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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–8839; Airspace Docket No. 16–AGL–19]

Amendment of Class E Airspace for the Following Ohio Towns; Findlay, OH; Ashland, OH; Celina, OH; Circleville, OH; Columbus, OH; Defiance, OH; Hamilton, OH; Lima, OH; and London, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace designated as a surface area at Findlay Airport, Findlay, OH; and Class E airspace extending upward from 700 feet above the surface at Ashland County Airport, Ashland, OH; Lakefield Airport, Celina, OH; Pickaway County Memorial Airport, Circleville, OH; Ross County Airport, Chillicothe, OH; Fairfield County Airport, Lancaster, OH; Defiance Memorial Airport, Defiance, OH; Findlay Airport; Bluffton Airport, Findlay, OH; Butler County Airport-Hogan Field, Hamilton, OH; Lima Allen County Airport, Lima, OH; and Madison County Airport, London, OH. Decommissioning of non-directional radio beacons (NDB), cancellation of NDB approaches, and implementation of area navigation (RNAV) procedures have made this action necessary for the safety and management of Instrument Flight Rules (IFR) operations at these airports. This action also updates the geographic coordinates for Port Columbus International Airport; Findlay Airport; Ashland County Airport; Samaritan Hospital Heliport, Ashland, OH; Lakefield Airport; Ross County Airport; Defiance Regional Medical Center Heliport, Defiance, OH; Bluffton Airport; Lima Allen County Airport; and St. Rita's Medical Center Heliport, Lima, OH, to coincide with the FAA's aeronautical database. Also, the names of Samaritan Hospital Heliport (formerly Samaritian Regional Health System), Defiance Regional Medical Center Heliport (formerly Defiance Hospital), and Butler County Regional Airport-Hogan Field (formerly Butler County Regional Airport) are being updated to coincide with the FAA's aeronautical database.

DATES: Effective 0901 UTC, June 22, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace designated as a surface area at Findlay Airport, Findlay, OH; and Class E airspace extending upward from 700 feet above the surface at Ashland County Airport, Ashland, OH; Lakefield Airport, Celina, OH; Pickaway County Memorial Airport, Circleville, OH; Ross County Airport, Chillicothe, OH; Fairfield County Airport, Lancaster, OH; Defiance Memorial Airport, Defiance, OH; Findlay Airport; Bluffton Airport, Findlay, OH; Butler County Airport-Hogan Field, Hamilton, OH; Lima Allen County Airport, Lima, OH; and Madison County Airport, London, OH.

History

On September 27, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM), (81 FR 66221) Docket No. FAA–2016–8839, to modify Class E airspace designated as a surface area at Findlay Airport, Findlay, OH; and Class E airspace extending upward from 700 feet above the surface at Ashland County Airport, Ashland, OH; Lakefield Airport, Celina, OH; Pickaway County Memorial Airport, Circleville, OH; Ross County Airport, Chillicothe, OH; Fairfield County Airport, Lancaster, OH; Defiance Memorial Airport, Defiance, OH; Findlay Airport; Bluffton Airport, Findlay, OH; Butler County Airport-Hogan Field, Hamilton, OH; Lima Allen County Airport, Lima, OH; and Madison County Airport, London, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered a typographical error in the geographic coordinates for Yellow Bud VOR (lat. 39°31′2637″ N. vice lat. 39°31′37″ N.) listed in the boundary description for Circleville, OH. This error has been corrected in this action.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations

listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies:

Class E airspace designated as a surface area at Findlay Airport, Findlay, OH, by removing the segments extending from the 4.3-mile radius 7.4 miles south and northeast of the airport, and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

Class E airspace extending upward from 700 feet above the surface:

By updating the geographic coordinates of Ashland County Airport and noting the name change of Samaritan Hospital Heliport (formerly Samaritian Regional Health System), Ashland, OH, to coincide with the FAA's aeronautical database;

Within a 6.4-mile radius (reduced from a 7-mile radius) of Lakefield Airport, Celina, OH, and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

Within a 6.4-mile radius (reduced from a 10-mile radius) of Pickaway County Memorial Airport, Circleville, OH, with an extension from the 6.4-mile radius to 10.5 miles north of the airport, and within a 6.5-mile radius (reduced from a 9.1-mile radius) of Ross County Airport, Chillicothe, OH, and updates the geographic coordinates of the Ross County Airport to coincide with the FAA's aeronautical database;

By updating the geographic coordinates of Port Columbus International Airport, Columbus, OH, and amending the radius of the Fairfield County Airport, Lancaster, OH, to within a 7.0-mile radius (increased from a 6.4-mile radius);

Within a 6.4-mile radius (reduced from a 7-mile radius) of Defiance Memorial Airport, Defiance, OH, and updates the geographic coordinates and name of Defiance Regional Medical Center Heliport (formerly Defiance Hospital), Defiance, OH, to coincide with the FAA's aeronautical database;

Within a 6.8-mile radius (reduced from a 7.4-mile radius) of Findlay Airport, Findlay, OH, and within a 7.2-mile radius (increased from a 6.6-mile radius) of Bluffton Airport, Findlay, OH, and updates the geographic coordinates of these airports to coincide with the FAA's aeronautical database;

Within a 6.9-mile radius (increased from a 6.6-mile radius) of Butler County Regional Airport-Hogan Field, Hamilton, OH, and updates the name of the airport (formerly Butler County Regional Airport) to coincide with the FAA's aeronautical database;

By removing the Allen County VOR from the boundary description of Lima Allen County Airport, Lima, OH, and updating the name of St. Rita's Medical Center Heliport (formerly Saint Rita's Medical Center), Lima, OH, and updating the geographic and point in space coordinates of these airports to coincide with the FAA's aeronautical database;

And by removing the segment extending from the 6.4-mile radius 7.4 miles west of Madison County Airport, London, OH.

Airspace reconfiguration is necessary due to the decommissioning of NDBs, cancellation of NDB approaches, and implementation of RNAV procedures at the above airports for the safety and management of the standard instrument approach procedures for IFR operations at these airports.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AGL OH E2 Findlay, OH [Amended]

Findlay Airport, OH
(Lat. 41°00′43″ N., long. 83°40′07″ W.)
Lutz Airport
(Lat. 40°57′42″ N., long. 83°35′43″ W.)

Within a 4.3-mile radius of the Findlay Airport excluding that portion within a 1-mile radius of the Lutz Airport.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL OH E5 Ashland, OH [Amended]

Ashland County Airport, OH
(Lat. 40°54′11″ N., long. 82°15′20″ W.)
Samaritan Hospital Heliport, OH, Point in Space Coordinates
(Lat. 40°51′34″ N., long. 82°18′30″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Ashland County Airport, and within a 6-mile radius of the Point in Space serving Samaritan Hospital Heliport, excluding that airspace which lies within the Mansfield, OH, Class E airspace area.

* * * * *

AGL OH E5 Celina, OH [Amended]

Lakefield Airport, OH
(Lat. 40°29′03″ N., long. 84°33′30″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Lakefield Airport, excluding that airspace within the Wapakoneta, OH, Class E airspace area.

AGL OH E5 Circleville, OH [Amended]

Circleville, Pickaway County Memorial Airport, OH
(Lat. 39°30′58″ N., long. 82°58′56″ W.)
Chillicothe, Ross County Airport, OH
(Lat. 39°26′26″ N., long. 83°01′23″ W.)
Yellow Bud VOR
(Lat. 39°31′37″ N., long. 82°58′41″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Pickaway County Memorial Airport, and within 2.9 miles either side of the 345° radial from the Yellow Bud VOR extending from the 6.4-mile radius to 10.5 miles north of the airport, and within a 6.5-mile radius of the Ross County Airport, excluding that airspace within the Waverly, OH, Class E Airspace area.

* * * * *

AGL OH E5 Columbus, OH [Amended]

Columbus, Port Columbus International Airport, OH
(Lat. 39°59′49″ N., long. 82°53′32″ W.)
Columbus, Rickenbacker International Airport, OH
(Lat. 39°48′50″ N., long. 82°55′40″ W.)
Columbus, Ohio State University Airport, OH
(Lat. 40°04′47″ N., long. 83°04′23″ W.)
Columbus, Bolton Field Airport, OH
(Lat. 39°54′04″ N., long. 83°08′13″ W.)
Columbus, Darby Dan Airport, OH
(Lat. 39°56′31″ N., long. 83°12′18″ W.)
Lancaster, Fairfield County Airport, OH
(Lat. 39°45′20″ N., long. 82°39′26″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Columbus International Airport, and within 3.3 miles either side of the 094° bearing from Port Columbus International Airport extending from the 7-mile radius to 12.1 miles east of the airport, and within a 7-mile radius of Rickenbacker International Airport, and within 4 miles either side of the 045° bearing from Rickenbacker International Airport extending from the 7-mile radius to 12.5 miles northeast of the airport, and within a 6.5-mile radius of Ohio State University Airport, and within a 7.4-mile radius of Bolton Field Airport, and within a 7-mile radius of Fairfield County Airport, and within a 6.5-mile radius of Darby Dan Airport, excluding that airspace within the London, OH, Class E airspace area.

* * * * *

AGL OH E5 Defiance, OH [Amended]

Defiance Memorial Airport, OH
(Lat. 41°20′15″ N., long. 84°25′44″ W.)
Defiance Regional Medical Center Heliport, OH, Point in Space Coordinates
(Lat. 41°17′53″ N., long. 84°22′40″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Defiance Memorial Airport, and within a 6-mile radius of the Point in Space serving Defiance Regional Medical Center Heliport.

* * * * *

AGL OH E5 Findlay, OH [Amended]

Findlay Airport, OH
(Lat. 41°00′43″ N., long. 83°40′07″ W.)
Bluffton Airport, OH
(Lat. 40°53′08″ N., long. 83°52′07″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Findlay Airport and within a 7.2-mile radius of Bluffton Airport.

* * * * *

AGL OH E5 Hamilton, OH [Amended]

Butler County Regional Airport-Hogan Field, OH
(Lat. 39°21′50″ N., long. 84°31′19″ W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Butler County Regional Airport-Hogan Field.

* * * * *

AGL OH E5 Lima, OH [Amended]

Lima Allen County Airport, OH
(Lat. 40°42′27″ N., long. 84°01′37″ W.)
St. Rita's Medical Center Heliport, OH, Point in Space Coordinates
(Lat. 40°44′26″ N., long. 84°07′06″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Lima Allen County Airport, and within a 6-mile radius of the Point in Space serving St. Rita's Medical Center Heliport, excluding the airspace within the Findlay, OH, Class E airspace area.

AGL OH E5 London, OH [Amended]

Madison County Airport, OH
(Lat. 39°55′58″ N., long. 83°27′43″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Madison County Airport.

Issued in Fort Worth, Texas, on February 22, 2017.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–04182 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–6661; Airspace Docket No. 16–ASW–10]

Establishment of Class E Airspace; Grand Chenier, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Little Pecan Island Airport, Grand Chenier, LA. Controlled airspace is necessary to accommodate new Standard Approach Procedures developed at Little Pecan Island Airport, for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective 0901 UTC, April 27, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Little Pecan Island Airport, Grand Chenier, LA.

History

On December 9, 2016, the FAA published in the **Federal Register** (81FR 89012) FAA–2016–6661, a notice of proposed rulemaking (NPRM) to establish Class E Airspace extending upward from 700 feet above the surface at Little Pecan Island Airport, Grand Chenier, LA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11A is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11A lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6-mile radius of Little Pecan Island Airport, Grand Chenier, LA, to accommodate new standard instrument approach procedures. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Section 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11A, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016, is amended as follows:

Paragraph 6005: Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW LA E5 Grand Chenier, LA [NEW]

Little Pecan Island Airport, LA

(Lat. 29°47′59″ N., long. 092°48′13″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Little Pecan Island Airport

Issued in Fort Worth, Texas, on February 28, 2017.

