Hazards'', US Patent Application No.: 13/452,047, Filing Date April 20, 2012.

The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the U.S. Army Research Laboratory receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). Competing applications completed and received by the U.S. Army Research Laboratory within fifteen (15) days from the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to

the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–03947 Filed 3–1–17; 8:45 am]

BILLING CODE 5001–03–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: *Date and Time:* The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 9, 2017, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009.

The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- February 9, 2017

B. Report

- Annual FCS Funding Update

Dated: February 28, 2017.

Mary Alice Donner,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 2017–04140 Filed 2–28–17; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0972]

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 the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 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 Office of Management and Budget (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 Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

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: 3060–0972.

Title: Multi-Association Group (MAG) Plan Order, Parts 54 and 69 Filing Requirements for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers.

Form Number(s): N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 202 respondents; 69 responses.

Estimated Time per Response: 20–90 hours.

Frequency of Response: On occasion and three year reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority is contained in 47 U.S.C. 1–4, 10, 154(i), 154(j), and 201–205.

Total Annual Burden: 1,512 hours.

Total Annual Cost: $55,500.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to

be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Following the passage of the Telecommunications Act of 1996, the Commission adopted interstate access charge and universal service support reforms. These reforms were designed to establish a ''pro-competitive, deregulatory national policy framework'' for the United States telecommunications industry. Specifically, the Commission aligned the interstate access rate structure more closely with the manner in which costs are incurred, and created a universal service support mechanism for rate-of-return carriers (Interstate Common Line Support (ICLS)) to replace implicit support in interstate access charges with explicit support that is portable to all eligible telecommunications carriers. To administer the ICLS mechanism, the Universal Service Administrative Company required, among other things, that rate-of-return carriers collect projected cost and revenue data. In addition, carriers are required to submit tariff data, including certain cost studies, to ensure that their rates are just and reasonable.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2017–04060 Filed 3–1–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012365–001.

Title: Volkswagen Konzernlogistik GmbH & Co. OHG/NYK Line Space Charter Agreement.

Parties: Volkswagen Konzernlogistik GmBH & Co. OHG and Nippon Yusen Kaisha.

Filing Party: Kristen Chung; NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The amendment expands the geographic scope of the Agreement to cover all trades between the United States and any foreign country.

Agreement No.: 012367–004.

Title: MSC/Maersk Line Trans-Atlantic Space Charter Agreement.

Parties: Maersk Line A/S and MSC Mediterranean Shipping Company S.A.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Conner; 1200 19th Street NW.; Washington, DC 20036.

Synopsis: The amendment revises the amount of space being chartered under the Agreement.

Agreement No.: 012467.

Title: Weco Ro/Ro/Liberty Global Logistics LLC Space Charter Agreement.

Parties: Liberty Global Logistics LLC and Weco Ro/Ro.

Filing Party: Brooke Shapiro; Winston & Strawn LLP; 200 Park Avenue; New York, NY 10166.

Synopsis: The Agreement permits Liberty Global Logistics LLC and Weco Ro/Ro to charter space to and from one another on their respective vessels on an ''as needed/as available'' basis, up to the full reach of the vessel, to/from ports and points in the U.S., Mexico, Algeria, Morocco, Spain, Italy, Turkey, Lebanon, Egypt, Jordan, Saudi Arabia, and the United Arab Emirates.

Agreement No.: 012469.

Title: East Coast Gateway Terminal Agreement.

Parties: Virginia Port Authority and Georgia Ports Authority.

Filing Party: Paul Heylman; Saul Ewing LLP; 1919 Pennsylvania Ave. NW., Suite 550; Washington, DC 20006.

Synopsis: The Agreement authorizes Virginia Port Authority and Georgia Ports Authority to engage in discussions about marketing and commercial opportunities regarding carriers, operating systems and cargo handling, as well as permit them to enter into discussions with carriers, et al., as a single party.

Agreement No.: 012470.

Title: COSCO Shipping/PIL Slot Exchange Agreement—PNW/PSW.

Parties: COSCO Shipping Lines Co., Ltd. and Pacific International Lines (PTE) Ltd.

Filing Party: Eric Jeffrey; Nixon Peabody LLP; 799 9th Street NW., Suite 500; Washington, DC 20001.

Synopsis: The Agreement authorizes the Parties to exchange slots in the trade between ports in China (including Hong Kong), Korea, Japan, Singapore, Vietnam, and Canada and ports on the United States West Coast.

By Order of the Federal Maritime Commission.

Dated: February 27, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–04066 Filed 3–1–17; 8:45 am]

BILLING CODE 6731–AA–P

GENERAL SERVICES ADMINISTRATION

[Notice–ID–2017–01; Docket 2017–0002; Sequence No. 1]

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Information Officer, General Services Administration, (GSA).

ACTION: Notice of a modified system of records.

SUMMARY: GSA proposes to modify a system of records subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a. The revised GSA/OGC–1, ''Office of General Counsel Case Tracking and eDiscovery System,'' broadly covers the information in identifiable form needed for tracking, storing and searching materials for litigation and pursuant to Freedom of Information Act (FOIA) requests. The previous notice, published at 77 FR 16839, on March 22, 2012, is being revised.

DATES: The System of Records Notice (SORN) is effective upon its publication in today's **Federal Register,** with the exception of the routine uses which are effective April 3, 2017. Comments on the routine uses or other aspects of the SORN must be submitted by April 3, 2017.

ADDRESSES: Submit comments identified by ''Notice-ID–2017–01, Notice of Modified System of Records'' by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Notice–ID–2017–01, Notice of Modified System of Records. Select the link ''Comment Now'' that corresponds with ''Notice–ID–2017–01, Notice of Modified System of Records.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Notice–ID–2017–01, Notice of Modified System of Records'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/Notice–ID–2017–01, Notice of Modified System of Records.

FOR FURTHER INFORMATION CONTACT: Call or email the GSA Chief Privacy Officer

at telephone 202–322–8246, or via email at *gsa.privacyact@gsa.gov.*

SUPPLEMENTARY INFORMATION: GSA proposes to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The updated system of records described in this notice will allow GSA to track and store electronic information for use during discovery litigation when representing itself and its components in court cases and administrative proceedings. This updated system will also be used to conduct searches for responsive GSA records pursuant to Freedom of Information Act (FOIA) requests.

Richard Speidel,

Chief Privacy Officer, Office of the Deputy Chief Information Officer, General Services Administration.

SYSTEM NAME AND NUMBER:

Office of General Counsel Case Tracking and eDiscovery System, GSA/OGC–1.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system is maintained electronically in the Office of General Counsel, the regional counsels' offices and the Office of Administrative Services.

SYSTEM MANAGER(S):

Office of General Counsel Central Office Records Management Coordinator, Office of General Counsel, General Services Administration, 1800 F. Street NW., Washington, DC 20405.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101; the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 501 *et seq.*); the Federal Tort Claims Act (28 U.S.C. 2671 *et seq.*); Claims (Chapter 37 of Title 31 of the U.S. Code).

PURPOSE(S) OF THE SYSTEM:

This system will track and store electronic information, including imaged and paper documents, to allow GSA to represent itself and its components in court cases and administrative proceedings and respond to FOIA requests. The system will provide for the collection of information to track and manage administrative matters, claims and litigation cases in the Office of General Counsel and for searches pursuant to FOIA requests processed by the Office of Administrative Services.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved with administrative matters, claims or litigation with GSA. Individuals referenced in potential or actual cases and matters under the jurisdiction of the Office of General Counsel; and attorneys, paralegals, and other employees of the Office of General Counsel directly involved in these cases or matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information needed for administering and properly managing and resolving the cases in the Office of General Counsel and responding to FOIA requests. Records in this system pertain to a broad variety of administrative matters, claims and litigation under the jurisdiction of the Office of General Counsel including, but not limited to, torts, contract disputes, and employment matters. Records may include but are not limited to: Name, social security number, home address, home phone number, email address, birth date, financial information, medical records, or employment records.

RECORD SOURCE CATEGORIES:

The sources for information in the system are data from other systems, information submitted by individuals or their representatives, information gathered from public sources, and information from other entities involved in an administrative matter, claim or litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) GSA or any component thereof, or (b) any employee of GSA in his/her official capacity, or (c) any employee of GSA in his/her individual capacity where DOJ or GSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and GSA determines that the records are both relevant and necessary to the litigation.

b. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

c. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the Government Accountability Office (GAO) in accordance with their responsibilities for evaluating Federal programs.

d. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

e. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.

f. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

g. To the National Archives and Records Administration (NARA) for records management purposes.

h. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by GSA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

i. To another Federal agency or Federal entity, when GSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed

breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records and backups are stored on secure servers approved by GSA Office of the Chief Information Security Officer (OCISO) and accessed only by authorized personnel. Paper files are stored in locked rooms or filing cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by a variety of fields including, without limitation, name of an individual involved in a case, email address, email heading, email subject matter, business or residential address, social security number, phone number, date of birth, contract files, litigation files, or by some combination thereof.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

System records are retained and disposed of according to GSA records maintenance and disposition schedules and the requirements of the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:

Access is limited to authorized individuals with passwords or keys. Electronic files are maintained behind a firewall, and paper files are stored in locked rooms or filing cabinets.

RECORD ACCESS PROCEDURES:

Individuals wishing to access their own records should contact the system manager at the above address. Procedures for accessing the content of a record in the Case Tracking and eDiscovery System and appeal procedures can also be found at 41 CFR part 105–64.2.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest the content of any record pertaining to him or her in the system should contact the system manager at the above address. Procedures for contesting the content of a record in the Case Tracking and eDiscovery System and appeal procedures can also be found at 41 CFR part 105–64.4.

NOTIFICATION PROCEDURES:

Individuals wishing to inquire if the system contains information about them should contact the system manager at the above address. Procedures for receiving notice can also be found at 41 CFR part 105–64.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This notice modifies the previous notice, published at 77 FR 16839, on March 22, 2012.

[FR Doc. 2017–04017 Filed 3–1–17; 8:45 am]

BILLING CODE 6820–34–P

GENERAL SERVICES ADMINISTRATION

[Notice–ID–2016–02; Docket No: 2016–0002; Sequence No. 28]

Privacy Act of 1974; System of Records

AGENCY: Office of the Deputy Chief Information Officer, General Services Administration, GSA.

ACTION: Notice of a new system of records.

SUMMARY: GSA proposes a new government-wide system of records subject to the Privacy Act of 1974.

DATES: The system of records notice is effective upon its publication in today's **Federal Register**, with the exception of the routine uses which are effective April 3, 2017. Comments on the routine uses or other aspects of the system of records notice must be submitted by April 3, 2017.

ADDRESSES: Submit comments identified by ''Notice–ID–2016–02, Notice of New System of Records'' by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Notice-ID–2016–02, Notice of New System of Records. Select the link ''Comment Now'' that corresponds with ''Notice–ID–2016–02, Notice of New System of Records. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Notice–ID–2016–02, Notice of New System of Records'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/Notice–ID–2016–02, Notice of New System of Records.

Instructions: Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Call or email the GSA Chief Privacy Officer at telephone 202–322–8246, or email *gsa.privacyact@gsa.gov.*

SUPPLEMENTARY INFORMATION: GSA proposes to establish a new government-wide system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. Pursuant to Section 5 of the Digital Accountability and Transparency Act (DATA Act), Public Law 113–101, the Office of Management and Budget (OMB), in collaboration with the Chief Acquisition Officers Council, Department of Health and Human Services (HHS) and GSA, is engaged in a multifaceted effort that aims to reduce reporting burden, standardize processes, and reduce costs for Federal awardees. OMB is providing strategic leadership for the procurement pilot and collaborating with GSA and the Chief Acquisition Officers Council for implementation. The objectives of the Section 5 procurement pilot focus are to:

- Identify recommendations in the National Dialogue for further review
- Develop a central reporting portal prototype and collection tool for FAR required reports, and
- Test the portal by centrally collecting select FAR required reports that are currently reported across the Federal government, beginning with collection of reports required under FAR 22.406–6.

The goal is to allow contractors doing business with the Federal Government to submit FAR required reports to one central location in an efficient and effective manner rather than multiple locations and to each contracting officer (CO).

As part of this collaboration, GSA is developing and will operate the Federal Acquisition Regulation (FAR) Data Collection System. The system allows prime contractors and subcontractors (''submitters''), performing work on federal contract awards to enter and certify various reports required by the FAR. The system is intended to decrease the reporting burden on submitters and prior to full adoption the system will be used in a pilot to measure and demonstrate that burden reduction.

Submitters will use the system to report data on their applicable awards. Each awarding agency will access the data provided pursuant to its award(s) and share it internally as required and

provided by law. Each agency is responsible for the collection and use of data pertaining to the submitters. GSA is the system owner and operator.

OMB and GSA will use ongoing feedback from pilot participants, and modify the pilot reporting tool as necessary; and will analyze the feedback on pilot and other relevant information to determine expansion to other FAR required reports.

Richard Speidel,

Chief Privacy Officer, Office of the Deputy Chief Information Officer, General Services Administration.

SYSTEM NUMBER

GSA/GOVT–10

SYSTEM NAME:

Federal Acquisition Regulation (FAR) Data Collection System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The General Services Administration's (GSA) Federal Acquisition Service (FAS) owns the FAR Data Collection System, which is housed in secure datacenters in the continental United States. Each agency that makes awards has custody of the records pertaining to its own contracts. Contact the system manager for additional information.

SYSTEM MANAGER:

Integrated Award Environment Assistant Commissioner, Office of Integrated Award Environment, Federal Acquisition Service, General Services Administration, 1800 F Street NW., Washington, DC 20405.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E-Government Act of 2002 (Pub. L. 107–347) Section 204; Davis-Bacon and Related Acts: 40 U.S.C. 3141–3148 40 U.S.C. 276a; 29 CFR parts 1, 3, 5, 6 and 7; Section 5 of the Digital Accountability and Transparency Act (DATA Act), Public Law 113–101.