Robert L. Beck,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2017–04452 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0050]

16 CFR Part 1240

Safety Standard for Magnet Sets; Removal of Final Rule Vacated by Court

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: This final rule removes from the Code of Federal Regulations the final rule published on October 3, 2014, titled, ''Safety Standard for Magnet Sets.'' This action responds to a decision of the U.S. Court of Appeals for the Tenth Circuit that vacated the rule.

DATES: The action is effective on March 7, 2017. However, the court order had legal effect immediately upon its filing on November 22, 2016.

FOR FURTHER INFORMATION CONTACT: Todd A. Stevenson, Secretary, U.S. Consumer Product Safety Commission, Office of the Secretary, 4330 East-West Highway, Bethesda, MD 20814–4408, Room 820; telephone: 301–504–7923; email: *tstevenson@cpsc.gov.*

SUPPLEMENTARY INFORMATION: On October 3, 2014, the Consumer Product Safety Commission (CPSC or Commission) published a final rule titled, ''Safety Standard for Magnet Sets'' (magnet set rule) under the authority of the Consumer Product Safety Act. 79 FR 59962. The rule established requirements for magnet sets and individual magnets that are intended or marketed to be used with or as magnet sets. As defined in the rule, ''magnet sets'' are aggregations of separable magnetic objects that are marketed or commonly used as a manipulative or construction item for entertainment, such as puzzle working, sculpture building, mental stimulation, or stress relief. Under the rule, if a magnet set contains a magnet that fits within the CPSC's small parts cylinder, each magnet in the magnet set must have a flux index of 50 kG^2 mm^2 or less; an individual magnet that is marketed or intended for use as part of a magnet set also must meet these requirements. The rule provided that the flux index is

determined by the method described in ASTM F963–11, Standard Consumer Safety Specification for Toy Safety.

On December 2, 2014, Zen Magnets, LLC (Zen) filed a petition in the U.S. Court of Appeals for the Tenth Circuit challenging the magnet set rule. The Tenth Circuit concluded that the Commission's rule provided incomplete and inadequately explained findings. The court vacated and remanded the rule to the Commission. *Zen Magnets, LLC* v. *Consumer Product Safety Comm'n,* No.14–9610 (10th Cir. Nov. 22, 2016). Consistent with that decision, this rule removes the magnet set rule at 16 CFR part 1240 and reserves that part.

This rule is not subject to the requirement to provide notice and an opportunity for public comment because it falls under the good cause exception at 5 U.S.C. 553(b)(B). The good cause exception is satisfied when notice and comment is ''impracticable, unnecessary, or contrary to the public interest.'' *Id.* This rule is an administrative step that implements the court's order vacating the magnet set rule. Additionally, because this rule implements a court order already in effect, the Commission has good cause to waive the 30-day effective date under 5 U.S.C. 553(d)(3).

List of Subjects in 16 CFR Part 1240

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety.

PART 1240—[REMOVED AND RESERVED]

■ For the reasons stated above, under the authority of 15 U.S.C. 2056 and 2058, the Commission amends 16 CFR chapter II by removing and reserving part 1240.

Dated: March 2, 2017.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2017–04381 Filed 3–6–17; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM11–6–000]

Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; annual update to fee schedule.

SUMMARY: In accordance with of the Commission's regulations, the Commission, by its designee, the Executive Director, issues this annual update to the fee schedule in the appendix to the part, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees.

DATES: This rule is effective March 7, 2017. Updates to appendix A to part 11 with the fee schedule of per-acre rental fees by county (or other geographic area) are applicable from October 1, 2016, through September 30, 2017 (Fiscal Year 2017).

FOR FURTHER INFORMATION CONTACT: Norman Richardson, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6219, *Norman.Richardson@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Annual Update to Fee Schedule

Section 11.2 of the Commission's regulations provides a method for computing reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands by hydropower licensees.[1] Annual charges for the use of government lands are payable in advance, and are based on an annual schedule of per-acre rental fees published in appendix A to part 11 of the Commission's regulations.[2] This document updates the fee schedule in appendix A to part 11 for fiscal year 2017 (October 1, 2016, through September 30, 2017).

Effective Date

This Final Rule is effective March 7, 2017. The provisions of 5 U.S.C. 804, regarding Congressional review of final rules, do not apply to this Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. This Final Rule merely updates the fee schedule published in the Code of Federal Regulations to reflect scheduled adjustments, as provided for in section 11.2 of the Commission's regulations.

List of Subjects in 18 CFR Part 11

Public lands.

By the Executive Director.

[1] *Annual Charges for the Use of Government Lands,* Order No. 774, 78 FR 5256 (January 25, 2013), FERC Stats. & Regs. ¶ 31,341 (2013).

[2] 18 CFR part 11 (2016).

Issued: February 28, 2017.

Anton C. Porter,

Executive Director, Office of the Executive Director.

In consideration of the foregoing, the Commission amends part 11, chapter I, title 18, *Code of Federal Regulations,* as follows.

PART 11—[AMENDED]

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

■ 2. Appendix A to part 11 is revised to read as follows:

Appendix A to Part 11—Fee Schedule for FY 2017

State	County	Fee/acre/yr
Alabama	Autauga	$61.69
	Baldwin	107.46
	Barbour	61.05
	Bibb	56.63
	Blount	98.07
	Bullock	58.79
	Butler	65.57
	Calhoun	82.25
	Chambers	70.27
	Cherokee	92.30
	Chilton	79.18
	Choctaw	50.56
	Clarke	55.21
	Clay	66.79
	Cleburne	74.11
	Coffee	71.18
	Colbert	76.14
	Conecuh	53.76
	Coosa	55.96
	Covington	60.88
	Crenshaw	54.77
	Cullman	112.76
	Dale	67.77
	Dallas	49.54
	DeKalb	102.33
	Elmore	85.72
	Escambia	61.32
	Etowah	96.08
	Fayette	57.34
	Franklin	56.80
	Geneva	58.35
	Greene	54.81
	Hale	56.46
	Henry	60.34
	Houston	70.30
	Jackson	70.54
	Jefferson	121.70
	Lamar	39.89
	Lauderdale	80.19
	Lawrence	82.58
	Lee	101.92
	Limestone	109.82
	Lowndes	46.61
	Macon	66.35
	Madison	100.30
	Marengo	48.13
	Marion	59.97
	Marshall	102.36
	Mobile	109.68
	Monroe	53.12
	Montgomery	70.84
	Morgan	100.77
	Perry	47.38
	Pickens	55.82
	Pike	61.49
	Randolph	75.87

State	County	Fee/ acre/ yr
	Russell	61.05
	St. Clair	113.36
	Shelby	103.64
	Sumter	38.41
	Talladega	78.53
	Tallapoosa	65.17
	Tuscaloosa	80.05
	Walker	69.59
	Washington	45.59
	Wilcox	45.43
	Winston	70.23
Alaska [1]	Aleutian Islands Area [1]	
	Anchorage Area [1]	
	Fairbanks Area [1]	
	Juneau Area [1]	
	Kenai Peninsula [1]	
	All Areas [1]	
Arizona	Apache	3.05
	Cochise	22.17
	Coconino	3.30
	Gila	5.18
	Graham	9.14
	Greenlee	24.70
	La Paz	20.33
	Maricopa	89.60
	Mohave	7.63
	Navajo	4.09
	Pima	8.25
	Pinal	37.64
	Santa Cruz	24.17
	Yavapai	24.94
	Yuma	114.25
Arkansas	Arkansas	57.00
	Ashley	62.42
	Baxter	57.32
	Benton	95.30
	Boone	55.28
	Bradley	75.05
	Calhoun	52.83
	Carroll	54.63
	Chicot	57.27
	Clark	39.70
	Clay	68.71
	Cleburne	58.82
	Cleveland	83.70
	Columbia	46.36
	Conway	55.60
	Craighead	68.92
	Crawford	64.49
	Crittenden	59.68
	Cross	54.63
	Dallas	34.38
	Desha	59.92
	Drew	54.15
	Faulkner	70.45
	Franklin	48.94
	Fulton	34.41
	Garland	79.24
	Grant	48.40
	Greene	73.44
	Hempstead	44.00
	Hot Spring	55.17
	Howard	50.66
	Independence	44.99
	Izard	37.95
	Jackson	54.07
	Jefferson	62.32
	Johnson	51.68
	Lafayette	43.46
	Lawrence	57.43
	Lee	60.09
	Lincoln	60.06
	Little River	36.13
	Logan	48.27
	Lonoke	59.76
	Madison	58.39
	Marion	43.27
	Miller	42.68
	Mississippi	61.21
	Monroe	51.65
	Montgomery	53.85
	Nevada	40.77
	Newton	47.41
	Ouachita	47.86
	Perry	52.38
	Phillips	56.08
	Pike	45.82
	Poinsett	65.94
	Polk	56.97
	Pope	58.98
	Prairie	53.75
	Pulaski	73.87
	Randolph	43.30
	St. Francis	75.61
	Saline	47.22
	Scott	35.83
	Searcy	57.21
	Sebastian	50.17
	Sevier	39.05
	Sharp	50.85
	Stone	41.93
	Union	54.45
	Van Buren	53.32
	Washington	88.34
	White	55.25
	Woodruff	53.61
	Yell	48.80
California	Alameda	44.73
	Alpine	34.77
	Amador	31.89
	Butte	61.60
	Calaveras	26.45
	Colusa	44.03
	Contra Costa	68.30
	Del Norte	70.66
	El Dorado	66.69
	Fresno	67.17
	Glenn	37.23
	Humboldt	20.94
	Imperial	56.76
	Inyo	6.31
	Kern	35.95
	Kings	48.89
	Lake	49.36
	Lassen	15.62
	Los Angeles	100.99
	Madera	61.72
	Marin	50.49
	Mariposa	17.05
	Mendocino	32.53
	Merced	62.72
	Modoc	13.95
	Mono	22.84
	Monterey	39.66
	Napa	176.73
	Nevada	87.82
	Orange	177.15
	Placer	86.44
	Plumas	14.40
	Riverside	82.79
	Sacramento	57.84
	San Benito	23.05
	San Bernardino	109.07
	San Diego	145.62
	San Francisco	1,022.29
	San Joaquin	81.79
	San Luis Obispo	34.15
	San Mateo	91.59
	Santa Barbara	59.70
	Santa Clara	54.41
	Santa Cruz	100.44
	Shasta	22.71
	Sierra	12.19
	Siskiyou	16.53
	Solano	45.05
	Sonoma	118.51
	Stanislaus	78.11
	Sutter	53.65
	Tehama	24.14
	Trinity	9.24
	Tulare	61.08
	Tuolumne	37.54
	Ventura	126.63
	Yolo	45.74
	Yuba	46.96
Colorado	Adams	25.67
	Alamosa	26.05
	Arapahoe	30.11
	Archuleta	38.38
	Baca	9.94
	Bent	8.31
	Boulder	102.13
	Broomfield	35.03
	Chaffee	54.04
	Cheyenne	13.89
	Clear Creek	49.03
	Conejos	27.12
	Costilla	19.64
	Crowley	6.12
	Custer	27.21
	Delta	59.31
	Denver	969.09
	Dolores	25.78
	Douglas	89.76
	Eagle	70.39
	Elbert	21.58
	El Paso	20.04
	Fremont	41.80
	Garfield	49.64
	Gilpin	50.62
	Grand	40.86
	Gunnison	50.35
	Hinsdale	94.58
	Huerfano	15.44
	Jackson	18.63
	Jefferson	98.16
	Kiowa	12.20
	Kit Carson	20.24
	Lake	33.20
	La Plata	52.12
	Larimer	55.09
	Las Animas	7.24
	Lincoln	8.53
	Logan	15.53
	Mesa	60.18
	Mineral	77.60
	Moffat	13.05
	Montezuma	19.79
	Montrose	51.31
	Morgan	25.49
	Otero	11.66
	Ouray	50.75
	Park	23.79
	Phillips	32.35
	Pitkin	100.03
	Prowers	12.29
	Pueblo	13.11
	Rio Blanco	23.75
	Rio Grande	42.24
	Routt	39.63
	Saguache	26.56
	San Juan	22.87
	San Miguel	26.05
	Sedgwick	22.72
	Summit	59.40
	Teller	35.85
	Washington	17.47
	Weld	35.36
	Yuma	24.48
Connecticut	Fairfield	313.45
	Hartford	326.36
	Litchfield	294.19
	Middlesex	363.23
	New Haven	324.20
	New London	266.64
	Tolland	256.19
	Windham	196.86
Delaware	Kent	214.78
	New Castle	266.77
	Sussex	210.85
Florida	Alachua	102.61
	Baker	123.58
	Bay	98.99
	Bradford	79.71
	Brevard	103.21
	Broward	436.87