PURPOSES OF THE SYSTEM:

The system facilitates collection of data that prime contractors and their subcontractors are required to submit. Each agency is responsible for the collection, use and review of data pertaining to its contracts to verify contractor compliance with applicable requirements. The system includes an online portal that allows prime or subcontractors to enter, review and as applicable, certify FAR-required reports. While logged in, a prime or subcontractor is able to enter data and review reports. After a required report has been entered by the prime contractor or a subcontractor on a contract, the prime contractor certifies that the report is correct and submits it to the contracting officer. Contracting officers and other authorized officials in the awarding agency use the data from the system to review submissions for compliance with contractual terms and conditions for contracts for which they are responsible.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The FAR Data Collection System contains records related to prime contractors who are performing on federal contract awards (''prime contractor''), subcontractors, their employees (''prime or subcontractor employees'') and employed by the Federal Government. An owner, agent, or employee of a prime or subcontractor may enter or certify information, as applicable.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records include the name of the person entering, and as applicable, certifying, information on behalf of the prime or subcontractor, their position within the company, phone number, and email address. Categories of records related to employees of prime and subcontractors include, but are not limited to: Name, unique identifier assigned by the prime or subcontractor, work classification (per the Department of Labor's job classifications), regular and overtime hours worked by day/date, total hours worked, fringe benefits, whether paid as hourly rate in cash amounts or as an employer-paid benefit, and federal projects gross earnings. Some prime or subcontractors may be obligated to provide contractor employee information about themselves if they are self-employed. Categories of records related to acquisition personnel include name, position, work phone number, email address and other similar records related to their official responsibilities.

RECORD SOURCE CATEGORIES:

Employee records are created, reviewed and, as appropriate, certified by the prime or subcontractor. Records pertaining to the individual entering and certifying data in the system may be created by the individual, by a contracting officer, or in the case of a subcontractor by the prime contractor or another subcontractor. Records pertaining to federal acquisition personnel using the system may be entered by the individual or by other federal employees at the individual's agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

b. To a Member of Congress or his or her staff in response to a request made on behalf of and at the request of the individual who is the subject of the record.

c. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (a) GSA or any component thereof, or (b) any employee of GSA in his/her official capacity, or (c) any employee of GSA in his/her individual capacity where DOJ or GSA has agreed to represent the employee, or (d) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and GSA determines that the records are both relevant and necessary to the litigation.

d. To the National Archives and Records Administration (NARA) for records management purposes.

e. To the Office of Management and Budget (OMB) and the Government Accountability Office (GAO) in accordance with their responsibilities for evaluation or oversight of Federal programs.

f. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

g. To appropriate agencies, entities, and persons when (1) GSA suspects or has confirmed that there has been a breach of the system of records; (2) GSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, GSA (including its information systems, programs and operations), the Federal

Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

h. To another Federal agency or Federal entity, when GSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic records and backups are stored on secure servers approved by GSA Office of the Chief Information Security Officer (OCISO) and accessed only by authorized personnel.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

System records are retrievable by searching against information in the record pertaining to the prime or subcontractor (*e.g.,* the prime or subcontractor's company's name; the name of the individual entering or certifying information on behalf of the prime or subcontractor), the contract, (*e.g.,* the contract number), or the contracting officer; however, each agency can only access and retrieve the records pertaining to contracts being administered by its acquisition personnel.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

System records are retained and disposed of according to each respective agency's records maintenance and disposition schedules including, as applicable, the NARA General Records Schedule 1.1, Financial Management and Reporting Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in the system are protected from unauthorized access and misuse through a combination of administrative, technical and physical security measures. Administrative measures include but are not limited to policies that limit system access to individuals within an agency with a legitimate business need, and regular review of security procedures and best practices to enhance security. Technical measures include but are not limited to system design that allows prime contractor and subcontractor employees access only to data for which they are responsible; role-based access controls that allow government employees access only to data regarding contracts awarded by their agency or reporting unit; required use of strong passwords that are frequently changed; and use of encryption for certain data transfers. Physical security measures include but are not limited to the use of data centers which meet government requirements for storage of sensitive data.

RECORD ACCESS PROCEDURES:

Prime and subcontractors enter and review their own data in to the system, and are responsible for indicating that those data are correct. If an individual wishes to access any data or record pertaining to him or her in the system after it has been submitted, that individual should consult the Privacy Act implementation rules of the agency to which the report was submitted. For example, for reports submitted to GSA, procedures for accessing the content of a record can be found at 41 CFR part 105–64.2.

CONTESTING RECORD PROCEDURES:

Prime and subcontractors with access to the FAR Data Collection System can edit their own reports before submitting them. If an individual wishes to contest the content of any record pertaining to him or her in the system after it has been submitted, that individual should consult the Privacy Act implementation rules of the agency to which the report was submitted. For example, for reports submitted to GSA, procedures for contesting the content of a record and appeal procedures can be found at 41 CFR part 105–64.4.

NOTIFICATION PROCEDURES:

Prime and subcontractors with access to the FAR Data Collection System enter and review their own data in the system. If an individual wishes to be notified at his or her request if the system contains a record pertaining to him or her after it has been submitted, that individual should consult the Privacy Act implementation rules of the agency to which the report was submitted. For example, for reports submitted to GSA, procedures for receiving notice can be found at 41 CFR part 105–64.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

[FR Doc. 2017–04037 Filed 3–1–17; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–1014: Docket No. CDC–2017–0012]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the updated ''CDC WORKSITE HEALTH SCORECARD,'' an organizational assessment and planning tool designed to help employers identify gaps in their health promotion programs and prioritize high-impact strategies for health promotion at their worksites.

DATES: Written comments must be received on or before May 1, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0012 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600

Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

CDC Worksite Health ScoreCard (HSC) (OMB Control Number 0920–1014, expires 4/30/2017)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In the United States, chronic diseases such as heart disease, obesity and diabetes are among the leading causes of death and disability. Although chronic diseases are among the most common and costly health problems, they are also among the most preventable. Adopting healthy behaviors—such as eating nutritious foods, being physically active and avoiding tobacco use—can prevent the devastating effects and reduce the rates of these diseases.

Employers are recognizing the role they can play in creating healthy work environments and providing employees with opportunities to make healthy lifestyle choices. To support these efforts, CDC developed an online organizational assessment tool called the CDC Worksite Health Scorecard.

The CDC Worksite Health Scorecard is a tool designed to help employers assess whether they have implemented evidence-based health promotion interventions or strategies in their worksites to prevent heart disease, stroke, and related conditions such as hypertension, diabetes, and obesity. The revised assessment contains 151 core yes/no questions with an additional 20 optional demographic questions divided into 19 modules (risk factors/conditions/demographics) that assess how evidence-based health promotion strategies are implemented at a worksite. These strategies include health promoting counseling services, environmental supports, policies, health plan benefits, and other worksite programs shown to be effective in preventing heart disease, stroke, and related health conditions. Employers can use this tool to assess how a comprehensive health promotion and disease prevention program is offered to their employees, to help identify program gaps, and to prioritize

The proposed information collection revision supports development, validation, and evaluation of the updated CDC Worksite Health ScoreCard (HSC), a web-based organizational assessment tool designed to help employers identify gaps in their health promotion programs and prioritize high-impact strategies for health promotion at their worksites (available at *http://www.cdc.gov/healthscorecard*). HSC users will create a user account, complete the online assessment and receive an immediate feedback report that summarizes the current status of their worksite health program; identifies gaps in current programming; benchmarks individual employer results against other users of the system; and provides access to worksite health tools and resources to address employer gaps and priority program areas.

The updated HSC includes questions in four new topic areas—Sleep, Alcohol & Other Substance Abuse, Cancer, and Musculoskeletal Disorders—along with revisions to previously existing questions based on supporting evidence. In 2017, CDC will recruit one hundred employers (each represented by two knowledgeable employees) to pilot test the updated HSC. From the employers that complete the survey, CDC will conduct follow-up telephone interviews on a subset of about 15 employers (each represented by two knowledgeable employees). The follow-up telephone interviews will gather general impressions of the HSC—particularly the new modules—and also allow for discussion of items that presented discrepancies (and items that were left blank) to understand the respondent's interpretation and perspective of their answers these questions.

This process will assess the validity and reliability of the questions, as well as allow the CDC to gather suggestions for additional refinements, where necessary.

Following this pilot testing, CDC will continue to provide outreach to and register approximately 800 employers per year to use the online survey HSC in their workplace health program assessment, planning, and implementation efforts which is open to employers of all sizes, industry sectors, and geographic locations across the country.

CDC will seek a three-year OMB approval for this information collection project. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Employers	CDC Worksite Health Scorecard	800	1	75/60	1,000
	CDC Worksite Health Scorecard Cognitive interview.	32	1	1	32
	CDC Worksite Health Scorecard Pilot evaluation.	200	1	5/60	17
Total					1,049

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–04042 Filed 3–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–16AWP]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Women's Preventive Health Services Study—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Breast and Cervical Cancer Early Detection Program (NBCCEDP) provides free or low-cost breast and cervical cancer screening and diagnostic services to low-income, uninsured, and underserved women. The NBCCEDP is an organized screening program with a full complement of services including outreach and patient education, patient navigation, case management, professional development, and tracking and follow-up that contribute to the program's success. Compared to when the NBCCEDP was established, more women are eligible for insurance coverage but there are still many women who are not insured and many insured women not obtaining preventive services that they are eligible to receive. Currently, the NBCCEDP not only provides screening services to uninsured and underinsured, but has expanded its services to include population-based activities that prevent missed opportunities and ensure that all women receive appropriate breast and cervical cancer screening.

Previous research suggests that access to health care through insurance alone does not ensure adherence to cancer screening, as many individual, cultural, and community factors serve as barriers to preventive service use. With recent increases in the numbers of women who are insured, there is a need to understand the experiences of women who had been served by the NBCCEDP and become newly insured. This project will inform the development of future activities of the NBCCEDP so that all women receive the information and support services needed for obtaining clinical preventive services.

The purpose of this project is to examine the facilitators and barriers to receiving clinical preventive services among newly insured medically underserved women who had previously been served by the NBCCEDP. The Women's Preventive Services Study aims to survey newly insured women about what clinical preventive health services they receive, what barriers and facilitators they experience, and their ability to maintain consistent health insurance coverage.

While having newly acquired health insurance will improve access to preventive services, insurance coverage alone would not result in improved clinical preventive services utilization for all women, especially among underserved populations. This project proposes to follow a group of women previously served by the NBCCEDP over three years by administering a yearly questionnaire.

This study will focus on the following research questions:

1. What are the insurance coverage patterns (*e.g.,* public or private insurance) for a sample of medically underserved women previously screened through the NBCCEDP?

2. What barriers and facilitators do these women face in enrolling in new insurance coverage?

3. What preventive health services, including cancer screening, do these women receive?

4. What barriers and facilitators do these women face in accessing

preventive health services through their new coverage?

5. What are the non-financial and financial costs to these women?

The respondents will be uninsured or underinsured women who previously had been screened through the NBCCEDP but now have health insurance coverage. To be potentially eligible for the study, women must be between the ages of 30–62 years, a U.S. Citizen or U.S. permanent resident, resident of the state where they received NBCCEDP services, and English or Spanish speaking. Additionally, women must meet one of the prior screening criteria: (1) Having received a Pap test through a NBCCEDP state program not less than 1 year but not more than four years from the time of study implementation OR (2) received a Pap/HPV co-test through a NBCCEDP grantee not less than three years but not more than 5 years from the time of study implementation OR (3) received a mammogram through a NBCCEDP grantee not less than one year but not more than three years from the time of study implementation.

NBCCEDP state programs will identify potentially eligible women and consent the women to have their contact information shared for the study. The women who agree will receive an invitation letter to participate in the study through an on-line survey. The first step of the on-line survey will be a set of screener questions to determine whether they have insurance coverage. Only those who currently have insurance will be eligible to continue with the main survey instrument. Women who complete the survey will be asked to repeat the survey annually the next 2 years.

The sample design proposes that 14,240 women be identified as eligible. We estimate that 80% will be contacted and agree to participate. Of that, we expect 9,683 completed on-line screenings to occur during year one, representing an annualized 3,288 respondents. With an 85% expected completion rate and annual attrition, we estimate that 3,292 surveys will be completed in Year 1; 2,222 completed surveys in Year 2; and 1,500 completed surveys in Year 3. This represents an annualized 2,338 respondents for the survey.

Participation is voluntary. There are no costs to respondents other than their time. The total estimated annual burden hours are 1,243.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Responses per respondent	Average burden per response (in hours)
Women aged 30–62 who previously received services in the NBCCEDP	Screener	3,228	1	5/60
	Survey	2,338	1	25/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–04043 Filed 3–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17NS; Docket No. CDC–2017–0009]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed information collection project titled ''Assessing the Infrastructure for Public Sexually Transmitted Disease (STD) Prevention Services.'' The primary goal of this study is to periodically monitor (*i.e.,* every 3 years) STD preventive and treatment services provided by local and state health departments. This will allow CDC to understand the delivery of timely public STD preventive and treatment services to reduce the number of newly acquired STDs and prevent STD-related sequelae.

DATES: Written comments must be received on or before May 1, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0009 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are

publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Assessing the Infrastructure for Public Sexually Transmitted Disease (STD) Prevention Services—NEW—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

A significant percentage of reported cases of STDs are diagnosed in publicly funded clinics, such as STD clinics. Specifically, past research has shown that a substantial proportion of HIV (10% or more), primary and secondary syphilis (14%–48%), gonorrhea (13%–41%), and chlamydia (6%–28%) are diagnosed in public STD clinics. These public clinics often serve uninsured and under insured populations. The Congressional Budget Office estimates 10% of the nonelderly population will remain uninsured in the US through 2023. Additionally, over half of patients who visit STD clinics cited low cost as a reason for choosing STD clinics for care in a 1995 survey. Because a continued role for STD clinics is likely to exist as a safety net while the US healthcare market evolves, understanding the current level of STD services, funding, and staffing levels is important. No recent published studies have provided this information on a national scale.

A 2012 conference presentation noted the experience of one state, which stopped funding for STD clinics in 2009. A 2013 national survey of local health departments (LHDs) found gaps and reductions in public STD services, including in clinical services that are important to reduce disease transmission. The study also found that STD programs in local and state health departments (SHDs) often provide HIV services such as HIV field testing of STD contacts and surveillance activities. However, there is no national survey that periodically collects detailed information on STD practices of physicians who typically see STD patients.

Given the changing US healthcare system and reductions in public health funding, it is important to periodically assess the current level of publicly-funded STD prevention services that are offered by health departments in the US. The mission of the STD prevention at CDC is ''to provide national leadership, research, policy development, and scientific information to help people live safer, healthier lives by the prevention of STDs and their complications.'' A major component of this objective is delivering timely STD preventive and treatment services to reduce the number of newly acquired STDs and prevent STD-related sequelae. The Division of Sexually Transmitted Diseases Prevention (DSTDP) at CDC is seeking a three-year approval from the OMB to conduct a new information collection. This assessment would allow CDC to periodically monitor STD preventive and treatment services provided by local and state health departments.

Information collected will include STD program structure, public STD clinical services, STD partner services, other STD prevention services such as surveillance and health promotion, and STD program workforce and impact of budget cuts on STD services.

The web survey will be sent by email to a sample of local health departments and all state health departments (with two reminder letters).

There is no cost to respondents.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
STD program director, LHDs	LHD survey	334	1	19/60	106
STD program director, SHDs	SHD survey	44	1	19/60	14
Total Annual Burden Hours					120

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–04044 Filed 3–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–0138; Docket No. CDC–2017–0026]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed information collection request revision to the project titled ''Pulmonary Function Testing Course Approval Program.'' Potential sponsors (university, hospital, and private consulting firms) apply to this program to receive NIOSH-approval to conduct training courses that teach technicians to perform spirometry as specified under the Occupational Safety and Health Administration's Cotton Dust Standard, 29 CFR 1020.1043.

DATES: Written comments must be received on or before May 1, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0026 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Pulmonary Function Testing Course Approval Program, (OMB Control No. 0920–0138, Expiration 04/30/2017)—Revision—The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH has the responsibility under the Occupational Safety and Health Administration's Cotton Dust Standard, 29 CFR 1920.1043, for approving courses to train technicians to perform pulmonary function testing in the cotton industry. Successful completion of a NIOSH-approved course is mandatory under this Standard. In addition, regulations at 42 CFR 37.95(a) specify that persons administering spirometry tests for the national Coal Workers' Health Surveillance Program must successfully complete a NIOSH-approved spirometry training course and maintain a valid certificate by periodically completing NIOSH-approved spirometry refresher training courses. Also, 29 CFR 1910.1053(i)(2)(iv), 29 CFR 1910.1053(i)(3), 29 CFR 1926.1153(h)(2)(iv) and 29 CFR 1926.1153(h)(3) specify that pulmonary function tests for initial and periodic examinations in general industry and construction performed under the respirable crystalline silica standard should be administered by a spirometry technician with a current certificate from a NIOSH-approved spirometry course. NIOSH is requesting a three-year approval.

To carry out its responsibility, NIOSH maintains a Pulmonary Function Testing Course Approval Program. The program consists of an application submitted by potential sponsors (universities, hospitals, and private consulting firms) who seek NIOSH approval to conduct courses, and if approved, notification to NIOSH of any course or faculty changes during the approval period, which is limited to five years. The application form and added materials, including an agenda, curriculum vitae, and course materials are reviewed by NIOSH to determine if the applicant has developed a program which adheres to the criteria required in the Standard. Following approval, any subsequent changes to the course are submitted by course sponsors via letter or email and reviewed by NIOSH staff to assure that the changes in faculty or course content continue to meet course requirements. Course sponsors also voluntarily submit an annual report to inform NIOSH of their class activity

level and any faculty changes. Sponsors who elect to have their approval renewed for an additional 5 year period submit a renewal application and supporting documentation for review by NIOSH staff to ensure the course curriculum meets all current standard requirements.

Approved courses that elect to offer NIOSH-Approved Spirometry Refresher Courses must submit a separate application and supporting documents for review by NIOSH staff. Institutions and organizations throughout the country voluntarily submit applications and materials to become course sponsors and carry out training. Submissions are required for NIOSH to evaluate a course and determine whether it meets the criteria in the Standard and whether technicians will be adequately trained as mandated under the Standard. NIOSH will disseminate a one-time customer satisfaction survey to course directors and sponsor representatives to evaluate our service to courses, the effectiveness of the program changes implemented since 2005, and the usefulness of potential Program enhancements.

The annualized figures slightly over-estimate the actual burden, due to rounding of the number of respondents for even allocation over the three-year clearance period. The estimated annual burden to respondents is 159 hours. There will be no cost to respondents.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Potential Sponsors	Initial Application	3	1	8	24
	Annual Report	30	1	30/60	15
	Report for course changes	24	1	30/60	12
	Renewal Application	13	1	6	78
	Refresher Course Application	3	1	8	24
	One-time Customer Satisfaction Survey	32	1	12/60	6
Total					159

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–04047 Filed 3–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17RT; Docket No. CDC–2017–0013]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Factors Influencing the Transmission of Influenza.'' This data collection project will help examine the amount of influenza virus in airborne particles produced by subjects with influenza and it relationship to biomarkers in the blood.

DATES: Written comments must be received on or before May 1, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0013 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the

burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Factors Influencing the Transmission of Influenza—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Institute for Occupational Safety and Health (NIOSH) is authorized to conduct research to advance the health and safety of workers under Section 20(a)(1) of the 1970 Occupational Safety and Health Act.

Influenza continues to be a major public health concern because of the substantial health burden from seasonal influenza and the potential for a severe pandemic. Although influenza is known to be transmitted by infectious secretions, these secretions can be transferred from person to person in many different ways, and the relative importance of the different pathways is not known. The likelihood of the transmission of influenza virus by small infectious airborne particles produced during coughing and breathing is particularly unclear. The question of airborne transmission is especially important in healthcare facilities, where influenza patients tend to congregate during influenza season, because it directly impacts the infection control and personal protective measures that should be taken by healthcare workers.

The purpose of this study is to gain a better understanding of the production of infectious aerosols by patients with influenza, and to compare this to the levels of biomarkers of influenza infection in the blood of these patients. To do this, airborne particles produced by volunteer subjects with influenza will be collected and tested for influenza virus, and the levels of influenza infection-associated biomarkers will be measured in blood samples from these subjects.

Volunteer adult participants will be recruited by a test coordinator using a poster and flyers describing the study. Interested potential participants will be screened verbally to verify that they have influenza-like symptoms and that they do not have any medical conditions that would preclude their participation. Qualified participants who agree to participate in the study will be asked to read and sign an informed consent form, and then to complete a short health questionnaire. After completing the forms, the participant's oral temperature will be measured and two nasopharyngeal swabs and five milliliters of blood will be collected. The participant then will be asked to cough repeatedly into an aerosol particle collection system, and the airborne particles produced by the participant during coughing will be collected and tested.

The study will require 40 volunteer test subjects each year for three years, for a total of 120 test participants. NIOSH intends to seek a three-year OMB approval to conduct this information collection. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Potential participant	Initial Verbal Screening	240	1	3/60	12
Qualified participant	Informed consent form	120	1	15/60	30
Qualified participant	Health questionnaire	120	1	5/60	10
Qualified participant	Medical Testing	120	1	40/60	80
Total					132

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–04045 Filed 3–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–16AJE]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of

the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

The NHANES Longitudinal Study—Feasibility Component—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability; environmental, social and other health hazards; and determinants of health of the population of the United States. Under this authorization, NCHS has conducted the National Health and Nutrition Examination Surveys periodically between 1970 and 1994, and continuously since 1999 (NHANES, see OMB Control No. 0920–0237 and OMB Control No. 0920–0950). The NHANES survey is based on a cross-sectional design employing a stratified, multistage probability sample. Information collection methods include interviews and direct physical measurements. NCHS uses NHANES data to produce descriptive statistics on the health and nutrition status of the general population, including estimates of the prevalence of numerous chronic diseases and conditions.

To enhance the information collected through NHANES, NCHS has initiated planning activities for a future NHANES Longitudinal Study, with a target starting date for data collection in 2020. A longitudinal cohort design is needed to examine changes in participants' health conditions, their utilization of healthcare since the time of their original NHANES exam, and the long-term impact of risk factors on the development of morbidity. Participants in the NHANES Longitudinal Study will be individuals who participated in NHANES between 2007 and 2014. The survey's extensive baseline data on health conditions, nutritional status, and risk behaviors, analyzed in conjunction with information from a longitudinal cohort, will support the estimation of incidence for a wide range of chronic conditions as well as tracking of progress on national goals for prevention.

The NHANES Longitudinal Study planned for 2020 will be the first nationally representative cohort in more than two decades. The last cohort of this type was the NHANES Epidemiologic Follow-up Studies (OMB Control No. 0920–0218) conducted in 1984–1985, 1988, and 1992–1993. Since then, response rates in major federal surveys have declined and obtaining cooperation from the household population has become more difficult. Therefore, before attempting to launch a full scale data collection effort among all examined adults from NHANES 2007–2014, we propose to conduct a feasibility study in 2017–2018 to determine whether previously examined participants can be successfully traced, interviewed, and examined.

The Feasibility Component of the NHANES Longitudinal Study is comprised of two elements: (1) A field feasibility test for the core interview and examination module of the NHANES Longitudinal Study; and (2) a series of targeted methodological tests of additional components and procedures. Information will be collected to evaluate the operational feasibility of the core module and to assess the performance of these components administered in the home setting. The core module currently planned for the NHANES Longitudinal Study will focus on chronic conditions including obesity, diabetes, cardiovascular disease, and kidney disease.

An annual sample of 400 respondents (total of 800 participants over the two-year period) will be selected from the 2007–2014 NHANES examinees (20 years and older) to participate in the field feasibility test. Of these, we expect approximately 11% to be deceased prior to the re-contact, resulting in a target annual sample of 356 living examinees and 44 decedent proxy interview respondents.

As part of the preparation efforts for a longitudinal study of all examined adults from NHANES 2007–2014, up to 375 additional persons per year (750 participants over the two-year period) may be asked to participate in targeted tests of proposed methods and procedures such as bio-specimen collections, cognitive testing for questions, or protocol tests for additional exam components. These targeted tests will only occur if resources permit and if tracing and participation in the field feasibility test is successful. These targeted methodological studies will be conducted with volunteers who are not from the NHANES cohort, or past NHANES participants who are not part of the potential NHANES Longitudinal Study sample (for example, past NHANES participants from the 1999–2006 cycle).

The estimated average burden for the field feasibility test is 84 minutes per respondent (1.5 hours per respondent for 356 living participants and 35 minutes per respondent for 44 proxy of deceased participants, annually). The average burden for the targeted methodological study respondents is one hour.

Demographic information such as name, address, phone numbers, and social security number collected in the baseline NHANES will be used to locate the sampled 800 field feasibility test participants (annual sample of 400). Prior to the re-contact, a review of the NHANES linked mortality files will be conducted to assist in determining the vital status of sampled participants.

Trained Health Representatives will visit the sampled participants at home to conduct an in-person interview and a health examination. Information that will be collected through the interview includes health status and medical conditions, health care services, health behaviors, and sociodemographic characteristics. In addition, permission for collecting hospital discharge data, including diagnoses at discharge and procedures performed during hospitalization will be obtained during the interview.

Following the interview, a health examination will be conducted as part of the home visit. The respondent's weight, waist circumference, and sitting blood pressure will be measured, and a monofilament assessment will be conducted for neuropathy. In addition, blood and urine will be collected. Examples of laboratory tests planned include hemoglobin A1c from the blood specimen, and albumin and creatinine from the urine collection. This proposed project will assess the feasibility of conducting these tests and procedures in the home setting.

A proxy interview will be conducted via telephone for sampled participants who died prior to the re-contact. Information on medical conditions and overnight hospital stays since baseline will be collected.

Although permission will be sought from all field feasibility test participants, hospitalization records will be obtained only for 120 participants annually (240 participants over the two-year period) to evaluate the record retrieval protocol for the study cohort among different medical facilities. An average of three hospital stays per person is anticipated among this cohort, therefore, an estimated 360 requests (120 persons × 3 stays) will be made annually. The estimated burden for hospital record provider is 20 minutes per record.

OMB approval is requested for two years to conduct the feasibility component of the NHANES Longitudinal Study. Participation is voluntary and there are no costs to respondents other than their time. The total estimated annualized burden hours are 1,055.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
2007–2014 NHANES examinees, and proxies of deceased 2007–2014 NHANES examinees.	Field feasibility test registration form—contact confirmation and scheduling preference.	400	1	15/60
2007–2014 NHANES examinees	Field feasibility test home visit	356	1	1
2007–2014 NHANES examinees	Field feasibility test home urine collection	356	1	15/60
Proxies of deceased 2007–2014 NHANES examinees.	Field feasibility test decedent proxy interview	44	1	20/60
Hospital record providers	Field feasibility test hospital records form	360	1	20/60
Adult volunteers (non-field feasibility test participants).	Targeted methodological studies	375	1	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–04046 Filed 3–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–39]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare and Medicaid Services (CMS) is requesting that an information collection request (ICR) related to the Medicare and Medicaid Programs: Conditions of Participation for Home Health Agencies (HHAs) and Supporting Regulations at 42 CFR part 484, be processed under the emergency clearance process associated with 5 CFR 1320.13(a)(2)(i). Public harm is reasonably likely to ensue if the normal, non-emergency clearance procedures are followed. The approval of this information collection package is necessary because in the absence of such approval CMS will be unable to effectively enforce these essential health and safety requirements. Among other things, CMS will be unable to enforce requirements that HHAs must provide a notice of rights to each patient, assure the proper training of home health aides before those aides provide hands-on care to patients, and disclose the names and addresses of all individuals with an ownership or management position so that we can assure that those with a history of fraud are not involved in HHA operations. Being unable to enforce these rules would harm patient health and safety, as well as create risks to the integrity of the Medicare and Medicaid programs.

Under the PRA, federal agencies are required to publish notice in the **Federal Register** concerning each proposed ICR. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this ICR including the necessity and utility of the proposed ICR for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 3, 2017.