State	County	Fee/ acre/ yr
	Calhoun	40.49
	Charlotte	96.61
	Citrus	126.23
	Clay	67.10
	Collier	85.45
	Columbia	86.48
	DeSoto	484.65
	Dixie	89.53
	Duval	75.16
	Escambia	132.21
	Flagler	93.03
	Franklin	80.81
	Gadsden	37.03
	Gilchrist	84.45
	Glades	63.53
	Gulf	58.26
	Hamilton	79.76
	Hardee	55.02
	Hendry	78.64
	Hernando	77.35
	Highlands	160.02
	Hillsborough	56.00
	Holmes	172.58
	Indian River	53.81
	Jackson	73.51
	Jefferson	64.20
	Lafayette	80.31
	Lake	78.61
	Lee	143.72
	Leon	180.82
	Levy	104.87
	Liberty	113.86
	Madison	51.57
	Manatee	64.20
	Marion	106.57
	Martin	178.29
	Dade	125.46
	Monroe	361.78
	Nassau	91.24
	Okaloosa	69.15
	Okeechobee	87.55
	Orange	159.47
	Osceola	75.25
	Palm Beach	135.16
	Pasco	128.92
	Pinellas	574.63
	Polk	104.47
	Putnam	105.40
	St. Johns	150.08
	St. Lucie	124.99
	Santa Rosa	90.70
	Sarasota	67.46
	Seminole	91.77
	Sumter	101.99
	Suwannee	76.52
	Taylor	72.54
	Union	68.13
	Volusia	117.00
	Wakulla	66.77
	Walton	54.83
	Washington	54.78
Georgia	Appling	60.49
	Atkinson	68.96
	Bacon	74.84
	Baker	70.93
	Baldwin	63.24
	Banks	141.95
	Barrow	141.92
	Bartow	114.47
	Ben Hill	65.53
	Berrien	68.54
	Bibb	84.43
	Bleckley	60.14
	Brantley	74.74
	Brooks	85.33
	Bryan	75.77
	Bulloch	62.56
	Burke	58.20
	Butts	90.02
	Calhoun	56.62
	Camden	56.33
	Candler	61.56
	Carroll	114.59
	Catoosa	146.47
	Charlton	52.71
	Chatham	133.39
	Chattahoochee	53.74
	Chattooga	79.55
	Cherokee	245.11
	Clarke	145.92
	Clay	42.73
	Clayton	143.99
	Clinch	70.02
	Cobb	316.14
	Coffee	68.02
	Colquitt	75.90
	Columbia	126.87
	Cook	71.09
	Coweta	127.71
	Crawford	79.68
	Crisp	54.00
	Dade	81.71
	Dawson	201.09
	Decatur	73.83
	DeKalb	71.83
	Dodge	56.91
	Dooly	60.59
	Dougherty	84.69
	Douglas	170.31
	Early	55.49
	Echols	68.18
	Effingham	71.80
	Elbert	91.40
	Emanuel	55.10
	Evans	66.86
	Fannin	168.08
	Fayette	157.87
	Floyd	100.71
	Forsyth	284.10
	Franklin	139.85
	Fulton	175.19
	Gilmer	158.68
	Glascock	47.74
	Glynn	101.35
	Gordon	123.96
	Grady	79.52
	Greene	83.36
	Gwinnett	267.04
	Habersham	148.48
	Hall	212.20
	Hancock	88.47
	Haralson	108.85
	Harris	124.09
	Hart	133.88
	Heard	89.72
	Henry	148.18
	Houston	80.04
	Irwin	65.69
	Jackson	143.11
	Jasper	89.47
	Jeff Davis	85.82
	Jefferson	51.61
	Jenkins	48.54
	Johnson	46.41
	Jones	82.07
	Lamar	99.16
	Lanier	88.05
	Laurens	53.00
	Lee	74.35
	Liberty	54.58
	Lincoln	71.64
	Long	63.63
	Lowndes	91.40
	Lumpkin	232.39
	McDuffie	58.04
	McIntosh	74.06
	Macon	66.70
	Madison	66.21
	Marion	145.12
	Meriwether	81.94
	Miller	63.69
	Mitchell	73.90
	Monroe	88.11
	Montgomery	44.64
	Morgan	112.95
	Murray	110.78
	Muscogee	132.75
	Newton	109.14
	Oconee	186.62
	Oglethorpe	83.68
	Paulding	169.08
	Peach	103.32
	Pickens	173.51
	Pierce	61.53
	Pike	94.31
	Polk	93.18
	Pulaski	67.63
	Putnam	98.25
	Quitman	55.10
	Rabun	182.87
	Randolph	50.00
	Richmond	68.47
	Rockdale	180.42
	Schley	58.72
	Screven	55.13
	Seminole	69.83
	Spalding	135.10
	Stephens	136.23
	Stewart	50.71
	Sumter	58.49
	Talbot	53.84
	Taliaferro	56.91
	Tattnall	71.77
	Taylor	52.32
	Telfair	49.16
	Terrell	61.08
	Thomas	86.40
	Tift	82.07
	Toombs	61.27
	Towns	152.77
	Treutlen	46.35
	Troup	102.87
	Turner	61.59
	Twiggs	64.63
	Union	155.42
	Upson	81.65
	Walker	100.96
	Walton	138.69
	Ware	63.76
	Warren	52.16
	Washington	53.42
	Wayne	70.96
	Webster	45.80
	Wheeler	38.56
	White	177.41
	Whitfield	125.22
	Wilcox	63.01
	Wilkes	71.77
	Wilkinson	55.13
	Worth	66.76
Hawaii	Hawaii	166.17
	Honolulu	419.77
	Kauai	158.16
	Maui	204.70
Idaho	Ada	61.64
	Adams	17.77
	Bannock	21.11
	Bear Lake	16.60
	Benewah	18.54
	Bingham	26.10
	Blaine	33.37
	Boise	16.57
	Bonner	50.99
	Bonneville	27.07
	Boundary	39.94
	Butte	17.99
	Camas	17.33
	Canyon	62.28
	Caribou	16.37
	Cassia	27.36
	Clark	17.01
	Clearwater	21.99
	Custer	26.89
	Elmore	23.90
	Franklin	23.45
	Fremont	26.07

State	County	Fee/ acre/ yr
	Gem	32.25
	Gooding	44.73
	Idaho	16.29
	Jefferson	30.60
	Jerome	44.85
	Kootenai	48.34
	Latah	21.05
	Lemhi	25.96
	Lewis	16.38
	Lincoln	30.66
	Madison	38.70
	Minidoka	40.50
	Nez Perce	19.65
	Oneida	13.87
	Owyhee	14.34
	Payette	35.29
	Power	17.66
	Shoshone	69.84
	Teton	38.45
	Twin Falls	36.09
	Valley	28.88
	Washington	11.66
Illinois	Adams	135.05
	Alexander	90.39
	Bond	176.88
	Boone	187.23
	Brown	109.01
	Bureau	200.46
	Calhoun	103.92
	Carroll	186.92
	Cass	152.89
	Champaign	217.64
	Christian	207.12
	Clark	134.30
	Clay	130.23
	Clinton	159.86
	Coles	192.73
	Cook	286.26
	Crawford	136.62
	Cumberland	148.72
	DeKalb	196.49
	De Witt	214.67
	Douglas	208.01
	DuPage	189.93
	Edgar	179.54
	Edwards	110.00
	Effingham	158.46
	Fayette	121.82
	Ford	207.26
	Franklin	101.39
	Fulton	143.49
	Gallatin	120.12
	Greene	154.12
	Grundy	208.25
	Hamilton	98.96
	Hancock	156.54
	Hardin	96.67
	Henderson	169.22
	Henry	186.75
	Iroquois	185.93
	Jackson	107.64
	Jasper	138.50
	Jefferson	98.52
	Jersey	161.19
	Jo Daviess	132.73
	Johnson	82.63
	Kane	242.59
	Kankakee	180.77
	Kendall	237.36
	Knox	187.74
	Lake	215.70
	La Salle	284.21
	Lawrence	133.89
	Lee	206.88
	Livingston	196.49
	Logan	196.36
	McDonough	214.12
	McHenry	169.97
	McLean	174.45
	Macon	114.85
	Macoupin	189.28
	Madison	159.82
	Marion	97.80
	Marshall	192.12
	Mason	220.62
	Massac	223.62
	Menard	172.88
	Mercer	166.01
	Monroe	141.58
	Montgomery	162.83
	Morgan	182.69
	Moultrie	210.16
	Ogle	189.52
	Peoria	189.18
	Perry	111.30
	Piatt	236.58
	Pike	134.40
	Pope	71.22
	Pulaski	109.97
	Putnam	172.06
	Randolph	121.89
	Richland	120.15
	Rock Island	170.45
	St. Clair	115.30
	Saline	201.41
	Sangamon	119.67
	Schuyler	159.14
	Scott	165.05
	Shelby	172.61
	Stark	203.33
	Stephenson	185.93
	Tazewell	203.36
	Union	96.91
	Vermilion	192.53
	Wabash	145.20
	Warren	189.21
	Washington	141.61
	Wayne	122.20
	White	122.54
	Whiteside	187.03
	Will	214.12
	Williamson	120.49
	Winnebago	173.02
	Woodford	211.87
Indiana	Adams	158.29
	Allen	168.67
	Bartholomew	160.58
	Benton	176.42
	Blackford	115.50
	Boone	168.60
	Brown	109.35
	Carroll	186.50
	Cass	147.87
	Clark	115.50
	Clay	119.05
	Clinton	182.29
	Crawford	69.97
	Daviess	177.00
	Dearborn	111.23
	Decatur	145.38
	DeKalb	120.99
	Delaware	144.80
	Dubois	122.19
	Elkhart	220.41
	Fayette	126.97
	Floyd	145.65
	Fountain	131.07
	Franklin	125.06
	Fulton	137.25
	Gibson	145.58
	Grant	152.41
	Greene	107.71
	Hamilton	175.60
	Hancock	156.20
	Harrison	100.57
	Hendricks	159.38
	Henry	135.30
	Howard	173.55
	Huntington	148.96
	Jackson	125.20
	Jasper	167.54
	Jay	179.36
	Jefferson	96.71
	Jennings	106.45
	Johnson	166.41
	Knox	154.26
	Kosciusko	160.27
	LaGrange	203.47
	Lake	154.97
	LaPorte	166.21
	Lawrence	86.67
	Madison	164.67
	Marion	175.46
	Marshall	142.13
	Martin	110.31
	Miami	138.48
	Monroe	131.99
	Montgomery	152.58
	Morgan	134.48
	Newton	155.01
	Noble	132.06
	Ohio	97.26
	Orange	95.28
	Owen	92.79
	Parke	113.89
	Perry	81.93
	Pike	116.69
	Porter	163.72
	Posey	131.07
	Pulaski	140.77
	Putnam	114.68
	Randolph	138.99
	Ripley	111.43
	Rush	166.35
	St. Joseph	98.11
	Scott	167.34
	Shelby	105.73
	Spencer	167.75
	Starke	119.73
	Steuben	122.57
	Sullivan	114.13
	Switzerland	96.37
	Tippecanoe	183.90
	Tipton	199.54
	Union	135.37
	Vanderburgh	115.60
	Vermillion	129.81
	Vigo	105.90
	Wabash	141.18
	Warren	160.92
	Warrick	132.67
	Washington	90.74
	Wayne	141.45
	Wells	172.94
	White	186.80
	Whitley	140.36
Iowa	Adair	128.09
	Adams	117.51
	Allamakee	116.49
	Appanoose	81.27
	Audubon	182.39
	Benton	197.62
	Black Hawk	218.15
	Boone	206.59
	Bremer	211.14
	Buchanan	200.74
	Buena Vista	199.88
	Butler	186.95
	Calhoun	210.39
	Carroll	205.97
	Cass	149.58
	Cedar	196.32
	Cerro Gordo	181.54
	Cherokee	203.20
	Chickasaw	195.95
	Clarke	92.46
	Clay	202.17
	Clayton	131.03
	Clinton	194.44
	Crawford	189.38
	Dallas	184.17
	Davis	80.55
	Decatur	81.79
	Delaware	197.28
	Des Moines	152.59
	Dickinson	193.31