ADDRESSES: When commenting, please reference the document identifier (CMS–R–39) or OMB control number (0938–0365). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: CMS–R–39/OMB Control Number 0938–0365, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following ICR. More detailed information can be found in the collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–39 Home Health Conditions of Participation (CoP) and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public: submit reports, keep records, or provide information to a third party. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

Information Collection

1. *Type of Information Collection Request:* Extension without change of a previously approved collection; *Title of Information Collection:* Home Health Conditions of Participation (CoP) and Supporting Regulations; *Use:* The information collection requirements contained in this request are part of the requirements classified as the conditions of participation (CoPs) which are based on criteria prescribed in law and are standards designed to ensure that each facility has properly trained staff to provide the appropriate safe physical environment for patients. These particular standards reflect comparable standards developed by industry organizations such as the Joint Commission on Accreditation of Healthcare Organizations, and the Community Health Accreditation Program. We will use this information along with state agency surveyors, the regional home health intermediaries and home health agencies (HHAs) for the purpose of ensuring compliance with Medicare CoPs as well as ensuring the quality of care provided by HHA patients. *Form Numbers:* CMS–R–39 (OMB control number: 0938–0365); *Frequency:* Occasionally; *Affected Public:* Business or for-profits and Not-for-profit institutions, and State, Local or Tribal governments; *Number of Respondents:* 13,577; *Total Annual Responses:* 20,202,576; *Total Annual Hours:* 6,422,694. (For policy questions regarding this collection contact Danielle Shearer at 410–786–6617.)

Dated: February 28, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–04160 Filed 3–1–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Technical Support for Constituency Outreach & Research Dissemination (1157).

Date: April 4, 2017.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 827–5702, *lf33c.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Purity Specifications, Storage & Distribution for Medications Development (8934).

Date: April 20, 2017.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 827–5702, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 24, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04025 Filed 3–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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

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

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR16–291 Integrative Research on Polysubstance Abuse and Addiction.

Date: March 22, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Unja Hayes, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6830, *unja.hayes@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: HIV/AIDS Innovative Research Applications.

Date: March 22, 2017.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Surgical Disparities Research.

Date: March 24, 2017.

Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Gniesha Yvonne Dinwiddie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3137, Bethesda, MD 20892, *dinwiddiegy@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Understanding and Addressing the Multi-Level Influences on Uptake and Adherence to HIV Prevention Strategies among Adolescent Girls and Young Women in Sub-Saharan Africa.
Date: March 24, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.
Contact Person: Jose H. Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; International and Cooperative Projects—1 Study Section.
Date: March 24, 2017.
Time: 9:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

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

Dated: February 24, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04024 Filed 3–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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: Neurological Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders K.
Date: March 16–17, 2017.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.
Contact Person: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–6033, *rajarams@mail.nih.gov.*

Name of Committee: National Institute of Neurological Disorder and Stroke Special Emphasis Panel; Udall Center Review.
Date: March 20–21, 2017.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.
Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, *neuhuber@nihnds.nih.gov.*

Name of Committee: National Institute of Neurological Disorder and Stroke Special Emphasis Panel; R13 Review.
Date: March 22–23, 2017.
Time: 10:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).
Contact Person: Ernest Lyons, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, (301) 496–0182, *lyonse@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 23, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04027 Filed 3–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

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

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

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Mechanism for Time-Sensitive Drug Abuse Research (R21).
Date: March 16, 2017.
Time: 12:30 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).
Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Identification of Genetic and Genomic Variants by Next-Gen Sequencing in Non-human Animal Models (U01).
Date: March 23, 2017.
Time: 11:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate cooperative agreement applications.
Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).
Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda,

MD 20892, 301–827–5842, *shangyi.tsai@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Extracellular Vesicle Tools, Technologies, and Products for Neuroscience Research (R41/R42/R43/R44).

Date: March 24, 2017.

Time: 2:00 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Cutting-Edge Basic Research Awards (CEBRA) (R21).

Date: March 27, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Avenir Award Program for Genetics or Epigenetics of Substance Use Disorders (DP1).

Date: April 7, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–827–5819, *gm145a@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 24, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04026 Filed 3–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0164]

National Boating Safety Advisory Council

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The National Boating Safety Advisory Council and its subcommittees members will meet on March 23, 24 and 25, 2017, in Arlington, VA, to discuss issues relating to recreational boating safety. These meetings will be open to the public.

DATES: The National Boating Safety Advisory Council will meet on Thursday, March 23, 2017, from 8:30 a.m. to 11:30 a.m. and on Saturday, March 25, 2017 from 9:00 a.m. to 12:00 p.m. The Boats and Associated Equipment Subcommittee will meet on March 23, 2017, from 2:00 p.m. to 5:00 p.m. The Prevention through People Subcommittee will meet on March 24, 2017, from 9:00 a.m. to 11:15 a.m. The Recreational Boating Safety Strategic Planning Subcommittee will meet on March 24, 2017, from 1:00 p.m. to 5:00 p.m. Please note that these meetings may conclude early if the National Boating Safety Advisory Council has completed all business.

ADDRESSES: All meetings will be held in the Ballroom of the Holiday Inn Arlington (*http://www.hiarlington.com*), 4610 N Fairfax Drive, Arlington, VA 22203.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want committee members to review your comment before the meetings, please submit your comments no later than March 6, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2010–0164. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov* insert USCG–2010–0164 in the ''Search'' box, press Enter, then click the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Ludwig, Alternate Designated Federal Officer of the National Boating Safety Advisory Council, telephone (202) 372–1061, or at *jeffrey.a.ludwig@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* (Title 5, U.S.C., Appendix). Congress established the National Boating Safety Advisory Council in the *Federal Boat Safety Act of 1971* (Pub. L. 92–75). The National Boating Safety Advisory Council currently operates under the authority of 46 U.S.C. 13110 and 46 U.S.C. 4302(c). The latter requires the Secretary of Homeland Security and the Commandant of the Coast Guard by delegation to consult with the National Boating Safety Advisory Council in prescribing regulations for recreational vessels and associated equipment and on other major safety matters.

Meeting Agenda

The meeting agenda and all meeting documentation can be found at: *http://homeport.uscg.mil/NBSAC.*

The agenda for the National Boating Safety Advisory Council meeting is as follows:

Thursday, March 23, 2017

(1) Opening remarks.

(2) Receipt and discussion of the following reports:

(a) Chief, Office of Auxiliary and Boating Safety, Update on the Coast Guard's implementation of National Boating Safety Advisory Council Resolutions and Recreational Boating Safety Program report.

(b) Alternate Designated Federal Officer's report concerning Council administrative and logistical matters.

(3) Presentations on the following:

(a) Recreational Boating Safety Marketing.

(b) National Nonprofit Organization Grant Program Update.

(c) National Recreational Boating Safety Survey Update.

(4) Subcommittee Session: *Boats and Associated Equipment Subcommittee.*

Issues to be discussed include alternatives to pyrotechnic visual distress signals; grant projects related to boats and associated equipment; and updates to 33 CFR 181 ''Manufacturer Requirements'' and 33 CFR 183 ''Boats and Associated Equipment.''

(5) Public comment period.

(6) Meeting Recess.

Friday, Friday, March 24, 2017

The day will be dedicated to Subcommittee sessions:

(1) *Prevention Through People Subcommittee.*

Issues to be discussed include paddlesports participation, overview of State boating Safety programs, and licensing requirements for on-water boating safety instruction providers.

(2) *Recreational Boating Safety Strategic Planning Subcommittee.*

Issues to be discussed include the development of the 2017–2021 Strategic Plan.

Saturday, March 25, 2017

The full Council will resume meeting.

(1) Receipt and Discussion of the Boats and Associated Equipment, Prevention through People and The Recreational Boating Safety Strategic Planning Subcommittee reports.

(2) Discussion of any recommendations to be made to the Coast Guard.

(3) Public comment period.

(4) Voting on any recommendations to be made to the Coast Guard.

(5) Adjournment of meeting.

There will be a comment period for the National Boating Safety Advisory Council members and a comment period for the public after each report presentation, but before each is voted on by the Council. The Council members will review the information presented on each issue, deliberate on any recommendations presented in the Subcommittees' reports, and formulate recommendations for the Department's consideration.

Public comments or questions will be taken throughout the meeting as the Council discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of the meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public comment period may end before the period allotted, following the call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: February 25, 2017.

V.B. Gifford, Jr.,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2017–04038 Filed 3–1–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0083]

Merchant Mariner Medical Advisory Committee

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Merchant Mariner Medical Advisory Committee and its working groups will meet to discuss matters relating to medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents, medical standards and guidelines for the physical qualifications of operators of commercial vessels, medical examiner education, and medical research. The meeting will be open to the public.

DATES: The Merchant Mariner Medical Advisory Committee and its working groups are scheduled to meet on Tuesday, April 4, 2017, and Wednesday, April 5, 2017, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the committee has completed its business.

ADDRESSES: The meetings will be held at the U.S. Coast Guard National Maritime Center in the Dales Larson Room on the third floor, 100 Forbes Drive, Martinsburg, WV 25404–0001 (*https://www.uscg.mil/nmc/*).

Attendees at the U.S. Coast Guard National Maritime Center who are U.S. citizens, will be required to pre-register no later than 4 p.m. on March 27, 2017, to be admitted to the meeting. This pre-registration must include your name, telephone number, and company or group with which you are affiliated (if any). Non-U.S. citizens will be required to pre-register no later than 4 p.m. on March 20, 2017, to be admitted to the meeting. This pre-registration must include name, country of citizenship, passport number and expiration date, or diplomatic identification number and expiration date, and the company or group with which you are affiliated (if any). All attendees will be required to provide a form of government-issued picture identification in order to gain admittance to the building. To pre-register, contact Lieutenant Junior Grade James Fortin at 202–372–1128 or *james.l.fortin@uscg.mil.*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want committee members to review your comment before the meetings, please submit your comments no later than March 27, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2017–0083. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for *Regulations.gov,* at *https://www.regulations.gov/privacyNotice.*

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2017–0083 in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade James Fortin, Alternate Designated Federal Officer of the Merchant Mariner Medical Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1128, fax 202–372–8385 or *james.l.fortin@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* Title 5 United States Code Appendix. The Merchant Mariner Medical Advisory Committee Meeting is authorized by section 210 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281, codified at 46 United States Code 7115).

The committee advises the Secretary on matters related to (a) medical certification determinations for issuance of licenses, certificates of registry, and

merchant mariners' documents; (b) medical standards and guidelines for the physical qualifications of operators of commercial vessels; (c) medical examiner education; and (d) medical research.

Agenda

Day 1

The agenda for the April 4, 2017 meeting is as follows:

(1) Opening remarks from the Designated Federal Officer.

(2) Opening remarks from Coast Guard leadership.

(3) Roll call of Committee members and determination of a quorum.

(4) Introduction of new task(s) found in paragraph 6 below.

(5) Public comment period.

(6) Working Groups will separately address the following task statements which are available for viewing at *https://homeport.uscg.mil/.* Type MEDMAC in the ''Search'' box, press Enter, and then click on the item you wish to view.

(a) Task statement 11–01, NVIC 04–08 Revision Working Group.

(b) Task statement 15–13, Mariner Occupational Health Risk Study Analysis. This is a joint task statement with the Merchant Marine Personnel Advisory Committee.

(c) Task statement 16–24, requesting recommendations on appropriate diets and wellness for mariners while aboard merchant vessels.

(d) The Committee may receive new task statements from the Coast Guard, review the information presented on each issue, deliberate and formulate recommendations for the Department's consideration.

(7) Adjournment of meeting.

Day 2

The agenda for the April 5, 2017, meeting is as follows:

(1) Committee work update.

(2) Merchant Mariner Credentialing brief.

(3) National Maritime Center brief.

(4) Marine casualty data analysis presentation.

(5) Continue work on task statements.

(6) Public comment period.

(7) By mid-afternoon, the Working Groups will report, and if applicable, make recommendations for the full Committee to consider for presentation to the Coast Guard. The Committee may deliberate and vote on the Working Group's recommendations on this date. The public will have an opportunity to speak after each Working Group's Report before the full Committee takes any action on each report.

(8) Closing remarks/plans for next meeting.

(9) Adjournment of Meeting.

A public comment period will be held on April 4, 2017, from approximately 11:30 a.m.–12:00 p.m. and April 5, 2017, from approximately 2:15 p.m.–2:45 p.m.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/.* Type MEDMAC in the ''Search'' box, press Enter, and then click on the item you wish to view. Alternatively, you may contact Lieutenant Junior Grade James Fortin as noted in the **FOR FURTHER INFORMATION** section above.

Public comments will be limited to 5 minutes per speaker. Please note that the public comment periods will end following the last call for comments. Contact Lieutenant Junior Grade James Fortin as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this document to register as a speaker.

Please note that the meeting may adjourn early if the work is completed.

Dated: February 24, 2017.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–04041 Filed 3–1–17; 8:45 am]

BILLING CODE 9110–04–P

INTER-AMERICAN FOUNDATION

Sunshine Act Meetings

TIME AND DATE: March 10, 2017, 4:00 p.m.–6:00 p.m.

PLACE: Dentons US LLC., 1900 K Street NW., Washington, DC 20006.

STATUS: Meeting of the Board of Directors, Closed to the Public as provided by 22 CFR 1004.4(f).

MATTERS TO BE CONSIDERED:

- Executive Session

PORTION TO BE CLOSED TO THE PUBLIC:

- Executive session to discuss recruitment of President/CEO—closed session as provided by 22 CFR 1004.4(f)

CONTACT PERSON FOR MORE INFORMATION: Paul Zimmerman, General Counsel, (202) 683–7118.

Paul Zimmerman,

General Counsel.

[FR Doc. 2017–04184 Filed 2–28–17; 4:15 pm]

BILLING CODE 7025–01–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–554 and 731–TA–1309 (Final)]

Certain Biaxial Integral Geogrid Products From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of certain biaxial integral geogrids from China, provided for in subheading 3926.90.99 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of China.[2]

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective January 13, 2016, following receipt of a petition filed with the Commission and Commerce by Tensar Corporation, Morrow, Georgia. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of certain biaxial integral geogrids from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and dumped within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on September 15, 2016 (81 FR 63495). The hearing was held in Washington, DC, on December 21, 2016, and all persons who requested the opportunity were permitted to appear in person or by counsel.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing and antidumping duty orders on certain biaxial integral geogrid products from China.

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on February 24, 2017. The views of the Commission are contained in USITC Publication 4670 (February 2017), entitled *Certain Biaxial Integral Geogrid Products from China: Investigation Nos. 701–TA–554 and 731–TA–1309 (Final).*

By order of the Commission.

Issued: February 24, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04001 Filed 3–1–17; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Evidence

AGENCY: Advisory Committee on Rules of Evidence, Judicial Conference of the United States.

ACTION: Notice of Open Meeting.

SUMMARY: The Advisory Committee on Rules of Evidence will hold a meeting on April 21, 2017. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: April 21, 2017.

TIME: 9:00 a.m.–3:00 p.m.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Mecham Conference Center, Administrative Office of the United States Courts, One Columbus Circle NE., Washington, DC 20544

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: February 27, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–04057 Filed 3–1–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Cranes and Derricks in Construction Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Cranes and Derricks in Construction Standard'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 3, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-1218-003* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authorization for the information collection requirements contained in the Cranes and Derricks Standard codified in regulations 29 CFR part 1926 subpart CC. These requirements mandate an Occupational Safety and Health Act (OSH Act) covered employer subject to the Standard to produce and maintain records documenting controls and other measures taken to protect workers from hazards related to cranes and derricks used in construction. Accordingly, a construction business with workers who operate or work in the vicinity of cranes and derricks must have, as applicable, the following documents on file and available at the job site: equipment ratings, employee training records, written authorizations from qualified individuals, operator's certification documents, and qualification program audits. OSH Act sections 2(b)(3), 6(b)(7), and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(3), 655(b)(7), and 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0261.

OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 4, 2016 (81 FR 68456).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0261. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Cranes and Derricks in Construction Standard.

OMB Control Number: 1218–0261.

Affected Public: Private Sector—businesses or other for profits.

Total Estimated Number of Respondents: 209,851.

Total Estimated Number of Responses: 2,671,889.

Total Estimated Annual Time Burden: 382,750 hours.

Total Estimated Annual Other Costs Burden: $2,286,501.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: February 26, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04050 Filed 3–1–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Definition and Requirements for a Nationally Recognized Testing Laboratory

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Definition and Requirements for a Nationally Recognized Testing Laboratory,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 3, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201702-1218-004* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Definition and Requirements for a Nationally Recognized Testing Laboratory (NRTL) information collection. A number of OSHA issued standards contain requirements that specify employers use only equipment, products, or material tested or approved by a NRTL. These requirements ensure that employers use safe and efficacious equipment, products, or materials in complying with the standards. Accordingly, the OSHA promulgated its Program Regulation for Nationally Recognized Testing Laboratories, 29 CFR 1910.7 (the Regulation). The Regulation specifies procedures that an organization must follow to apply for and to maintain OSHA recognition to test and certify equipment, products, or material for safe use in the workplace. The OSHA has also developed standardized optional use forms to facilitate and simplify the information collection process. The forms correspond to the application, expansion, and renewal processes defined in the NRTL Program. Occupational Safety and Health Act sections 2(b)(3), (9), and (12) and 8(c) and (g) authorize this information collection. *See* 29 U.S.C. 651(b)(3), (9), (12); 657(c) and (g).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0147.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the DOL seeks to extend PRA authorization for this information collection for three (3) more years without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 28, 2016 (81 FR 95650).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0147. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Definitions and Requirements of A Nationally Recognized Testing Laboratory.

OMB Control Number: 1218–0147.

Affected Public: Private Sector—business or other for-profits.

Total Estimated Number of Respondents: 20.

Total Estimated Number of Responses: 150.

Total Estimated Annual Time Burden: 1,623 hours.

Total Estimated Annual Other Costs Burden: $348,192.

Dated: February 26, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04049 Filed 3–1–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Continuation of Death Benefit for Student

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Application for Continuation of Death Benefit for Student,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 3, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201611-1240-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Application for Continuation of Death Benefit for Student information collection codified in regulations 20 CFR 702.121. A respondent uses Form LS–266, Application for Continuation of Death Benefit for Student, to apply for the continuation of death benefits for a dependent who is a student. Longshore and Harbor Workers' Compensation Act section 39(a) authorizes this information collection. *See* 33 U.S.C. 939(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0026.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 23, 2016 (81 FR 84621).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0026. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Application for Continuation of Death Benefit for Student.

OMB Control Number: 1240–0026.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 20.

Total Estimated Number of Responses: 20.

Total Estimated Annual Time Burden: 10 hours.

Total Estimated Annual Other Costs Burden: $10.

Dated: February 26, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04048 Filed 3–1–17; 8:45 am]

BILLING CODE 4510–CF–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2017–2]

Study on the Moral Rights of Attribution and Integrity: Extension of Comment Period

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

ACTION: Extension of comment period.

SUMMARY: The United States Copyright Office is extending the deadline for the submission of written comments in response to its January 23, 2017 Notice of Inquiry regarding the study on the moral rights of attribution and integrity.

DATES: Initial written comments are now due no later than 11:59 p.m. Eastern Time on March 30, 2017. Reply written comments are now due no later than 11:59 p.m. Eastern Time on May 15, 2017.

ADDRESSES: The Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* All comments must be submitted electronically. Specific instructions for submitting comments are posted on the Copyright Office Web site at *https://www.copyright.gov/policy/moralrights/comment-submission/.* If electronic submission of comments is not feasible, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Kimberley Isbell, Senior Counsel for Policy and International Affairs, *kisb@loc.gov*; or Maria Strong, Deputy Director for Policy and International Affairs, *mstrong@loc.gov.* Each can be reached by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION: The United States Copyright Office is undertaking a public study to assess the current state of U.S. law recognizing and protecting moral rights for authors, specifically the rights of attribution and integrity. On January 23, 2017, the Office issued a Notice of Inquiry seeking public input on several questions relating to that topic. *See* 82 FR 7870 (Jan. 23, 2017). To ensure that commenters have sufficient time to respond, the Office is extending the deadline for the submission of initial comments in response to the Notice of Inquiry to March 30, 2017 at 11:59 p.m. Eastern Time. The deadline for reply comments is similarly extended, and those comments are now due May 15, 2017 at 11:59 p.m. Eastern Time. Please note that in light of the expected time frame for this study, the Office is unlikely to grant further extensions for these comments.

Dated: February 27, 2017.

Karyn Temple Claggett,

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

[FR Doc. 2017–04061 Filed 3–1–17; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Geosciences (1755).

Date and Time: April 12, 2017; 8:30 a.m.–5:00 p.m.; April 13, 2017; 8:30 a.m.–2:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Stafford I, Room 1235, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Melissa Lane, National Science Foundation, Suite 705, 4201 Wilson Blvd., Arlington, Virginia 22230; Phone: 703–292–8500.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight on support for geoscience research and education including atmospheric, geospace, earth, ocean and polar sciences.

Agenda

April 12, 2017; 8:30 a.m.–5:00 p.m. Directorate and NSF activities and plans, Division/Office Updates, Presentation on Broader Impacts by Susan Renoe, Director, Broader Impacts Network, University of Missouri Meeting with the NSF Director and CIO.

April 13, 2017; 8:30 a.m.–2:00 p.m. Division/Office Updates, Discussion of NSF Response to NRC Geospace Portfolio Review, Action Items/Planning for Spring 2017 Meeting.

Dated: February 27, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–04051 Filed 3–1–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on March 9–11, 2017, 11545 Rockville Pike, Rockville, Maryland.

Thursday, March 9, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–11:30 a.m.: Proposed Updates to NRC Guidance for Cost-Benefit Analysis (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed updates to NRC guidance for cost-benefit analysis in accordance with phase one of SECY–14–0002, ''Plan for Updating the U.S. Nuclear Regulatory Commission's Cost-Benefit Guidance.''

2:00 p.m.–4:45 p.m.: Advanced Reactor Design Implementation Action Plan (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding advanced reactor design implementation action plan.

4:45 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Friday, March 10, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [NOTE: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–11:30 a.m.: Generic Issues Program (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding an overview of the subject program and status of generic issues.

1:00 p.m.–2:00 p.m.: Re-evaluation of ACRS Research Review Process and Report (Open)—Member Rempe will hold a discussion on the above subject.

2:00 p.m.–3:00 p.m.: Preparation for April Commission Meeting (Open)—The Committee will prepare for the upcoming Commission Meeting.

3:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports during this meeting.

Saturday, March 11, 2017, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports discussed during this meeting.

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016 (81 FR 71543). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/*.

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 27th day of February, 2017.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2017–04065 Filed 3–1–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on March 8, 2017, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, March 8, 2017—8:30 a.m. until 5:00 p.m.

The Subcommittee will receive a briefing on the NRC Vision and Strategy Implementation Action Plans for Advanced Non-Light Water Reactors. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Michael Snodderly (Telephone 301–415–2241 or Email: *Michael.Snodderly@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016 (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such

rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: February 22, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–04008 Filed 3–1–17; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Cancellation Notice—OPIC'S March 8, 2017 Annual Public Hearing

OPIC's Sunshine Act notice of its Annual Public Hearing was published in the **Federal Register** (82 FR 3819–3820) on January 12, 2017. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's Annual Public Hearing scheduled for 1 p.m., March 8, 2017 has been cancelled.

CONTACT PERSON FOR INFORMATION: Information on the hearing cancellation may be obtained from Catherine F.I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: February 27, 2017.

Catherine F.I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2017–04180 Filed 2–28–17; 4:15 pm]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80106; File No. SR–ISEGemini–2017–07]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Cancel and Replace Orders

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 24, 2017, ISE Gemini, LLC (''ISE Gemini'' 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 define the manner in which cancel and replace orders will be handled with the transition of the Exchange's technology migration to INET.

The text of the proposed rule change is available on the Exchange's Web site at *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 is proposing to amend Supplementary Material .02 to Rule 715 to memorialize the manner in which the trading system will handle cancel and replace orders in connection with the Exchange's technology migration to INET.

By way of background with respect to cancel and replace orders, a Member has the option of either sending in a cancel order and then separately sending in a new order which serves as a replacement of the original order (two separate messages) or sending a single cancel and replace order in one message (''Cancel and Replace Order''). Sending in a cancel order and then separately sending in a new order will not retain the priority of the original order on the current ISE Gemini system and on the INET system.

Today, ISE Gemini does not treat all Cancel and Replace Orders as new orders. For example, a Cancel and Replace Order which reduced the size of the original order from 600 to 300 contracts would not be treated as a new order. A new order would be subject to price or other reasonability checks,[3] which this order today on ISE Gemini would not be subject to as a result of decreasing the size of the order. This order would continue to retain its time priority in the system.

With the migration to INET, a Cancel and Replace Order will result in the original order being cancelled, provided the original order was not already filled partially or in its entirety.[4] A Cancel and Replace Order which reduced the size of the original order from 600 to 300 contracts would be treated as a new order and receive a price or other reasonability check on INET. This order would also retain its time priority in INET. With INET all Cancel and Replace Orders would receive price or other reasonability checks as a result of being viewed as new orders as compared to the manner in which these orders are treated on ISE Gemini today. Both in ISE Gemini today and in the INET system, the replacement order will retain time [sic] the priority of the cancelled order, if the order posts to the Order Book,[5] provided the price is not amended, the size is not increased[6] or in the case of Reserve Orders, size is not changed.[7] The manner in which ISE Gemini treats priority with respect to Cancel and Replace Orders is not changing, but simply being memorialized. With respect to Reserve Orders, any change in size will result in the original order becoming a new order and receiving a new timestamp, which impacts priority.

Implementation

The Exchange intends to begin implementation of the proposed rule change in Q1 2017. The migration will be on a symbol by symbol basis, and the Exchange will issue an alert to members in the form of an Options Trader Alert

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Price or other reasonability checks consider the current market at the time of the Cancel and Replace Order.

[4] For example, in both the current ISE Gemini system and INET, the original order is automatically canceled or reduced by the number of contracts that were executed depending on the volume of the original order that was filled.

[5] During an exposure period a Cancel and Replace Order will retain priority if the order posts to the Order Book, provided price is not changed, size is not increased or, for a Reserve Order, size is not changed.

[6] Decrementing the volume will not result in a change in priority, as is the case today with ISE Gemini.

[7] A Reserve Order is a limit order that contains both a displayed portion and a non-displayed portion. *See* ISE Gemini Rule 715(g).

to provide notification of the symbols that will migrate and the relevant dates.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] 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. The Exchange believes that its proposal to memorialize the manner in which Cancel and Replace Orders will be handled by the trading system with the transition to INET will add transparency to the rules.

Specifically, with respect to Cancel and Replace Orders the Exchange believes that it is consistent with the Act to treat such orders as new orders which will be subject to price or other reasonability checks. The Exchange believes that conducting price or other reasonability checks for all Cancel and Replace Orders will protect investors and the public interest by validating the order against the current market conditions prior to proceeding with the request to modify the order. The manner in which ISE Gemini treats priority with respect to Cancel and Replace Orders is not changing. The ISE Gemini system currently assigns a new priority to the order when the price is changed, size is increased or the size of a reserve order is changed. Hence, the priority of the original order would continue to not be retained in the same manner with respect to the original order. The Exchange believes that allowing Cancel and Replace Orders, where the size is reduced, to retain the priority of the original order is consistent with the manner in which the Exchange treats partially executed orders, which similarly apply the priority of the executed portion of the order to the remaining portion of the order. Other exchanges today permit an order to retain priority if only the size was decremented.[10] The Exchange believes that permitting size to decrement and allowing the order to retain priority is consistent with the Act because the reduced change in size does not impact the terms of the order materially. The reduced size of the order would have priority on the Order Book with the original order.

The Exchange believes that it is consistent with the Act to treat Reserve Orders differently than other order types by giving these orders a new priority if size is amended in any way, including a decrement in size, with a Cancel and Replace Order because unlike other order types, Reserve Orders have both a displayed an non-displayed portion. The Exchange believes that any change to the original order should be treated as a new order because the size of a Reserve Order is specifically defined as part of that order type. A Member must specify the displayed and total volume, a portion of which is non-displayed, when the order type is entered into the system. Treating this order type as a new order if size is amended is consistent with the Act because the terms of the original order would modify the total size of the order, including potentially displayed and non-displayed portions which the Exchange believes should result in a new order as it changes a material portion of the order.