State	County	Fee/ acre/ yr
	Dubuque	166.79
	Emmet	199.30
	Fayette	188.31
	Floyd	175.24
	Franklin	181.95
	Fremont	168.12
	Greene	190.61
	Grundy	219.87
	Guthrie	158.71
	Hamilton	222.33
	Hancock	190.47
	Hardin	202.17
	Harrison	159.43
	Henry	134.93
	Howard	180.48
	Humboldt	208.81
	Ida	185.78
	Iowa	165.69
	Jackson	145.95
	Jasper	170.21
	Jefferson	125.69
	Johnson	188.01
	Jones	183.39
	Keokuk	136.44
	Kossuth	208.26
	Lee	116.83
	Linn	184.04
	Louisa	157.21
	Lucas	78.67
	Lyon	225.72
	Madison	134.21
	Mahaska	153.92
	Marion	122.17
	Marshall	181.30
	Mills	172.92
	Mitchell	201.83
	Monona	150.33
	Monroe	86.82
	Montgomery	153.58
	Muscatine	172.16
	O'Brien	233.72
	Osceola	192.69
	Page	137.74
	Palo Alto	205.94
	Plymouth	201.28
	Pocahontas	209.02
	Polk	193.07
	Pottawattamie	192.52
	Poweshiek	166.45
	Ringgold	93.63
	Sac	203.13
	Scott	222.23
	Shelby	185.41
	Sioux	249.26
	Story	214.56
	Tama	178.01
	Taylor	104.78
	Union	94.21
	Van Buren	95.13
	Wapello	112.93
	Warren	140.00
	Washington	167.20
	Wayne	88.49
	Webster	201.28
	Winnebago	184.72
	Winneshiek	163.13
	Woodbury	163.54
	Worth	168.23
	Wright	197.35
Kansas	Allen	37.58
	Anderson	41.92
	Atchison	57.97
	Barber	32.70
	Barton	42.19
	Bourbon	38.96
	Brown	88.04
	Butler	47.37
	Chase	36.50
	Chautauqua	31.09
	Cherokee	50.13
	Cheyenne	42.62
	Clark	24.49
	Clay	56.82
	Cloud	53.59
	Coffey	41.08
	Comanche	24.79
	Cowley	38.55
	Crawford	45.08
	Decatur	41.04
	Dickinson	54.30
	Doniphan	96.86
	Douglas	76.81
	Edwards	57.43
	Elk	34.15
	Ellis	35.86
	Ellsworth	35.69
	Finney	38.72
	Ford	32.77
	Franklin	62.47
	Geary	52.18
	Gove	34.62
	Graham	35.49
	Grant	35.86
	Gray	35.93
	Greeley	40.03
	Greenwood	37.91
	Hamilton	27.22
	Harper	40.84
	Harvey	69.17
	Haskell	37.07
	Hodgeman	28.93
	Jackson	47.37
	Jefferson	60.22
	Jewell	51.94
	Johnson	116.81
	Kearny	34.92
	Kingman	38.45
	Kiowa	33.17
	Labette	40.00
	Lane	34.62
	Leavenworth	87.07
	Lincoln	40.20
	Linn	47.37
	Logan	31.76
	Lyon	41.99
	McPherson	56.75
	Marion	72.47
	Marshall	60.76
	Meade	32.83
	Miami	84.27
	Mitchell	60.29
	Montgomery	41.65
	Morris	39.53
	Morton	22.78
	Nemaha	75.96
	Neosho	40.30
	Ness	28.02
	Norton	35.66
	Osage	43.77
	Osborne	36.87
	Ottawa	50.67
	Pawnee	49.05
	Phillips	33.68
	Pottawatomie	51.34
	Pratt	43.06
	Rawlins	46.93
	Reno	48.34
	Republic	71.36
	Rice	42.99
	Riley	49.22
	Rooks	35.32
	Rush	34.92
	Russell	30.75
	Saline	53.19
	Scott	40.84
	Sedgwick	63.95
	Seward	30.98
	Shawnee	66.98
	Sheridan	51.64
	Sherman	45.96
	Smith	43.67
	Stafford	47.57
	Stanton	29.81
	Stevens	36.91
	Sumner	48.24
	Thomas	57.39
	Trego	35.32
	Wabaunsee	39.56
	Wallace	33.95
	Washington	62.81
	Wichita	36.54
	Wilson	38.69
	Woodson	37.04
	Wyandotte	129.42
Kentucky	Adair	69.72
	Allen	80.48
	Anderson	84.87
	Ballard	92.67
	Barren	80.21
	Bath	53.14
	Bell	52.97
	Boone	168.04
	Bourbon	115.92
	Boyd	63.53
	Boyle	92.73
	Bracken	57.06
	Breathitt	38.95
	Breckinridge	65.33
	Bullitt	99.27
	Butler	55.08
	Caldwell	74.49
	Calloway	80.82
	Campbell	119.63
	Carlisle	77.04
	Carroll	71.83
	Carter	47.87
	Casey	55.32
	Christian	94.06
	Clark	89.40
	Clay	43.37
	Clinton	70.64
	Crittenden	58.62
	Cumberland	46.50
	Daviess	105.77
	Edmonson	64.78
	Elliott	36.97
	Estill	50.32
	Fayette	248.18
	Fleming	57.09
	Floyd	40.10
	Franklin	100.33
	Fulton	95.05
	Gallatin	82.42
	Garrard	67.30
	Grant	83.34
	Graves	88.31
	Grayson	61.82
	Green	61.69
	Greenup	48.21
	Hancock	76.60
	Hardin	95.46
	Harlan	36.02
	Harrison	74.35
	Hart	60.43
	Henderson	99.44
	Henry	91.03
	Hickman	94.78
	Hopkins	79.05
	Jackson	49.50
	Jefferson	235.11
	Jessamine	149.04
	Johnson	47.66
	Kenton	118.74
	Knott	36.84
	Knox	47.63
	Larue	93.21
	Laurel	93.93
	Lawrence	38.57
	Lee	51.81
	Leslie	118.37
	Letcher	62.98
	Lewis	40.00
	Lincoln	67.78
	Livingston	57.94
	Logan	91.20
	Lyon	55.15

State	County	Fee/ acre/ yr
	McCracken	82.18
	McCreary	40.38
	McLean	73.33
	Madison	83.27
	Magoffin	137.09
	Marion	70.20
	Marshall	83.82
	Martin	48.75
	Mason	102.40
	Meade	88.34
	Menifee	48.68
	Mercer	92.02
	Metcalfe	61.45
	Monroe	64.24
	Montgomery	74.69
	Morgan	34.76
	Muhlenberg	63.29
	Nelson	91.58
	Nicholas	58.79
	Ohio	66.66
	Oldham	170.15
	Owen	62.81
	Owsley	36.73
	Pendleton	64.48
	Perry	32.85
	Pike	36.32
	Powell	43.30
	Pulaski	78.88
	Robertson	49.23
	Rockcastle	55.35
	Rowan	58.08
	Russell	83.88
	Scott	124.53
	Shelby	132.94
	Simpson	113.37
	Spencer	85.35
	Taylor	75.78
	Todd	100.50
	Trigg	80.62
	Trimble	85.96
	Union	111.77
	Warren	98.22
	Washington	69.72
	Wayne	61.93
	Webster	86.98
	Whitley	59.03
	Wolfe	40.51
	Woodford	222.10
Louisiana	Acadia	57.29
	Allen	54.26
	Ascension	90.86
	Assumption	78.69
	Avoyelles	58.58
	Beauregard	64.49
	Bienville	61.42
	Bossier	86.82
	Caddo	70.30
	Calcasieu	66.26
	Caldwell	63.94
	Cameron	45.41
	Catahoula	62.68
	Claiborne	65.00
	Concordia	59.58
	De Soto	69.94
	East Baton Rouge	148.37
	East Carroll	70.72
	East Feliciana	76.98
	Evangeline	54.77
	Franklin	58.87
	Grant	55.10
	Iberia	80.95
	Iberville	46.54
	Jackson	73.07
	Jefferson	98.22
	Jefferson Davis	58.68
	Lafayette	66.23
	Lafourche	123.17
	La Salle	55.45
	Lincoln	85.92
	Livingston	148.41
	Madison	63.71
	Morehouse	61.13
	Natchitoches	62.68
	Orleans	399.93
	Ouachita	75.30
	Plaquemines	32.60
	Pointe Coupee	70.85
	Rapides	65.65
	Red River	50.45
	Richland	59.29
	Sabine	82.11
	St. Bernard	42.93
	St. Charles	55.93
	St. Helena	86.40
	St. James	90.89
	St. John the Baptist	75.14
	St. Landry	62.10
	St. Martin	63.84
	St. Mary	64.75
	St. Tammany	188.88
	Tangipahoa	106.32
	Tensas	56.74
	Terrebonne	57.90
	Union	75.11
	Vermilion	67.10
	Vernon	81.59
	Washington	91.54
	Webster	89.92
	West Baton Rouge	96.83
	West Carroll	55.13
	West Feliciana	68.14
	Winn	62.42
Maine	Androscoggin	66.12
	Aroostook	36.81
	Cumberland	126.56
	Franklin	56.03
	Hancock	86.88
	Kennebec	73.92
	Knox	97.93
	Lincoln	89.97
	Oxford	65.57
	Penobscot	51.96
	Piscataquis	44.23
	Sagadahoc	97.45
	Somerset	54.64
	Waldo	48.10
	Washington	40.33
	York	125.56
Maryland	Allegany	93.80
	Anne Arundel	310.98
	Baltimore	253.54
	Calvert	202.41
	Caroline	164.07
	Carroll	218.72
	Cecil	194.85
	Charles	173.30
	Dorchester	139.96
	Frederick	203.99
	Garrett	113.00
	Harford	221.95
	Howard	294.40
	Kent	182.97
	Montgomery	273.18
	Prince George's	211.87
	Queen Anne's	199.92
	St. Mary's	146.95
	Somerset	177.33
	Talbot	177.60
	Washington	160.64
	Wicomico	168.77
	Worcester	160.37
Massachusetts	Barnstable	839.31
	Berkshire	165.33
	Bristol	343.27
	Dukes	230.67
	Essex	490.09
	Franklin	143.17
	Hampden	172.83
	Hampshire	189.98
	Middlesex	450.40
	Nantucket	627.50
	Norfolk	571.45
	Plymouth	270.92
	Suffolk	4,825.12
	Worcester	219.79
Michigan	Alcona	64.67
	Alger	54.92
	Allegan	127.08
	Alpena	64.54
	Antrim	95.08
	Arenac	73.82
	Baraga	49.02
	Barry	105.59
	Bay	106.59
	Benzie	110.60
	Berrien	148.34
	Branch	94.28
	Calhoun	97.53
	Cass	105.06
	Charlevoix	97.73
	Cheboygan	65.86
	Chippewa	43.05
	Clare	75.22
	Clinton	115.28
	Crawford	87.75
	Delta	51.77
	Dickinson	58.67
	Eaton	98.76
	Emmet	83.87
	Genesee	102.61
	Gladwin	74.82
	Gogebic	69.61
	Grand Traverse	141.48
	Gratiot	119.65
	Hillsdale	91.37
	Houghton	47.03
	Huron	138.03
	Ingham	108.21
	Ionia	110.63
	Iosco	70.90
	Iron	52.76
	Isabella	100.98
	Jackson	101.41
	Kalamazoo	123.43
	Kalkaska	80.75
	Kent	155.40
	Keweenaw	66.76
	Lake	68.91
	Lapeer	121.31
	Leelanau	178.59
	Lenawee	107.65
	Livingston	128.64
	Luce	60.89
	Mackinac	55.12
	Macomb	146.52
	Manistee	76.28
	Marquette	54.06
	Mason	75.75
	Mecosta	79.26
	Menominee	53.23
	Midland	95.51
	Missaukee	80.26
	Monroe	120.78
	Montcalm	88.51
	Montmorency	60.29
	Muskegon	136.10
	Newaygo	94.38
	Oakland	227.44
	Oceana	85.46
	Ogemaw	70.31
	Ontonagon	44.94
	Osceola	67.29
	Oscoda	69.74
	Otsego	67.02
	Ottawa	171.32
	Presque Isle	56.91
	Roscommon	69.68
	Saginaw	101.25
	St. Clair	116.37
	St. Joseph	43.08
	Sanilac	94.91
	Schoolcraft	99.13
	Shiawassee	126.12
	Tuscola	120.52
	Van Buren	117.93
	Washtenaw	135.17

State	County	Fee/ acre/ yr
	Wayne	197.46
	Wexford	75.55
Minnesota	Aitkin	48.12
	Anoka	164.69
	Becker	74.15
	Beltrami	46.38
	Benton	93.77
	Big Stone	106.50
	Blue Earth	175.06
	Brown	150.63
	Carlton	51.12
	Carver	158.13
	Cass	52.14
	Chippewa	141.07
	Chisago	118.86
	Clay	96.06
	Clearwater	45.83
	Cook	129.50
	Cottonwood	149.98
	Crow Wing	70.64
	Dakota	154.93
	Dodge	167.82
	Douglas	84.01
	Faribault	153.53
	Fillmore	125.24
	Freeborn	148.89
	Goodhue	147.90
	Grant	98.72
	Hennepin	224.81
	Houston	94.25
	Hubbard	61.53
	Isanti	101.66
	Itasca	51.43
	Jackson	166.80
	Kanabec	62.65
	Kandiyohi	131.21
	Kittson	47.88
	Koochiching	32.11
	Lac qui Parle	119.74
	Lake	89.68
	Lake of the Woods	40.68
	Le Sueur	151.44
	Lincoln	105.85
	Lyon	141.89
	McLeod	55.55
	Mahnomen	57.57
	Marshall	167.45
	Martin	147.01
	Meeker	113.57
	Mille Lacs	75.14
	Morrison	75.72
	Mower	163.46
	Murray	154.07
	Nicollet	177.14
	Nobles	161.55
	Norman	81.69
	Olmsted	149.40
	Otter Tail	68.39
	Pennington	49.58
	Pine	55.08
	Pipestone	143.32
	Polk	79.24
	Pope	100.09
	Ramsey	250.47
	Red Lake	47.77
	Redwood	172.67
	Renville	165.30
	Rice	156.46
	Rock	191.92
	Roseau	32.42
	St. Louis	170.01
	Scott	117.42
	Sherburne	163.63
	Sibley	51.32
	Stearns	106.50
	Steele	163.76
	Stevens	121.96
	Swift	139.67
	Todd	64.53
	Traverse	121.42
	Wabasha	128.24
	Wadena	48.70
	Waseca	160.56
	Washington	224.88
	Watonwan	166.84
	Wilkin	106.54
	Winona	127.93
	Wright	146.36
	Yellow Medicine	124.96
Mississippi	Adams	57.34
	Alcorn	49.31
	Amite	88.91
	Attala	47.59
	Benton	42.18
	Bolivar	63.91
	Calhoun	48.72
	Carroll	49.64
	Chickasaw	48.81
	Choctaw	52.12
	Claiborne	53.14
	Clarke	62.29
	Clay	43.30
	Coahoma	66.65
	Copiah	60.41
	Covington	77.71
	DeSoto	69.79
	Forrest	90.26
	Franklin	67.71
	George	88.81
	Greene	57.47
	Grenada	48.29
	Hancock	104.73
	Harrison	163.78
	Hinds	60.57
	Holmes	55.42
	Humphreys	58.36
	Issaquena	50.66
	Itawamba	53.04
	Jackson	99.81
	Jasper	52.78
	Jefferson	55.98
	Jefferson Davis	52.45
	Jones	84.25
	Kemper	45.91
	Lafayette	59.25
	Lamar	95.18
	Lauderdale	63.08
	Lawrence	71.04
	Leake	70.74
	Lee	50.53
	Leflore	53.31
	Lincoln	79.20
	Lowndes	56.08
	Madison	69.19
	Marion	78.37
	Marshall	52.12
	Monroe	46.21
	Montgomery	47.00
	Neshoba	81.41
	Newton	55.02
	Noxubee	57.10
	Oktibbeha	58.19
	Panola	50.83
	Pearl River	84.55
	Perry	75.63
	Pike	93.86
	Pontotoc	48.05
	Prentiss	41.45
	Quitman	53.21
	Rankin	79.00
	Scott	66.78
	Sharkey	60.57
	Simpson	72.36
	Smith	78.11
	Stone	96.57
	Sunflower	51.56
	Tallahatchie	59.42
	Tate	53.04
	Tippah	43.00
	Tishomingo	48.95
	Tunica	71.37
	Union	54.76
	Walthall	79.07
	Warren	49.61
	Washington	56.18
	Wayne	76.99
	Webster	47.72
	Wilkinson	59.38
	Winston	57.40
	Yalobusha	48.09
	Yazoo	55.49
Missouri	Adair	65.93
	Andrew	95.63
	Atchison	130.71
	Audrain	102.75
	Barry	68.21
	Barton	56.59
	Bates	60.95
	Benton	56.18
	Bollinger	54.13
	Boone	97.95
	Buchanan	92.77
	Butler	85.58
	Caldwell	61.16
	Callaway	87.84
	Camden	58.50
	Cape Girardeau	84.21
	Carroll	84.24
	Carter	44.69
	Cass	89.18
	Cedar	48.99
	Chariton	79.90
	Christian	83.97
	Clark	71.34
	Clay	115.12
	Clinton	92.14
	Cole	78.29
	Cooper	76.38
	Crawford	55.91
	Dade	58.94
	Dallas	62.53
	Daviess	74.83
	DeKalb	75.74
	Dent	43.08
	Douglas	43.65
	Dunklin	101.34
	Franklin	100.07
	Gasconade	65.89
	Gentry	70.87
	Greene	98.99
	Grundy	61.89
	Harrison	67.04
	Henry	57.09
	Hickory	52.18
	Holt	102.12
	Howard	68.21
	Howell	50.60
	Iron	43.28
	Jackson	108.53
	Jasper	62.84
	Jefferson	91.60
	Johnson	71.10
	Knox	80.14
	Laclede	59.14
	Lafayette	113.57
	Lawrence	68.88
	Lewis	77.79
	Lincoln	104.84
	Linn	64.95
	Livingston	78.39
	McDonald	66.60
	Macon	49.46
	Madison	52.45
	Maries	95.73
	Marion	62.20
	Mercer	59.64
	Miller	59.71
	Mississippi	111.63
	Moniteau	72.51
	Monroe	84.00
	Montgomery	92.81
	Morgan	71.13
	New Madrid	119.22
	Newton	69.29
	Nodaway	87.40
	Oregon	41.83

State	County	Fee/ acre/ yr
	Osage	55.04
	Ozark	43.65
	Pemiscot	97.24
	Perry	71.84
	Pettis	73.55
	Phelps	61.86
	Pike	93.04
	Platte	104.50
	Polk	55.54
	Pulaski	52.35
	Putnam	55.44
	Ralls	86.29
	Randolph	70.70
	Ray	73.39
	Reynolds	39.31
	Ripley	48.22
	St. Charles	108.13
	St. Clair	59.84
	Ste. Genevieve	78.93
	St. Francois	109.61
	St. Louis	44.89
	Saline	95.50
	Schuyler	110.95
	Scotland	113.98
	Scott	44.52
	Shannon	67.54
	Shelby	61.96
	Stoddard	118.08
	Stone	63.68
	Sullivan	49.93
	Taney	52.72
	Texas	44.12
	Vernon	57.96
	Warren	104.30
	Washington	51.58
	Wayne	41.06
	Webster	70.23
	Worth	60.58
	Wright	48.32
Montana	Beaverhead	23.98
	Big Horn	9.49
	Blaine	12.85
	Broadwater	24.60
	Carbon	25.32
	Carter	11.56
	Cascade	22.69
	Chouteau	17.26
	Custer	8.66
	Daniels	11.10
	Dawson	9.62
	Deer Lodge	34.68
	Fallon	9.44
	Fergus	18.60
	Flathead	107.39
	Gallatin	56.83
	Garfield	10.62
	Glacier	14.68
	Golden Valley	12.12
	Granite	27.45
	Hill	13.92
	Jefferson	24.38
	Judith Basin	19.19
	Lake	34.36
	Lewis and Clark	32.58
	Liberty	13.06
	Lincoln	80.70
	McCone	26.94
	Madison	10.32
	Meagher	20.67
	Mineral	95.65
	Missoula	59.54
	Musselshell	10.62
	Park	54.89
	Petroleum	9.44
	Phillips	12.37
	Pondera	17.45
	Powder River	11.86
	Powell	20.35
	Prairie	12.12
	Ravalli	104.44
	Richland	12.85
	Roosevelt	13.60
	Rosebud	8.87
	Sanders	25.54
	Sheridan	12.74
	Silver Bow	33.74
	Stillwater	30.03
	Sweet Grass	23.12
	Teton	22.61
	Toole	15.43
	Treasure	10.81
	Valley	10.67
	Wheatland	11.02
	Wibaux	10.05
	Yellowstone	16.42
Nebraska	Adams	131.64
	Antelope	106.10
	Arthur	10.54
	Banner	19.21
	Blaine	12.78
	Boone	109.94
	Box Butte	26.63
	Boyd	34.30
	Brown	17.87
	Buffalo	93.23
	Burt	130.11
	Butler	123.41
	Cass	144.48
	Cedar	109.94
	Chase	49.04
	Cherry	13.25
	Cheyenne	22.26
	Clay	128.02
	Colfax	131.98
	Cuming	133.79
	Custer	47.33
	Dakota	119.70
	Dawes	18.55
	Dawson	77.48
	Deuel	24.91
	Dixon	103.45
	Dodge	139.96
	Douglas	155.08
	Dundy	33.89
	Fillmore	137.50
	Franklin	74.05
	Frontier	36.60
	Furnas	58.40
	Gage	87.08
	Garden	15.25
	Garfield	24.72
	Gosper	78.95
	Grant	13.78
	Greeley	80.54
	Hall	111.50
	Hamilton	160.79
	Harlan	76.89
	Hayes	32.27
	Hitchcock	32.18
	Holt	52.19
	Hooker	11.04
	Howard	73.55
	Jefferson	97.96
	Johnson	63.48
	Kearney	131.76
	Keith	46.36
	Keya Paha	19.33
	Kimball	21.64
	Knox	69.19
	Lancaster	114.24
	Lincoln	35.82
	Logan	28.34
	Loup	18.49
	McPherson	120.16
	Madison	11.16
	Merrick	95.72
	Morrill	23.01
	Nance	85.24
	Nemaha	101.46
	Nuckolls	94.10
	Otoe	107.13
	Pawnee	64.54
	Perkins	56.65
	Phelps	112.34
	Pierce	107.85
	Platte	126.90
	Polk	148.23
	Red Willow	39.75
	Richardson	95.10
	Rock	26.88
	Saline	120.16
	Sarpy	148.63
	Saunders	131.39
	Scotts Bluff	46.58
	Seward	125.50
	Sheridan	17.27
	Sherman	59.08
	Sioux	14.28
	Stanton	109.13
	Thayer	102.83
	Thomas	12.53
	Thurston	125.93
	Valley	55.09
	Washington	150.25
	Wayne	109.06
	Webster	70.59
	Wheeler	30.56
	York	140.46
Nevada	Carson City	52.73
	Churchill	19.11
	Clark	44.11
	Douglas	22.67
	Elko	3.89
	Esmeralda	14.08
	Eureka	5.08
	Humboldt	7.79
	Lander	5.84
	Lincoln	22.85
	Lyon	17.25
	Mineral	3.37
	Nye	16.81
	Pershing	7.33
	Storey	301.72
	Washoe	6.40
	White Pine	6.43
New Hampshire	Belknap	140.36
	Carroll	122.08
	Cheshire	75.22
	Coos	61.31
	Grafton	76.41
	Hillsborough	166.88
	Merrimack	102.10
	Rockingham	190.84
	Strafford	126.00
	Sullivan	101.17
New Jersey	Atlantic	301.17
	Bergen	1,030.31
	Burlington	236.78
	Camden	307.58
	Cape May	281.95
	Cumberland	196.42
	Essex	1,551.58
	Gloucester	291.11
	Hudson	312.72
	Hunterdon	400.94
	Mercer	496.49
	Middlesex	481.24
	Monmouth	527.56
	Morris	565.85
	Ocean	377.59
	Passaic	762.76
	Salem	193.00
	Somerset	501.07
	Sussex	260.89
	Union	3,082.26
	Warren	250.08
New Mexico	Bernalillo	21.62
	Catron	8.15
	Chaves	6.87
	Cibola	5.96
	Colfax	7.56
	Curry	11.04
	De Baca	4.72
	Dona Ana	34.14
	Eddy	8.54
	Grant	7.15