The Exchange believes that memorializing the Cancel and Replace Order handling will add transparency and specificity to the Rules thereby protecting investors and the public interest by reducing the potential for investor confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe conducting price or other reasonability checks for all Cancel and Replace Orders imposes an undue burden on competition because all Cancel and Replace Orders will uniformly be subject to this additional protection based on the current market conditions. Permitting all market participants to reduce their exposure without penalty does not impose an undue burden competition, rather it promotes competition by allowing participants the ability to change their orders in a changing market, provided the order was not already filled. The Exchange believes that not permitting Reserve Orders to retain priority if size is amended does not create an undue burden on competition because all Members will be treated in a uniform manner with respect to Cancel and Replace Order handling.

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[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[14] 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, as subjecting modified orders to price or other reasonability checks may help protect investors and the public interest by validating such orders against current market conditions. The Commission also notes that the Exchange is not otherwise changing how its system handles modified orders. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* NASDAQ PHLX, LLC Rule 1080(b)(i)(A).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISEGemini–2017–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2017–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–ISEGemini–2017–07 and should be submitted on or before March 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04034 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80107; File No. SR–NASDAQ–2017–020]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter VII, Section 6 of the Options Rules Relating to Market Maker Quotations

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 14, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' 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 Chapter VII, Section 6 of the Options Rules relating to Market Maker Quotations.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to amend Chapter VII, Section 6 of the Options Rules relating to Market Maker Quotations to amend the quote spread parameters for in-the-money series where the market for the underlying security is wider than $5. Currently, Chapter VII, Section 6 states that options on equities (including Exchange-Traded Fund Shares), and index options must be quoted with a difference not to exceed $5 between the bid and offer regardless of the price of the bid, including before and during the opening. However, respecting in-the-money series where the market for the underlying security is wider than $5, the bid/ask differential may be as wide as the quotation for the underlying security on the primary market. Nasdaq proposes to change this provision so that, for in-the-money series where the market for the underlying security is wider than $5, the bid/ask differential may be as wide as the spread between the national best bid and offer (''NBBO'') in the underlying security.

Nasdaq is proposing this change so that Chapter VII, Section 6 will be consistent with Rule 803(b)(4)(i) of the International Securities Exchange, LLC (''ISE'') in this regard.[3] Pursuant to the acquisition of the indirect parent company of ISE by Nasdaq, Inc.,[4] Nasdaq is migrating ISE platforms to Nasdaq platforms, and proposing consistent rules where appropriate. In addition to making the Nasdaq and ISE rules consistent with one another in this regard, Nasdaq believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing

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[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ISE Rule 803(b)(4)(i) rule provides that (i) the bid/offer differentials stated in subparagraph (b)(4) of this Rule shall not apply to in-the-money options series where the underlying securities market is wider than the differentials set forth above. For these series, the bid/ask differential may be as wide as the spread between the national best bid and offer in the underlying security.

[4] *See* Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11).

market price of a security underlying an options series traded on Nasdaq.[5]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] 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. The proposed change adopts a bid/ask differential for market makers for in-the-money series where the market for the underlying security is wider than $5 that is consistent with ISE Rule 803(b)(4)(i). Nasdaq also believes that the proposal is consistent with the Act because measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on Nasdaq.

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 proposed change will adopt the same requirement as ISE Rule 803(b)(4)(i), and will apply the same standard to all Market Makers for in-the-money series where the market for the underlying security is wider than $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[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2017–020 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–NASDAQ–2017–020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–020, and should be submitted on or before March 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04035 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

[5] For example, if the primary market for ABC has a quote of $65 (bid)–$73 (offer), Nasdaq market makers currently may quote in-the-money option series on that security with a bid/offer differential of $8, even if other exchanges that trade ABC may collectively have a higher bid of $66 and a lower offer of $72. Under the proposed rule, Nasdaq market makers would be required to quote in-the-money option series on ABC with a bid/offer differential of no more than $6.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Investor Form; SEC File No. 270–485, OMB Control No. 3235–0547.

Notice is hereby given pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) that the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Each year the Commission receives several thousand contacts from investors who have complaints or questions on a wide range of investment-related issues. To make it easier for the public to contact the agency electronically, the Commission's Office of Investor Education and

Advocacy (''OIEA'') created an electronic form (the Investor Form) that provides drop down options to choose from in order to categorize the investor's complaint or question, and may also provide the investor with automated information about their issue. The Investor Form asks investors to provide information concerning, among other things, their names, how they can be reached, the names of the individuals or entities involved, the nature of their complaint or tip, what documents they can provide, and what, if any, actions they have taken. Use of the Investor Form is voluntary. Absent the forms, the public still has several ways to contact the agency, including telephone, facsimile, letters, and email. Investors can access the Investor Form through the consolidated Investor Complaint and Question Web page.

OIEA receives approximately 20,000 contacts each year through the Investor Form. Investors who choose not to use the Investor Form receive the same level of service as those who do. The dual purpose of the form is to make it easier for the public to contact the agency with complaints, questions, tips, or other feedback and to further streamline the workflow of Commission staff that record, process, and respond to investor contacts.

The Commission uses the information that investors supply on the Investor Form to review and process the contact (which may, in turn, involve responding to questions, processing complaints, or, as appropriate, initiating enforcement investigations), to maintain a record of contacts, to track the volume of investor complaints, and to analyze trends. Use of the Investor Form is voluntary. The Investor Form asks investors to provide information concerning, among other things, their names, how they can be reached, the names of the individuals or entities involved, the nature of their complaint or tip, what documents they can provide, and what, if any, actions they have taken.

The staff of the Commission estimates that the total reporting burden for using the Investor Form is 5,000 hours. The calculation of this estimate depends on the number of investors who use the forms each year and the estimated time it takes to complete the forms: 20,000 respondents × 15 minutes = 5,000 burden hours.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid 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.

Written 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 will 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 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela C. Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 24, 2017.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04023 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80104; File No. SR–BX–2017–011]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter VII, Section 6 of the Options Rules Relating to Market Maker Quotations

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 14, 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 Chapter VII, Section 6 of the Options Rules relating to Market Maker Quotations.

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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

BX is proposing to amend Chapter VII, Section 6 of the Options Rules relating to Market Maker Quotations to amend the quote spread parameters for in-the-money series where the market for the underlying security is wider than $5. Currently, Chapter VII, Section 6 states that options on equities (including Exchange-Traded Fund Shares), and index options must be quoted with a difference not to exceed $5 between the bid and offer regardless of the price of the bid, including before and during the opening. However, respecting in-the-money series where the market for the underlying security is wider than $5, the bid/ask differential may be as wide as the quotation for the underlying security on the primary market. BX proposes to change this provision so that, for in-the-money series where the market for the underlying security is wider than $5, the bid/ask differential may be as wide as the spread between the national best bid and offer (''NBBO'') in the underlying security.

BX is proposing this change so that Chapter VII, Section 6 will be consistent with Rule 803(b)(4)(i) of the International Securities Exchange, LLC (''ISE'') in this regard.[3] Pursuant to the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ISE Rule 803(b)(4)(i) rule provides that (i) the bid/offer differentials stated in subparagraph (b)(4) of this Rule shall not apply to in-the-money options series where the underlying securities market is wider than the differentials set forth above. For

acquisition of the indirect parent company of ISE by Nasdaq, Inc. (''Nasdaq''),[4] Nasdaq is migrating ISE platforms to Nasdaq platforms, and proposing consistent rules where appropriate. In addition to making the BX and ISE rules consistent with one another in this regard, BX believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on BX.[5]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] 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. The proposed change adopts a bid/ask differential for market makers for in-the-money series where the market for the underlying security is wider than $5 that is consistent with ISE Rule 803(b)(4)(i). BX also believes that the proposal is consistent with the Act because measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on BX.

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 proposed change will adopt the same requirement as ISE Rule 803(b)(4)(i), and will apply the same standard to all Market Makers for in-the-money series where the market for the underlying security is wider than $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[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2017–011 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–2017–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2017–011, and should be submitted on or before March 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04032 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

these series, the bid/ask differential may be as wide as the spread between the national best bid and offer in the underlying security.

[4] *See* Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11).

[5] For example, if the primary market for ABC has a quote of $65 (bid)–$73 (offer), BX market makers currently may quote in-the-money option series on that security with a bid/offer differential of $8, even if other exchanges that trade ABC may collectively have a higher bid of $66 and a lower offer of $72. Under the proposed rule, BX market makers would be required to quote in-the-money option series on ABC with a bid/offer differential of no more than $6.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80101; File No. SR–ISEGemini–2017–05]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to a Delay of Implementation for the Block Order Mechanism

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 16, 2017, ISE Gemini, LLC (''ISE Gemini'' 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 Block Order Mechanism [3] functionality on ISE Gemini.

The text of the proposed rule change is available on the Exchange's Web site at *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 recently filed a proposed rule change to amend Rule 716, Block Order Mechanism, along with other rules to reflect the ISE Gemini technology migration to a Nasdaq, Inc. (''Nasdaq'') supported architecture.[4] The Exchange noted in the rule change to amend Rule 716 that it intends to begin implementation of the proposed rule changes in Q1 2017.[5] The migration will be on a symbol by symbol basis, and the Exchange will issue an alert to members in the form of an Options Trader Alert to provide notification of the symbols that will migrate and the relevant dates.

At this time, the Exchange proposes to delay the implementation of the Block Order Mechanism functionality in ISE Gemini Rule 716(c). The Exchange proposes to no longer offer the functionality as of a date prior to February 27, 2017. The Exchange will notify Members of the exact date the functionality will no longer be available by issuing a Market Information Circular. The Exchange proposes to launch this functionality prior to June 1, 2017 and will notify Members of the exact implementation date by issuing a Market Information Circular. The Facilitation Mechanism in ISE Gemini Rule 716(d) and the Solicited Order Mechanism in ISE Gemini Rule 716(e) will be available and are unaffected by this rule change.

The Exchange desires to rollout this functionality at a later date to allow additional time to build out and test this feature on 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 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 Gemini.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] 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 for the reasons stated below.

The Exchange believes that delaying the implementation of the Block Order Mechanism functionality on ISE Gemini is consistent with the Act because the Exchange desires to rollout this functionality at a later date to allow additional time to build out this feature and test on 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 implement this functionality. There is no impact to market participants as a result of this delay as no participants currently utilize this feature on ISE Gemini. The Exchange will provide notice to Members to ensure clarity about the delay of implementation 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 the delay of implementation of this functionality as no participants currently utilize this feature on ISE Gemini. The Exchange plans to offer the functionality after a short period of delay.

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Block-size orders are orders for fifty (50) contracts or more. The Block Order Mechanism is a process by which a Member can obtain liquidity for the execution of block-size orders pursuant to Rule 716(c).

[4] *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).

[5] *Id.*

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

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 [8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [10] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [11] 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 Block Order Mechanism functionality and ensure that it is properly functioning prior to implementation on INET. The Commission notes that the Exchange represents that there will be no impact to market participants as a result of the proposed delay in implementation because no participants currently utilize the Block Order Mechanism on the Exchange. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[12]

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.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISEGemini–2017–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2017–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–ISEGemini–2017–05 and should be submitted on or before March 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04030 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80102; File No. SR–ISEGemini–2017–08]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to All-or-None Orders

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 24, 2017, ISE Gemini, LLC (''ISE Gemini'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 provide that All-Or-None Orders may only be entered into the trading system with a time-in-force designation of Immediate-Or-Cancel.

The Exchange requests that the Commission waive the 30-day operative delay period contained in Exchange Act Rule 19b–4(f)(6)(iii).[3]

The text of the proposed rule change is available on the Exchange's Web site at *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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6)(iii).

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 715(c) to provide that an All-Or-None Order may only be entered into the trading system with a time-in-force designation of Immediate-Or-Cancel order in connection with the Exchange's technology migration to INET.

An All-Or-None Order is a limit or market order that is to be executed in its entirety or not at all. Today, an All-Or-None Order may be designated as a market or limit order with any time-in-force designation. The Exchange proposes to limit All-Or-None Orders to only be accepted with a time-in-force designation of Immediate-Or-Cancel. An Immediate-Or-Cancel Order is a limit order that is to be executed in whole or in part upon receipt. Any portion not so executed is to be treated as cancelled.

The Exchange also proposes to amend Supplementary Material .02 to Rule 713 to make clear that All-Or-None Orders will only be accepted with a time-in-force designation of Immediate-Or-Cancel and, therefore, would not persist in the Order Book. The Exchange also proposes to amend Supplementary Material .03 to Rule 717 to reserve this section as All-Or-None Orders would not be subject to exposure because they would be cancelled if not executed in their entirety.[4]

Implementation

The Exchange will begin a system migration to Nasdaq INET in Q1 of 2017.[5] The migration will be on a symbol by symbol basis as specified by the Exchange in a notice to Members. The Exchange is proposing to implement this rule change on the INET platform as the symbols migrate to that platform. Members could continue to submit orders with any time-in-force designation until the symbol migrates to the INET platform. Once the symbol migrates to INET an All-Or-None Order could only be submitted with a time-in-force designation of Immediate-Or-Cancel.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] 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 by mitigating risks to market participants. The Exchange believes that the proposal is appropriate and reasonable, because the time-in-force designation of Immediate-Or-Cancel will offer Members certainty with respect to their order handling. With this proposal, an All-Or-None Order will either execute immediately or be cancelled back to the Member. All-Or-None Orders are contingency orders that have no priority on the Order Book. These orders would receive an execution after all other trading interest at the same price has been exhausted. This proposal would remove uncertainty with respect to the manner in which these orders would be handled in the Order Book by cancelling back an All-Or-None Order if it cannot be immediately executed in its entirety. Today, the NASDAQ Options Market, LLC (''NOM'') only permits All-Or-None Orders to be submitted with a time-in-force designation of Immediate-Or-Cancel.[8]

The Exchange notes that Members are aware of the Exchange's efforts to replatform to the INET technology. Members have been involved in testing the system and providing feedback to the Exchange throughout this migration process. Members were provided notice of this proposed change to the trading system on February 23, 2017. The Exchange intends to make clear the implementation of this functionality within its Rulebook.