State	County	Fee/ acre/ yr
	Guadalupe	5.08
	Harding	5.39
	Hidalgo	4.72
	Lea	6.46
	Lincoln	6.75
	Los Alamos	291.19
	Luna	8.08
	McKinley	6.01
	Mora	10.59
	Otero	8.01
	Quay	6.39
	Rio Arriba	13.80
	Roosevelt	9.30
	Sandoval	6.63
	San Juan	7.20
	San Miguel	9.97
	Santa Fe	16.14
	Sierra	5.46
	Socorro	9.39
	Taos	22.36
	Torrance	6.94
	Union	7.01
	Valencia	17.98
New York	Albany	82.40
	Allegany	46.53
	Bronx	69.13
	Broome	69.73
	Cattaraugus	50.29
	Cayuga	85.49
	Chautauqua	54.91
	Chemung	64.01
	Chenango	48.79
	Clinton	53.84
	Columbia	138.87
	Cortland	50.69
	Delaware	66.28
	Dutchess	137.93
	Erie	78.67
	Essex	56.10
	Franklin	44.67
	Fulton	57.10
	Genesee	70.00
	Greene	99.35
	Hamilton	48.46
	Herkimer	51.25
	Jefferson	43.61
	Kings	21,072.41
	Lewis	44.40
	Livingston	77.04
	Madison	54.31
	Monroe	94.43
	Montgomery	61.12
	Nassau	487.46
	New York	69.13
	Niagara	60.96
	Oneida	52.95
	Onondaga	83.89
	Ontario	85.69
	Orange	147.24
	Orleans	69.07
	Oswego	53.78
	Otsego	59.69
	Putnam	145.38
	Queens	136.34
	Rensselaer	91.37
	Richmond	4,688.08
	Rockland	2,303.11
	St. Lawrence	127.40
	Saratoga	91.83
	Schenectady	60.59
	Schoharie	75.98
	Schuyler	78.31
	Seneca	37.69
	Steuben	48.76
	Suffolk	311.03
	Sullivan	97.92
	Tioga	52.32
	Tompkins	73.32
	Ulster	134.08
	Warren	106.29
	Washington	64.51
	Wayne	65.91
	Westchester	428.16
	Wyoming	69.60
	Yates	105.20
North Carolina	Alamance	125.54
	Alexander	158.39
	Alleghany	127.87
	Anson	99.18
	Ashe	151.43
	Avery	185.51
	Beaufort	81.37
	Bertie	71.95
	Bladen	87.63
	Brunswick	114.55
	Buncombe	229.01
	Burke	141.58
	Cabarrus	195.03
	Caldwell	147.00
	Camden	75.65
	Carteret	87.53
	Caswell	76.61
	Catawba	143.78
	Chatham	132.09
	Cherokee	152.99
	Chowan	84.37
	Clay	132.86
	Cleveland	109.60
	Columbus	80.74
	Craven	82.37
	Cumberland	83.10
	Currituck	108.83
	Dare	102.71
	Davidson	163.41
	Davie	164.48
	Duplin	108.53
	Durham	228.38
	Edgecombe	70.12
	Forsyth	221.22
	Franklin	113.72
	Gaston	161.41
	Gates	92.66
	Graham	160.45
	Granville	109.36
	Greene	103.84
	Guilford	164.68
	Halifax	63.13
	Harnett	142.41
	Haywood	168.64
	Henderson	207.88
	Hertford	63.70
	Hoke	85.30
	Hyde	65.50
	Iredell	160.12
	Jackson	257.10
	Johnston	130.00
	Jones	71.02
	Lee	111.29
	Lenoir	89.86
	Lincoln	148.34
	McDowell	203.18
	Macon	144.14
	Madison	75.05
	Martin	153.59
	Mecklenburg	548.24
	Mitchell	140.35
	Montgomery	109.13
	Moore	141.78
	Nash	101.51
	New Hanover	378.91
	Northampton	69.69
	Onslow	101.67
	Orange	178.19
	Pamlico	76.61
	Pasquotank	84.10
	Pender	112.59
	Perquimans	86.40
	Person	101.11
	Pitt	84.70
	Polk	195.23
	Randolph	127.60
	Richmond	109.66
	Robeson	78.21
	Rockingham	107.70
	Rowan	150.63
	Rutherford	107.43
	Sampson	105.83
	Scotland	95.85
	Stanly	136.89
	Stokes	102.44
	Surry	122.14
	Swain	167.51
	Transylvania	235.30
	Tyrrell	67.76
	Union	150.37
	Vance	92.12
	Wake	254.94
	Warren	68.23
	Washington	80.34
	Watauga	198.99
	Wayne	109.80
	Wilkes	128.93
	Wilson	101.64
	Yadkin	140.25
	Yancey	172.60
North Dakota	Adams	22.02
	Barnes	61.05
	Benson	35.31
	Billings	21.51
	Bottineau	36.91
	Bowman	20.56
	Burke	22.91
	Burleigh	38.45
	Cass	78.26
	Cavalier	51.97
	Dickey	61.57
	Divide	17.65
	Dunn	24.93
	Eddy	36.54
	Emmons	32.17
	Foster	51.02
	Golden Valley	23.01
	Grand Forks	57.40
	Grant	25.20
	Griggs	49.82
	Hettinger	30.63
	Kidder	25.27
	LaMoure	59.07
	Logan	27.93
	McHenry	24.55
	McIntosh	32.13
	McKenzie	20.15
	McLean	35.85
	Mercer	26.02
	Morton	27.93
	Mountrail	24.86
	Nelson	32.10
	Oliver	27.90
	Pembina	70.41
	Pierce	28.07
	Ramsey	38.04
	Ransom	49.92
	Renville	44.19
	Richland	81.13
	Rolette	30.70
	Sargent	64.81
	Sheridan	25.54
	Sioux	24.41
	Slope	23.29
	Stark	37.08
	Steele	50.54
	Stutsman	47.70
	Towner	35.03
	Traill	79.25
	Walsh	64.95
	Ward	42.00
	Wells	44.19
	Williams	20.35
Ohio	Adams	78.06
	Allen	144.09
	Ashland	124.83
	Ashtabula	89.31
	Athens	75.85
	Auglaize	164.81
	Belmont	91.18
	Brown	98.24

State	County	Fee/ acre/ yr
	Butler	159.39
	Carroll	101.38
	Champaign	146.13
	Clark	140.10
	Clermont	139.25
	Clinton	135.33
	Columbiana	132.57
	Coshocton	93.54
	Crawford	127.66
	Cuyahoga	466.66
	Darke	193.55
	Defiance	122.24
	Delaware	161.92
	Erie	128.37
	Fairfield	130.15
	Fayette	149.24
	Franklin	167.75
	Fulton	151.52
	Gallia	88.73
	Geauga	193.45
	Greene	163.96
	Guernsey	78.30
	Hamilton	198.60
	Hancock	129.02
	Hardin	133.28
	Harrison	82.02
	Henry	153.94
	Highland	98.68
	Hocking	97.76
	Holmes	158.78
	Huron	122.31
	Jackson	64.43
	Jefferson	75.13
	Knox	130.32
	Lake	205.89
	Lawrence	66.57
	Licking	133.45
	Logan	135.77
	Lorain	128.10
	Lucas	157.55
	Madison	138.87
	Mahoning	135.46
	Marion	130.15
	Medina	173.51
	Meigs	66.20
	Mercer	214.17
	Miami	155.51
	Monroe	62.93
	Montgomery	159.74
	Morgan	65.52
	Morrow	127.69
	Muskingum	88.97
	Noble	69.47
	Ottawa	129.60
	Paulding	132.19
	Perry	98.85
	Pickaway	130.69
	Pike	86.62
	Portage	141.67
	Preble	143.34
	Putnam	137.14
	Richland	135.33
	Ross	98.38
	Sandusky	128.41
	Scioto	76.70
	Seneca	132.87
	Shelby	162.33
	Stark	150.36
	Summit	230.47
	Trumbull	109.29
	Tuscarawas	104.48
	Union	140.07
	Van Wert	171.15
	Vinton	66.20
	Warren	194.98
	Washington	72.98
	Wayne	170.10
	Williams	104.38
	Wood	158.75
	Wyandot	137.14
Oklahoma	Adair	53.46
	Alfalfa	38.40
	Atoka	37.72
	Beaver	18.03
	Beckham	29.85
	Blaine	32.15
	Bryan	47.85
	Caddo	36.14
	Canadian	52.04
	Carter	42.65
	Cherokee	64.03
	Choctaw	39.75
	Cimarron	13.64
	Cleveland	84.43
	Coal	34.04
	Comanche	37.32
	Cotton	30.43
	Craig	43.02
	Creek	48.29
	Custer	36.20
	Delaware	62.65
	Dewey	27.35
	Ellis	21.55
	Garfield	38.74
	Garvin	42.69
	Grady	43.50
	Grant	36.88
	Greer	23.13
	Harmon	25.73
	Harper	20.57
	Haskell	40.90
	Hughes	33.70
	Jackson	27.05
	Jefferson	27.32
	Johnston	36.30
	Kay	36.54
	Kingfisher	36.81
	Kiowa	25.97
	Latimer	36.00
	Le Flore	53.63
	Lincoln	46.57
	Logan	50.89
	Love	46.74
	McClain	30.33
	McCurtain	45.19
	McIntosh	57.07
	Major	55.18
	Marshall	47.08
	Mayes	41.64
	Murray	37.45
	Muskogee	47.68
	Noble	38.50
	Nowata	44.78
	Okfuskee	34.48
	Oklahoma	83.72
	Okmulgee	48.66
	Osage	28.50
	Ottawa	62.31
	Pawnee	35.97
	Payne	51.10
	Pittsburg	36.78
	Pontotoc	47.52
	Pottawatomie	47.45
	Pushmataha	30.73
	Roger Mills	27.86
	Rogers	66.56
	Seminole	38.13
	Sequoyah	54.10
	Stephens	34.24
	Texas	21.61
	Tillman	27.12
	Tulsa	98.21
	Wagoner	65.58
	Washington	45.19
	Washita	32.39
	Woods	29.31
	Woodward	29.92
Oregon	Baker	19.50
	Benton	114.11
	Clackamas	259.40
	Clatsop	106.70
	Columbia	105.65
	Coos	62.03
	Crook	17.48
	Curry	65.54
	Deschutes	134.93
	Douglas	59.31
	Gilliam	9.57
	Grant	15.48
	Harney	10.53
	Hood River	365.46
	Jackson	90.07
	Jefferson	12.33
	Josephine	193.36
	Klamath	28.37
	Lake	19.57
	Lane	131.25
	Lincoln	92.23
	Linn	93.10
	Malheur	22.58
	Marion	152.77
	Morrow	18.30
	Multnomah	229.42
	Polk	118.12
	Sherman	11.47
	Tillamook	120.38
	Umatilla	31.40
	Union	29.77
	Wallowa	24.28
	Wasco	14.47
	Washington	180.25
	Wheeler	12.45
	Yamhill	176.24
Pennsylvania	Adams	167.59
	Allegheny	141.68
	Armstrong	77.31
	Beaver	129.31
	Bedford	99.29
	Berks	238.21
	Blair	122.75
	Bradford	99.59
	Bucks	330.21
	Butler	127.66
	Cambria	88.13
	Cameron	52.57
	Carbon	176.06
	Centre	145.64
	Chester	351.46
	Clarion	79.36
	Clearfield	71.23
	Clinton	145.58
	Columbia	126.18
	Crawford	75.90
	Cumberland	209.54
	Dauphin	122.12
	Delaware	371.02
	Elk	91.96
	Erie	92.44
	Fayette	89.31
	Forest	64.74
	Franklin	178.72
	Fulton	97.85
	Greene	80.87
	Huntingdon	103.06
	Indiana	75.26
	Jefferson	69.81
	Juniata	135.49
	Lackawanna	131.59
	Lancaster	336.90
	Lawrence	110.38
	Lebanon	284.03
	Lehigh	223.96
	Luzerne	120.70
	Lycoming	114.69
	McKean	55.46
	Mercer	91.96
	Mifflin	131.96
	Monroe	211.36
	Montgomery	377.84
	Montour	147.43
	Northampton	220.97
	Northumberland	131.69
	Perry	135.83
	Philadelphia	1,219.14
	Pike	49.34
	Potter	73.91

State	County	Fee/ acre/ yr
	Schuylkill	173.07
	Snyder	156.50
	Somerset	70.75
	Sullivan	82.92
	Susquehanna	109.68
	Tioga	92.44
	Union	144.97
	Venango	83.16
	Warren	63.09
	Washington	122.55
	Wayne	100.30
	Westmoreland	127.93
	Wyoming	107.86
	York	202.95
Puerto Rico	All Areas	174.11
Rhode Island	Bristol	592.77
	Kent	200.00
	Newport	515.80
	Providence	336.64
	Washington	275.20
South Carolina	Abbeville	73.78
	Aiken	101.03
	Allendale	58.79
	Anderson	116.12
	Bamberg	58.89
	Barnwell	64.81
	Beaufort	89.93
	Berkeley	94.85
	Calhoun	74.28
	Charleston	165.74
	Cherokee	80.62
	Chester	74.97
	Chesterfield	72.81
	Clarendon	48.92
	Colleton	71.72
	Darlington	65.54
	Dillon	69.19
	Dorchester	91.46
	Edgefield	78.60
	Fairfield	74.21
	Florence	58.89
	Georgetown	62.58
	Greenville	172.75
	Greenwood	64.01
	Hampton	63.74
	Horry	80.19
	Jasper	72.25
	Kershaw	81.29
	Lancaster	104.65
	Laurens	90.10
	Lee	60.22
	Lexington	105.92
	McCormick	61.88
	Marion	57.66
	Marlboro	46.99
	Newberry	72.08
	Oconee	141.11
	Orangeburg	67.20
	Pickens	148.22
	Richland	93.35
	Saluda	75.84
	Spartanburg	131.97
	Sumter	61.68
	Union	58.56
	Williamsburg	55.47
	York	133.77
South Dakota	Aurora	64.36
	Beadle	78.05
	Bennett	15.40
	Bon Homme	79.59
	Brookings	116.14
	Brown	79.52
	Brule	62.07
	Buffalo	32.23
	Butte	16.86
	Campbell	34.75
	Charles Mix	64.12
	Clark	69.06
	Clay	120.54
	Codington	73.15
	Corson	17.82
	Custer	31.24
	Davison	92.46
	Day	52.09
	Deuel	80.44
	Dewey	15.60
	Douglas	77.78
	Edmunds	59.76
	Fall River	14.04
	Faulk	53.01
	Grant	81.56
	Gregory	33.29
	Haakon	16.39
	Hamlin	97.37
	Hand	51.99
	Hanson	102.07
	Harding	11.45
	Hughes	53.49
	Hutchinson	89.60
	Hyde	37.89
	Jackson	21.67
	Jerauld	53.63
	Jones	19.83
	Kingsbury	90.45
	Lake	111.24
	Lawrence	38.67
	Lincoln	148.27
	Lyman	27.32
	McCook	60.92
	McPherson	115.77
	Marshall	41.70
	Meade	18.36
	Mellette	19.49
	Miner	87.56
	Minnehaha	140.26
	Moody	138.83
	Pennington	19.04
	Perkins	14.65
	Potter	54.48
	Roberts	68.99
	Sanborn	64.80
	Shannon	12.54
	Spink	81.12
	Stanley	25.01
	Sully	42.52
	Todd	13.93
	Tripp	30.46
	Turner	117.64
	Union	136.62
	Walworth	40.37
	Yankton	112.91
	Ziebach	12.95
Tennessee	Anderson	159.41
	Bedford	104.02
	Benton	61.01
	Bledsoe	95.44
	Blount	185.40
	Bradley	148.04
	Campbell	101.70
	Cannon	84.31
	Carroll	66.69
	Carter	142.57
	Cheatham	116.23
	Chester	52.47
	Claiborne	83.46
	Clay	75.64
	Cocke	99.83
	Coffee	96.36
	Crockett	77.20
	Cumberland	103.64
	Davidson	169.34
	Decatur	58.52
	DeKalb	87.34
	Dickson	90.61
	Dyer	68.25
	Fayette	85.51
	Fentress	87.31
	Franklin	106.09
	Gibson	84.11
	Giles	79.96
	Grainger	103.50
	Greene	110.31
	Grundy	77.95
	Hamblen	127.46
	Hamilton	153.90
	Hancock	62.54
	Hardeman	69.51
	Hardin	68.90
	Hawkins	95.88
	Haywood	98.20
	Henderson	60.09
	Henry	75.64
	Hickman	65.16
	Houston	61.76
	Humphreys	77.41
	Jackson	78.77
	Jefferson	146.99
	Johnson	129.67
	Knox	208.78
	Lake	89.59
	Lauderdale	85.13
	Lawrence	72.10
	Lewis	70.84
	Lincoln	91.77
	Loudon	147.60
	McMinn	93.19
	McNairy	68.59
	Macon	80.10
	Madison	82.14
	Marion	99.32
	Marshall	111.53
	Maury	58.73
	Meigs	95.81
	Monroe	122.69
	Montgomery	117.32
	Moore	96.02
	Morgan	93.30
	Obion	86.73
	Overton	88.47
	Perry	53.93
	Pickett	79.07
	Polk	121.67
	Putnam	117.83
	Rhea	95.24
	Roane	138.41
	Robertson	132.53
	Rutherford	132.77
	Scott	76.86
	Sequatchie	88.09
	Sevier	161.31
	Shelby	124.84
	Smith	72.34
	Stewart	71.55
	Sullivan	150.43
	Sumner	132.39
	Tipton	80.78
	Trousdale	104.90
	Unicoi	150.02
	Union	78.60
	Van Buren	101.29
	Warren	97.14
	Washington	174.69
	Wayne	54.81
	Weakley	81.01
	White	102.52
	Williamson	200.78
	Wilson	120.65
Texas	Anderson	63.47
	Andrews	8.50
	Angelina	81.92
	Aransas	44.20
	Archer	25.52
	Armstrong	27.27
	Atascosa	50.82
	Austin	106.02
	Bailey	20.89
	Bandera	69.89
	Bastrop	96.97
	Baylor	26.95
	Bee	48.42
	Bell	79.46
	Bexar	111.08
	Blanco	122.65
	Borden	15.18
	Bosque	62.79
	Bowie	58.86

State	County	Fee/ acre/ yr
	Brazoria	78.77
	Brazos	97.84
	Brewster	12.16
	Briscoe	21.63
	Brooks	27.57
	Brown	53.09
	Burleson	74.53
	Burnet	86.23
	Caldwell	85.78
	Calhoun	45.53
	Callahan	39.18
	Cameron	76.21
	Camp	67.52
	Carson	23.87
	Cass	53.45
	Castro	28.47
	Chambers	51.79
	Cherokee	64.08
	Childress	19.94
	Clay	40.93
	Cochran	17.45
	Coke	27.11
	Coleman	39.24
	Collin	137.57
	Collingsworth	21.60
	Colorado	85.84
	Comal	136.14
	Comanche	62.30
	Concho	41.06
	Cooke	84.77
	Coryell	63.11
	Cottle	16.05
	Crane	15.31
	Crockett	16.35
	Crosby	22.18
	Culberson	8.89
	Dallam	24.45
	Dallas	119.64
	Dawson	20.46
	Deaf Smith	25.65
	Delta	47.38
	Denton	158.55
	DeWitt	67.78
	Dickens	19.00
	Dimmit	40.44
	Donley	27.96
	Duval	33.86
	Eastland	51.57
	Ector	12.55
	Edwards	32.59
	Ellis	50.27
	El Paso	82.54
	Erath	83.41
	Falls	50.53
	Fannin	66.45
	Fayette	109.88
	Fisher	28.09
	Floyd	29.71
	Foard	19.17
	Fort Bend	106.24
	Franklin	74.43
	Freestone	54.48
	Frio	52.99
	Gaines	25.17
	Galveston	93.50
	Garza	18.00
	Gillespie	110.52
	Glasscock	23.22
	Goliad	53.64
	Gonzales	83.83
	Gray	23.03
	Grayson	97.49
	Gregg	100.70
	Grimes	100.28
	Guadalupe	93.27
	Hale	30.74
	Hall	20.01
	Hamilton	64.41
	Hansford	24.00
	Hardeman	22.70
	Hardin	80.23
	Harris	138.61
	Harrison	73.81
	Hartley	26.07
	Haskell	19.20
	Hays	160.86
	Hemphill	19.20
	Henderson	77.28
	Hidalgo	78.81
	Hill	58.44
	Hockley	26.92
	Hood	105.98
	Hopkins	57.44
	Houston	58.21
	Howard	19.69
	Hudspeth	14.59
	Hunt	79.29
	Hutchinson	19.78
	Irion	24.36
	Jack	50.75
	Jackson	54.84
	Jasper	81.69
	Jeff Davis	12.45
	Jefferson	43.00
	Jim Hogg	34.64
	Jim Wells	47.41
	Johnson	105.79
	Jones	28.86
	Karnes	67.39
	Kaufman	88.18
	Kendall	124.21
	Kenedy	17.06
	Kent	22.15
	Kerr	68.33
	Kimble	45.99
	King	15.76
	Kinney	31.20
	Kleberg	48.87
	Knox	20.04
	Lamar	50.66
	Lamb	56.11
	Lampasas	30.03
	La Salle	65.15
	Lavaca	76.05
	Lee	82.99
	Leon	65.02
	Liberty	64.99
	Limestone	49.07
	Lipscomb	20.95
	Live Oak	49.72
	Llano	70.18
	Loving	5.16
	Lubbock	48.06
	Lynn	23.35
	McCulloch	72.61
	McLennan	57.69
	McMullen	26.79
	Madison	61.42
	Marion	51.44
	Martin	30.58
	Mason	48.06
	Matagorda	67.23
	Maverick	36.45
	Medina	67.39
	Menard	37.85
	Midland	37.17
	Milam	92.91
	Mills	57.66
	Mitchell	20.46
	Montague	64.86
	Montgomery	153.20
	Moore	24.36
	Morris	54.48
	Motley	19.13
	Nacogdoches	65.41
	Navarro	53.25
	Newton	51.99
	Nolan	29.16
	Nueces	40.18
	Ochiltree	25.98
	Oldham	15.31
	Orange	86.20
	Palo Pinto	62.46
	Panola	54.52
	Parker	130.05
	Parmer	26.98
	Pecos	13.17
	Polk	70.89
	Potter	14.20
	Presidio	11.97
	Rains	65.45
	Randall	26.04
	Reagan	12.62
	Real	38.33
	Red River	43.13
	Reeves	6.97
	Refugio	23.67
	Roberts	17.06
	Robertson	62.11
	Rockwall	151.42
	Runnels	33.57
	Rusk	56.72
	Sabine	70.50
	San Augustine	59.93
	San Jacinto	73.55
	San Patricio	41.45
	San Saba	63.24
	Schleicher	24.03
	Scurry	22.05
	Shackelford	28.34
	Shelby	75.95
	Sherman	27.96
	Smith	98.23
	Somervell	101.02
	Starr	45.92
	Stephens	36.29
	Sterling	13.69
	Stonewall	18.65
	Sutton	24.49
	Swisher	23.90
	Tarrant	164.46
	Taylor	29.38
	Terrell	10.09
	Terry	29.54
	Throckmorton	31.10
	Titus	66.81
	Tom Green	29.58
	Travis	99.56
	Trinity	60.13
	Tyler	75.86
	Upshur	74.27
	Upton	15.24
	Uvalde	51.86
	Val Verde	14.79
	Van Zandt	82.80
	Victoria	59.48
	Walker	86.36
	Waller	162.02
	Ward	9.60
	Washington	143.96
	Webb	28.09
	Wharton	65.93
	Wheeler	21.31
	Wichita	30.94
	Wilbarger	25.94
	Willacy	47.41
	Williamson	100.80
	Wilson	77.51
	Winkler	9.40
	Wise	98.98
	Wood	74.01
	Yoakum	20.98
	Young	35.90
	Zapata	30.32
	Zavala	39.83
Utah	Beaver	21.23
	Box Elder	12.78
	Cache	37.51
	Carbon	12.94
	Daggett	22.71
	Davis	68.93
	Duchesne	8.85
	Emery	18.07
	Garfield	24.17
	Grand	6.15
	Iron	20.05