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 would be able to submit an All-Or-None Order on the INET system without a time-in-force designation of Immediate-Or-Cancel. The Exchange believes the All-Or-None Order type, as proposed, will continue to offer Members a competitive alternative on ISE Gemini for submitting orders for execution.

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[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[12] 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 allow the Exchange to launch its transition to the INET technology on the schedule previously announced to Members. The Exchange states that it provided notice of the proposed rule change to Members on February 23, 2017. The Exchange also represents that the Exchange has directly contacted the Members

[4] The Exchange notes that Rule 716(e), Solicited Order Mechanism, is not being amended because only All-Or-None Orders are accepted into this mechanism. The proposed rule change does not impact the manner in which the Solicited Order Mechanism operates.

[5] *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).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* NOM Rules, Chapter VI, Section 1(g)(2).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 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 prefiling requirement in this case.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

responsible for over 99 percent of All-Or-None Orders on an average trading date on the Exchange and confirmed that the proposed rule change would have little impact on the Members' operations on the Exchange. The Exchange also represents that the primary impact of the proposal will not occur until later in the INET transition process. According to the Exchange, All-Or-None Orders are typically utilized for more liquid symbols, which will not begin to migrate to INET until the third week of the transition schedule and thereafter. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISEGemin–2017–08 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2017–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEGemini–2017–08 and should be submitted on or before March 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04031 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80109; File No. SR–Phlx–2017–16]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1014 of the Options Rules Relating to Market Maker Quotations

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 14, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1014 of the Options Rules relating to Market Maker Quotations.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx is proposing to amend Rule 1014(c)(i)(A)(1) of the Options Rules relating to Market Maker Quotations to amend the quote spread parameters for in-the-money series where the market for the underlying security is wider than the differentials set forth in the Rule. Currently, Rule 1014(c)(i)(A)(1)(a) provides the following bid/ask differentials for options on equities and index options: No more than $.25 between the bid and the offer for each option contract for which the prevailing bid is less than $2; no more than $.40 where the prevailing bid is $2 or more but less than $5; no more than $.50 where the prevailing bid is $5 or more but less than $10; no more than $.80 where the prevailing bid is $10 or more but less than $20; and no more than $1 where the prevailing bid is $20 or more, provided that, in the case of equity options, the bid/ask differentials stated above shall not apply to in-the-money series where the market for the underlying security is wider than the differentials set forth above. For such series, the bid/ask differentials may be as wide as the quotation for the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

underlying security on the primary market, or its decimal equivalent rounded up to the nearest minimum increment. The Exchange may establish differences other than the above for one or more series or classes of options.

Phlx proposes to change this provision so that, in the case of in-the-money series of equity options where the market for the underlying security is wider than the differentials set forth above, the bid/ask differential may be as wide as the spread between the national best bid and offer (''NBBO'') in the underlying security.

Phlx is proposing this change so that Rule 1014(c)(i)(A)(1)(a) will be consistent with Rule 803(b)(4)(i) of the International Securities Exchange, LLC (''ISE'') in this regard.[3] Pursuant to the acquisition of the indirect parent company of ISE by Nasdaq, Inc.,[4] Nasdaq is migrating ISE platforms to Nasdaq platforms, and proposing consistent rules where appropriate. In addition to making the Phlx and ISE rules consistent with one another in this regard, Phlx believes that measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on Phlx.[5]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] 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. The proposed change adopts a bid/ask differential for market makers for in-the-money series, where the market for the underlying security is wider than the differentials set forth in the Rule, that is consistent with ISE Rule 803(b)(4)(i). Phlx also believes that the proposal is consistent with the Act because measuring the permissible width of a market maker's quote against the NBBO more accurately reflects the current trading environment where multiple trading venues contribute to the prevailing market price of a security underlying an options series traded on Phlx.

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 proposed change will adopt the same requirement as ISE Rule 803(b)(4)(i), and will apply the same standard to all Market Makers for in-the-money series where the market for the underlying security is wider than the differentials set forth in the Rule.

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[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2017–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2017–16, and should be submitted on or before March 23, 2017.

[3] ISE Rule 803(b)(4)(i) rule provides that (i) the bid/offer differentials stated in subparagraph (b)(4) of this Rule shall not apply to in-the-money options series where the underlying securities market is wider than the differentials set forth above. For these series, the bid/ask differential may be as wide as the spread between the national best bid and offer in the underlying security.

[4] *See* Securities Exchange Act Release No. 78119 (June 21, 2016), 81 FR 41611 (June 27, 2016) (SR–ISE–2016–11).

[5] For example, if the primary market for ABC has a quote of $65 (bid)–$73 (offer), Phlx market makers currently may quote in-the-money option series on that security with a bid/offer differential of $8, even if other exchanges that trade ABC may collectively have a higher bid of $66 and a lower offer of $72. Under the proposed rule, Phlx market makers would be required to quote in-the-money option series on ABC with a bid/offer differential of no more than $6.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04036 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–32508]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 24, 2017.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2017. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 21, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Hae-Sung Lee, Attorney-Adviser, at (202) 551–7345 or Chief Counsel's Office at (202) 551–6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE., Washington, DC 20549–8010.

[10] 17 CFR 200.30–3(a)(12).

SCS Hedged Opportunities Fund, LLC [File No. 811–22404]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant currently has fewer than 100 beneficial owners, is not presently making an offering of securities and does not propose to make any offering of securities. Applicant will continue to operate as a private investment fund in reliance on section 3(c)(1) of the Act.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: One Winthrop Square, Boston, Massachusetts 02110.

SCS Hedged Opportunities (TE) Fund, LLC [File No. 811–22462]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant currently has fewer than 100 beneficial owners, is not presently making an offering of securities and does not propose to make any offering of securities. Applicant will continue to operate as a private investment fund in reliance on section 3(c)(1) of the Act.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: One Winthrop Square, Boston, Massachusetts 02110.

SCS Hedged Opportunities Master Fund, LLC [File No. 811–22403]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant currently has fewer than 100 beneficial owners, is not presently making an offering of securities and does not propose to make any offering of securities. Applicant will continue to operate as a private investment fund in reliance on section 3(c)(1) of the Act.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: One Winthrop Square, Boston, Massachusetts 02110.

Partners Group Private Credit [File No. 811–22864]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private RE (Master), LLC [File No. 811–22640]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private Credit (Master Fund) [File No. 811–22863]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private RE, LLC [File No. 811–22600]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private RE (Institutional), LLC [File No. 811–22601]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 17, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Oppenheimer International Growth Currency Hedged Fund [File No. 811–23103]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on November 18, 2016 and amended on January 19, 2017.

Applicant's Address: 6803 S. Tucson Way, Centennial, Colorado 80112.

Pyxis Premium Long/Short Equity Fund [File No. 811–22390]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on November 4, 2016, and amended on January 20, 2017.

Applicant's Address: 200 Crescent Court, Suite 700, Dallas, Texas 75201.

Highland Capital Fixed Income Fund [File No. 811–09171]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on March 12, 2008, and amended on November 10, 2016 and January 20, 2017.

Applicant's Address: 200 Crescent Court, Suite 700, Dallas, Texas 75201.

Highland Premium Dividend Fund [File No. 811–22625]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on November 4, 2016, and amended on January 20, 2017.

Applicant's Address: 200 Crescent Court, Suite 700, Dallas, Texas 75201.

Highland Premium Long/Short Healthcare Fund [File No. 811–22650]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Dates: The application was filed on November 4, 2016, and amended on January 20, 2017.

Applicant's Address: 200 Crescent Court, Suite 700, Dallas, Texas 75201.

Claymore Exchange-Traded Fund Trust 3 [File No. 811–22283]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

Filing Date: The application was filed on January 20, 2017.

Applicant's Address: 227 West Monroe Street, Chicago, Illinois 60606.

Deutsche High Income Trust [File No. 811–05482]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On November 14, 2016, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $49,391 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on January 25, 2017.

Applicant's Address: 345 Park Avenue, New York, New York 10154.

Pine Grove Alternative Fund [File No. 811–22861]

Summary: Applicant, a closed-end investment company and a feeder fund, seeks an order declaring that it has ceased to be an investment company. On October 30, 2016, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $7,123 incurred in connection with the liquidation were paid by the investment adviser to the master fund in which applicant invests.

Filing Date: The application was filed on January 25, 2017.

Applicant's Address: 452 5th Avenue, 26th Floor, New York, New York 10018.

Separate Account D of Voya Insurance & Annuity Co. [File No. 811–06090]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Separate Account B of Voya Insurance and Annuity Company and, on September 3, 1996, made a final distribution to its shareholders based on net asset value. Applicant incurred no expenses in connection with the reorganization.

Filing Dates: The application was filed on December 23, 2016, and amended on January 27, 2017.

Applicant's Address: 909 Locust Street, Des Moines, Iowa 50309.

Western Asset Emerging Markets Income Fund Inc. [File No. 811–07686]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Western Asset Emerging Markets Debt Fund Inc. and, on December 16, 2016, made a final distribution to its shareholders based on net asset value. Expenses of $523,632 incurred in connection with the reorganization were paid by applicant, applicant's investment adviser, and the acquiring fund.

Filing Date: The application was filed on January 30, 2017.

Applicant's Address: 620 Eight Avenue, New York, New York 10018.

Western Asset Worldwide Income Fund Inc. [File No. 811–08092]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Western Asset Emerging Markets Debt Fund Inc. and, on December 16, 2016, made a final distribution to its shareholders based on net asset value. Expenses of $504,985 incurred in connection with the reorganization were paid by applicant, applicant's investment adviser, and the acquiring fund.

Filing Date: The application was filed on January 30, 2017.

Applicant's Address: 620 Eight Avenue, New York, New York 10018.

Ramius Archview Credit and Distressed Feeder Fund [File No. 811–23065]

Summary: Applicant, a closed-end investment company and a feeder fund, seeks an order declaring that it has ceased to be an investment company. On December 1, 2016, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $6,000 incurred in connection with the liquidation were paid by applicant and the investment advisers to the master fund in which applicant invests.

Filing Dates: The application was filed on January 10, 2017 and amended on February 2, 2017.

Applicant's Address: 599 Lexington Avenue, 19th Floor, New York, New York 10022.

MFS InterMarket Income Trust I [File No. 811–05851]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On September 25, 2015, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant has retained approximately $180,000 in cash to pay for contingent liabilities for pending litigation. Once the litigation is resolved, amount remaining in the fund's litigation reserve will be distributed pro rata by ownership interest among holders of record of shares of common stock of the fund that were outstanding as of the record date for final liquidation distribution. Expenses of $57,459 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on February 6, 2017.

Applicant's Address: c/o Massachusetts Financial Services Company, 111 Huntington Avenue, Boston, Massachusetts 02199.

Broadmark Funds [File No. 811–22769]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Salient MF Trust and, on December 12, 2014, made a final distribution to its shareholders based on net asset value. Expenses of approximately $199,800 incurred in connection with the reorganization were paid by applicant's investment adviser and the acquiring fund's investment adviser.

Filing Date: The application was filed on February 9, 2017.

Applicant's Address: 101 California Street, 16th Floor, San Francisco, California 94111.

Stewart Capital Mutual Funds [File No. 811–21955]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 18, 2016, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $287,506 incurred in connection with the liquidation were paid by applicant's investment adviser.

Filing Date: The application was filed on February 14, 2017.

Applicant's Address: 800 Philadelphia Street, Indiana, Pennsylvania 15701.

Partners Group Private Equity (TEI), LLC [File No. 811–22379]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On January 1, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately $23,000 incurred in connection with the liquidation were paid by Partners Group Private Equity (Master Fund), LLC.

Filing Date: The application was filed on February 16, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private Equity (Institutional TEI), LLC [File No. 811–22443]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On January 1, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately $11,400 incurred in connection with the liquidation were paid by Partners Group Private Equity (Master Fund), LLC.

Filing Date: The application was filed on February 16, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private Equity (Institutional), LLC [File No. 811–22240]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On January 1, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately $13,300 incurred in connection with the liquidation were paid by Partners Group Private Equity (Master Fund), LLC.

Filing Date: The application was filed on February 16, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

Partners Group Private Equity, LLC [File No. 811–22210]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On January 1, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of approximately $33,200 incurred in connection with the liquidation were paid by Partners Group Private Equity (Master Fund), LLC.

Filing Date: The application was filed on February 16, 2017.

Applicant's Address: 1114 Avenue of the Americas, 37th Floor, New York, New York 10036.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04014 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80105; File No. SR–FINRA–2017–004]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Rule Cross-References and Make Non-Substantive Technical Changes to Certain FINRA Rules

February 24, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 17, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. 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 the Substance of the Proposed Rule Change

FINRA is proposing to update cross-references and make other non-substantive changes within FINRA rules, due in part to the adoption of a new consolidated FINRA rule.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA 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. FINRA 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

FINRA has been developing a consolidated rulebook (''Consolidated FINRA Rulebook'').[4] That process involves FINRA submitting to the Commission for approval a series of proposed rule changes over time to adopt rules in the Consolidated FINRA Rulebook. The phased adoption and implementation of those rules necessitates periodic amendments to update rule cross-references and other non-substantive changes in the Consolidated FINRA Rulebook.

The proposed rule change would make some of those changes, as well as other non-substantive changes unrelated to the adoption of rules in the Consolidated FINRA Rulebook.

First, the proposed rule change would update rule cross-references to reflect the adoption of FINRA Rule 3210 (Accounts At Other Broker-Dealers and Financial Institutions), a new consolidated rule addressing accounts opened or established by associated persons of members at firms other than the firm with which they are associated. The SEC approved the new rule on April 7, 2016. As part of that rule filing, FINRA also deleted in their entirety NASD Rule 3050, Incorporated NYSE Rules 407, 407A, and Incorporated NYSE Rule Interpretation 407.[5] Rule 3210 will be implemented on April 3, 2017. As such, the proposed rule change would update references to the new rule number in FINRA Rules 0150 (Application of Rules to Exempted Securities Except Municipal Securities), 2150 (Improper Use of Customers' Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts), 3110 (Supervision), 3280 (Private Securities Transactions of an Associated Person), and 6630 (Applicability of FINRA Rules to Securities Previously Designated as PORTAL Securities). Also, the proposed rule change would update the reference to Incorporated NYSE Rule 407 in FINRA Rule 9217 (Violations Appropriate for Disposition Under Plan Pursuant to SEA Rule 19d–1(c)(2)), given that, as explained more fully in SR–FINRA–2015–029, new FINRA Rule 3210 is the consolidated successor to the NYSE rule.[6]

Furthermore, the proposed rule change would make technical changes to FINRA Rules 5210 (Publication of Transactions and Quotations)[7] and 6750 (Dissemination of Transaction Information)[8] to reflect FINRA Manual style convention changes.

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date for the changes to FINRA Rule 6750 will be March 20, 2017, to coincide with the implementation date of earlier changes to the rule.[9] The implementation date for the proposed changes to FINRA Rules 0150, 2150, 3110, 3280, 5210, 6630 and 9217 will be April 3, 2017.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes the proposed rule change will provide greater clarity to members and the public regarding FINRA's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change brings clarity and consistency to FINRA rules without adding any burden on firms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

[4] The current FINRA rulebook consists of (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE (''Incorporated NYSE Rules'') (together, the NASD Rules and Incorporated NYSE Rules are referred to as the ''Transitional Rulebook''). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''). The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, *see Information Notice,* March 12, 2008 (Rulebook Consolidation Process).

[5] *See* Securities Exchange Act Release No. 77550 (April 7, 2016), 81 FR 21924 (April 13, 2016) (Order Approving File No. SR–FINRA–2015–029).

[6] *See supra* note 5. In addition, current FINRA Rule 9217 includes reference to Incorporated NYSE Rule 407A. Such reference would be deleted pursuant to the rule change. As explained more fully in SR–FINRA–2015–029, FINRA deleted Incorporated NYSE Rule 407A because that rule is superseded by FINRA Rule 3210.

[7] *See* Securities Exchange Act Release No. 79361 (November 21, 2016), 81 FR 85650 (November 28, 2016) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2016–043).

[8] *See* Securities Exchange Act Release No. 78925 (September 23, 2016), 81 FR 67023 (September 29, 2016) (Order Approving File No. SR–FINRA–2016–023).

[9] *See supra* note 8 for additional detail.

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2017–004 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–FINRA–2017–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2017–004, and should be submitted on or before March 23, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04033 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 203A–2(e), SEC File No. 270–501, OMB Control No. 3235–0559.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 203A–2(e),[1] which is entitled ''Internet Investment Advisers,'' exempts from the prohibition on Commission registration an Internet investment adviser who provides investment advice to all of its clients exclusively through computer software-based models or applications, termed under the rule as ''interactive Web sites.'' [2] These advisers generally would not meet the statutory thresholds currently set out in section 203A of the Advisers Act [3]—they do not manage $25 million or more in assets and do not advise registered investment companies, or they manage between $25 million and $100 million in assets, do not advise registered investment companies or business development companies, and are required to be registered as investment advisers with the states in which they maintain their principal offices and places of business and are subject to examination as an adviser by such states.[4] Eligibility under rule 203A–2(e) is conditioned on an adviser maintaining in an easily accessible place, for a period of not less than five years from the filing of Form ADV,[5] a record demonstrating that the adviser's advisory business has been conducted through an interactive Web site in accordance with the rule.[6]

This record maintenance requirement is a ''collection of information'' for PRA purposes. The Commission believes that approximately 144 advisers are registered with the Commission under rule 203A–2(e), which involves a recordkeeping requirement of approximately four burden hours per year per adviser and results in an estimated 576 of total burden hours (4 × 144) for all advisers.

This collection of information is mandatory, as it is used by Commission staff in its examination and oversight program in order to determine continued Commission registration eligibility for advisers registered under this rule. Responses generally are kept confidential pursuant to section 210(b) of the Advisers Act.[7] Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) The accuracy of the Commission's estimate of the burden of the collection of information; (c) Ways to enhance the quality, utility, and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. An agency 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.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 23, 2017.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2017–04022 Filed 3–1–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 275.203A–2(e).

[2] Included in rule 203A–2(e) is a limited exception to the interactive Web site requirement which allows these advisers to provide investment advice to fewer than 15 clients through other means on an annual basis. 17 CFR 275.203A–2(e)(1)(i). The rule also precludes advisers in a control relationship with an SEC-registered Internet adviser from registering with the Commission under the common control exemption provided by rule 203A–2(b) (17 CFR 275.203A–2(b)). 17 CFR 275.203A–2(e)(1)(iii).

[3] 15 U.S.C. 80b–3a(a).

[4] *Id.*

[5] The five-year record retention period is a similar recordkeeping retention period as imposed on all advisers under rule 204–2 of the Advisers Act. See rule 204–2 (17 CFR 275.204–2).

[6] 17 CFR 275.203A–2(e)(1)(ii).

[7] 15 U.S.C. 80b–10(a).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before May 1, 2017.

ADDRESSES: Send all comments to Sandra Johnston, Program Analyst, Office of Economic Opportunity, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Sandra Johnston, Program Analyst, Office of Economic Opportunity, *Sandra.johnston@sba.gov* 202–205–7528, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: SBA has established a pilot loan program, the Intermediary Lending Pilot Program (ILPP), to make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns. This requested information, which will be provided by intermediaries that wish to participate in ILPP, will be used to select ILPP intermediaries, to monitor disbursement of ILPP loan proceeds, and to monitor program effectiveness while minimizing risk to the federal taxpayer.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Intermediary Lending Pilot Program Application and Reporting Requirements.

Description of Respondents: Intermediary Lenders.

Form Numbers: 2418, 2419.

Total Estimated Annual Responses: 432.

Total Estimated Annual Hour Burden: 3,168.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–04052 Filed 3–1–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9901]

U.S. Advisory Commission on Public Diplomacy: Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a public meeting from 10:30 a.m. until 12:00 p.m., Thursday, March 16, 2017 in the Rayburn House Office Building, Room 2255 in Washington, DC 20515.

The meeting will be on ''The Past, Present, and Future of Voice of America (VOA)'' and will feature current Director of VOA Amanda Bennett, former VOA Director Geoff Cowan, and former Undersecretary for Public Diplomacy and Public Affairs James Glassman.

This meeting is open to the public, Members and staff of Congress, the State Department, Defense Department, the media, and other governmental and non-governmental organizations. To RSVP, and also to make any requests for reasonable accommodation, email *pdcommission@state.gov* by 5 p.m. on Tuesday, March 14, 2017. Please arrive for the meeting by 10:15 a.m. to allow for a prompt meeting start.

The United States Advisory Commission on Public Diplomacy appraises U.S. Government activities intended to understand, inform, and influence foreign publics. The Advisory Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director. The Advisory Commission may undertake foreign travel in pursuit of its studies and coordinate, sponsor, or oversee projects, studies, events, or other activities that it deems desirable and necessary in fulfilling its functions.

The Commission consists of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. Sim Farar of California, Chairman; Mr. William Hybl of Colorado, Vice Chairman; Ambassador Lyndon Olson of Texas; Ambassador Penne Korth-Peacock of Texas; Anne Terman Wedner of Illinois; and Ms. Georgette Mosbacher of New York. One seat on the Commission is currently vacant.

To request further information about the meeting or the U.S. Advisory Commission on Public Diplomacy, you may contact its Senior Advisor, Chris Hensman, at *HensmanCD@state.gov.*

Shawn Powers,

U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 2017–04058 Filed 3–1–17; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the ARAC.

DATES: The meeting will be held on March 16, 2017, starting at 1:00 p.m. Eastern Standard Time. Arrange oral presentations by March 09, 2017.

ADDRESSES: The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 10th Floor, MacCracken Conference Room.

FOR FURTHER INFORMATION CONTACT: Nikeita Johnson, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–4977; fax (202) 267–5075; email *Nikeita.Johnson@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the ARAC taking place on March 16, 2017, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

The Agenda includes:

1. Interim Recommendation Report
   a. Air Traffic Controller Training Working Group

2. Status Report from the FAA (including a discussion on the January 30, 2017 Executive Order titled ''Reducing Regulation and Controlling Regulatory Costs'').
3. New Tasks
   a. Transport Airplane and Engine (TAE) Subcommittee
   i. Ice Crystal Icing Working Group
   ii. Avionics Systems Harmonization Working Group
   iii. Flight Test Harmonization Working Group—Phase 3
4. Status Reports From Active Working Groups
   a. ARAC
   i. Rotorcraft Occupant Protection Working Group
   ii. Rotorcraft Bird Strike Working Group
   iii. Load Master Certification Working Group
   iv. Airman Certification Systems Working Group
   b. Transport Airplane and Engine (TAE) Subcommittee
   i. Transport Airplane Metallic and Composite Structures Working Group—Transport Airplane Damage—Tolerance and Fatigue Evaluation
   ii. Flight Test Harmonization Working Group—Phase 2 Tasking
   iii. Transport Airplane Crashworthiness and Ditching Evaluation Working Group
   iv. Engine Harmonization Working Group—Engine Endurance Testing Requirements—Revision of Section 33.87
   v. Airworthiness Assurance Working Group
5. Any Other Business

Attendance is open to the interested public but limited to the space available. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than March 09, 2017. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers are responsible for paying long-distance charges.

The public must arrange by March 09, 2016 to present oral statements at the meeting. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing 25 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on February 28, 2017.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2017–04126 Filed 2–28–17; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Waivers and ATC Authorization in Controlled Airspace Under Part 107

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Department of Transportation invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The FAA established the Waivers and ATC Authorization in Controlled Airspace under Part 107 portal to allow a remote pilot in command to request a waiver from regulations or an authorization for a small unmanned aircraft system (UAS) to operate in Class B, C, D, and the lateral boundaries of the surface area of Class E airspace designated for an airport.

DATES: Written comments should be submitted by April 3, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Ronda Thompson by email at: *Ronda.Thompson@faa.gov.*

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 2120–0768.

Title: ATC authorizations in Controlled Airspace under Part 107.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The Department intends to submit this information collection to OMB to request an approval for the information collection currently titled ''ATC Authorization in Controlled Airspace under Part 107.'' The Department requests approval for a renewal of this information collection approval that will include expanding the information collection to encompass requests for Waivers under 14 CFR part 107, subpart D, currently approved as Information Collection 2120–0027, which covers waivers issued by the FAA under Part 91. In this information collection, the Department does not intend to affect those waivers in any manner. As a result, the Department requests approval for information collections for Part 107 waivers and airspace authorizations within Information Collection 2120–0768.

The FAA uses the ATC Authorization in Controlled Airspace and Waivers under 14 CFR part 107, subpart D portal to determine whether the remote pilot can safely conduct the proposed small UAS operation in controlled airspace (Class B, C, D, and Class E surface areas), and/or whether the remote pilot can safely operate the small UAS under the terms of a waiver that authorizes deviation from a particular regulation. In this regard, the FAA reviews and analyzes the information it collects through the Certificate of Waiver or Authorization to determine the type and extent of the intended deviation from prescribed regulations. The remote pilot in command will be required to submit information electronically to the FAA

regarding the operation to be conducted. Information will include contact information for the remote pilot in command, the date and time of the operation, as well as its anticipated duration, and the airspace for which the request is submitted. If the remote pilot in command wishes to conduct the same operation on a number of dates/times, the request will permit multiple dates/times to be listed to reduce the number of submissions required.

In general, the FAA will issue a certificate of waiver or authorization to deviate to the applicant (individuals and businesses) if the proposed operation does not create a hazard to persons, property, other aircraft, and includes the operation of unmanned aircraft. To obtain such a certificate of waiver, an applicant must submit a request containing a complete description of the proposed operation and a justification, including supporting data and documentation as necessary that establishes the operation will not endanger the national airspace system or people on the ground. The FAA expects the amount of data and analysis required as part of the application will be proportional to the specific relief the applicant requests.

Respondents: Approximately 19,000 requests per year.

Frequency: On occasion.

Estimated Average Burden per Response: .5 hour.

Estimated Total Annual Burden: 9,500 hours.

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

Ronda L. Thompson,

FAA Information Collection Clearance Officer, Performance, Policy & Records Management Branch, ASP–110.

[FR Doc. 2017–04054 Filed 3–1–17; 8:45 am]

BILLING CODE 4910–13–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on March 16, 2017 on ''China's Pursuit of Next Frontier Tech: Computing, Robotics, and Biotechnology''.

DATES: The hearing is scheduled for Thursday, March 16, 2017 from 9:30 a.m. to 3:20 p.m.

ADDRESSES: Dirksen Senate Office Building, Room 419, Washington, DC. A detailed agenda for the hearing will be posted on the Commission's Web site at *www.uscc.gov.* Also, please check the Commission's Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Leslie Tisdale, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the hearing.*

SUPPLEMENTARY INFORMATION:

Background: This is the third public hearing the Commission will hold during its 2017 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. This hearing on ''China's Pursuit of Next Frontier Tech: Computing, Robotics, and Biotechnology'' will examine the industrial policies outlined in the 13th Five-Year Plan (2016–2020) and related policy announcements that seek to move Chinese manufacturing up the value-added chain, establish China as a global center of innovation and technology, and ensure China's long-term productivity in critical dual-use technologies such as computing, robotics, and biotechnology. Advancements in these sectors have previously driven U.S. technological and military superiority, and the Chinese government is looking to develop its own technological leaders and reduce its dependence on foreign technology. This hearing will examine what steps the Chinese government has taken to support these sectors, compare U.S. and Chinese technological leadership in these sectors, and consider the implications of China's policies for U.S. economic and national security interests and how the United States can maintain its strategic advantage. The hearing will be co-chaired by Commissioner Daniel M. Slane and Commissioner Katherine C. Tobin, Ph.D. Any interested party may file a written statement by March 16, 2017, by mailing to the contact information above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: February 27, 2017.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2017–04067 Filed 3–1–17; 8:45 am]

BILLING CODE 1137–00–P

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