State	County	Fee/ acre/ yr
	Juab	12.76
	Kane	14.99
	Millard	14.94
	Morgan	16.74
	Piute	31.16
	Rich	10.70
	Salt Lake	50.30
	San Juan	3.97
	Sanpete	22.88
	Sevier	32.09
	Summit	24.25
	Tooele	12.69
	Uintah	6.72
	Utah	56.67
	Wasatch	40.58
	Washington	38.87
	Wayne	42.92
	Weber	61.90
Vermont	Addison	81.58
	Bennington	111.93
	Caledonia	85.30
	Chittenden	115.18
	Essex	49.92
	Franklin	75.08
	Grand Isle	102.01
	Lamoille	97.69
	Orange	83.02
	Orleans	65.20
	Rutland	72.83
	Washington	107.54
	Windham	107.14
	Windsor	101.71
Virginia	Accomack	99.08
	Albemarle	236.72
	Alleghany	84.01
	Amelia	82.86
	Amherst	98.57
	Appomattox	76.98
	Arlington	1,453.48
	Augusta	169.14
	Bath	112.63
	Bedford	119.76
	Bland	87.19
	Botetourt	118.14
	Brunswick	56.43
	Buchanan	71.44
	Buckingham	83.20
	Campbell	80.70
	Caroline	111.59
	Carroll	92.09
	Charles City	101.55
	Charlotte	61.40
	Chesterfield	117.74
	Clarke	144.06
	Craig	213.03
	Culpeper	85.70
	Cumberland	174.37
	Dickenson	96.99
	Dinwiddie	80.23
	Essex	81.17
	Fairfax	82.32
	Fauquier	409.74
	Floyd	214.52
	Fluvanna	97.93
	Franklin	137.81
	Frederick	95.80
	Giles	159.57
	Gloucester	71.44
	Goochland	135.92
	Grayson	147.54
	Greene	113.41
	Greensville	186.00
	Halifax	54.85
	Hanover	62.11
	Henrico	150.48
	Henry	177.82
	Highland	72.99
	Isle of Wight	91.38
	James City	96.14
	King and Queen	236.99
	King George	83.50
	King William	136.05
	Lancaster	100.94
	Lee	123.78
	Loudoun	59.54
	Louisa	323.81
	Lunenburg	154.71
	Madison	64.34
	Mathews	170.76
	Mecklenburg	167.41
	Middlesex	69.61
	Montgomery	104.22
	Nelson	131.86
	New Kent	123.85
	Northampton	149.37
	Northumberland	116.76
	Nottoway	81.14
	Orange	84.35
	Page	182.38
	Patrick	159.00
	Pittsylvania	90.19
	Powhatan	65.69
	Prince Edward	154.87
	Prince George	86.58
	Prince William	113.61
	Pulaski	238.65
	Rappahannock	83.10
	Richmond	228.24
	Roanoke	77.93
	Rockbridge	115.57
	Rockingham	116.15
	Russell	190.73
	Scott	58.70
	Shenandoah	56.13
	Smyth	150.85
	Southampton	75.39
	Spotsylvania	72.11
	Stafford	165.72
	Surry	247.84
	Sussex	122.23
	Tazewell	96.82
	Warren	61.57
	Washington	59.88
	Westmoreland	143.76
	Wise	192.96
	Wythe	106.41
	York	96.68
	Chesapeake City	74.51
	Suffolk	91.55
	Virginia Beach City	134.94
Washington	Adams	20.43
	Asotin	14.13
	Benton	45.43
	Chelan	145.38
	Clallam	206.84
	Clark	209.97
	Columbia	17.86
	Cowlitz	144.26
	Douglas	16.91
	Ferry	7.05
	Franklin	48.58
	Garfield	15.72
	Grant	56.88
	Grays Harbor	34.89
	Island	236.26
	Jefferson	151.62
	King	355.68
	Kitsap	438.89
	Kittitas	73.37
	Klickitat	23.65
	Lewis	104.45
	Lincoln	18.46
	Mason	137.66
	Okanogan	22.01
	Pacific	57.36
	Pend Oreille	50.68
	Pierce	236.03
	San Juan	219.52
	Skagit	125.88
	Skamania	168.71
	Snohomish	266.42
	Spokane	47.19
	Stevens	26.10
	Thurston	144.19
	Wahkiakum	77.87
	Walla Walla	34.62
	Whatcom	191.74
	Whitman	23.19
	Yakima	29.91
West Virginia	Barbour	53.23
	Berkeley	156.75
	Boone	47.27
	Braxton	44.51
	Brooke	53.02
	Cabell	81.61
	Calhoun	41.42
	Clay	50.98
	Doddridge	51.25
	Fayette	66.91
	Gilmer	40.09
	Grant	64.73
	Greenbrier	77.25
	Hampshire	98.05
	Hancock	79.84
	Hardy	77.25
	Harrison	57.69
	Jackson	60.10
	Jefferson	187.11
	Kanawha	58.94
	Lewis	53.60
	Lincoln	55.03
	Logan	53.06
	McDowell	58.67
	Marion	59.86
	Marshall	57.55
	Mason	65.31
	Mercer	60.51
	Mineral	81.85
	Mingo	38.59
	Monongalia	84.13
	Monroe	62.14
	Morgan	121.70
	Nicholas	69.49
	Ohio	62.96
	Pendleton	63.33
	Pleasants	52.61
	Pocahontas	59.93
	Preston	67.18
	Putnam	69.60
	Raleigh	67.72
	Randolph	49.42
	Ritchie	43.53
	Roane	46.73
	Summers	59.83
	Taylor	67.55
	Tucker	83.28
	Tyler	49.99
	Upshur	63.16
	Wayne	51.18
	Webster	59.73
	Wetzel	49.72
	Wirt	44.72
	Wood	63.50
	Wyoming	56.43
Wisconsin	Adams	103.71
	Ashland	49.23
	Barron	74.83
	Bayfield	54.31
	Brown	145.05
	Buffalo	89.97
	Burnett	65.74
	Calumet	147.59
	Chippewa	72.93
	Clark	83.59
	Columbia	134.82
	Crawford	72.36
	Dane	161.96
	Dodge	143.18
	Door	108.82
	Douglas	46.46
	Dunn	88.67
	Eau Claire	80.28
	Florence	83.29
	Fond du Lac	133.72
	Forest	55.04
	Grant	111.29

State	County	Fee/ acre/ yr
	Green	116.97
	Green Lake	121.49
	Iowa	106.71
	Iron	61.70
	Jackson	82.68
	Jefferson	138.60
	Juneau	82.32
	Kenosha	134.69
	Kewaunee	116.34
	La Crosse	89.44
	Lafayette	130.88
	Langlade	74.03
	Lincoln	66.07
	Manitowoc	141.14
	Marathon	77.97
	Marinette	81.15
	Marquette	91.67
	Menominee	34.36
	Milwaukee	252.90
	Monroe	85.73
	Oconto	87.50
	Oneida	112.03
	Outagamie	140.94
	Ozaukee	149.93
	Pepin	87.86
	Pierce	105.81
	Polk	76.23
	Portage	88.03
	Price	50.83
	Racine	145.72
	Richland	80.51
	Rock	147.66
	Rusk	54.44
	St. Croix	103.77
	Sauk	61.29
	Sawyer	96.05
	Shawano	140.17
	Sheboygan	112.36
	Taylor	58.52
	Trempealeau	85.49
	Vernon	88.27
	Vilas	143.11
	Walworth	164.00
	Washburn	66.37
	Washington	155.94
	Waukesha	174.53
	Waupaca	102.70
	Waushara	92.48
	Winnebago	112.40
	Wood	84.15
Wyoming	Albany	9.61
	Big Horn	26.11
	Campbell	9.89
	Carbon	9.61
	Converse	6.45
	Crook	15.17
	Fremont	14.87
	Goshen	13.29
	Hot Springs	11.94
	Johnson	10.38
	Laramie	12.29
	Lincoln	30.77
	Natrona	10.66
	Niobrara	9.17
	Park	23.95
	Platte	12.29
	Sheridan	14.08
	Sublette	22.99
	Sweetwater	3.46
	Teton	54.38
	Uinta	12.56
	Washakie	15.17
	Weston	7.99

[1] This notice does not provide an updated fee schedule for projects occupying federal lands in the State of Alaska. Notice of those fees will be provided upon Commission action in *Annual Charges for the Use of Government Lands in Alaska,* Notice of Inquiry (NOI) Docket No. RM16–19–000, 157 FERC ¶61,117 (November 17, 2016).

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 161222999–7201–01]

RIN 0648–BG58

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes as regulations the 2017 annual management measures governing the Pacific halibut fishery that have been recommended by the IPHC and accepted by the Secretary of State. This action is intended to enhance the conservation of Pacific halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC).

DATES: The IPHC's 2017 annual management measures are effective March 3, 2017. The 2017 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W. Commodore Way, Suite 300, Seattle, WA 98199–1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115. This final rule also is accessible via the Internet at the Federal eRulemaking portal at *http://www.regulations.gov,* identified by docket number NOAA–NMFS–2016–0159.

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Rachel Baker or Julie Scheurer, 907–586–7228; or, for waters off the U.S. West Coast, Gretchen Hanshew, 206–526–6147.

SUPPLEMENTARY INFORMATION:

Background

The IPHC has recommended regulations that would govern the Pacific halibut fishery in 2017, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention (Halibut Act, Sections 773–773k). The Secretary of State, with the concurrence of the Secretary of Commerce, accepted the 2017 IPHC regulations as provided by the Halibut Act at 16 U.S.C. 773–773k.

The Halibut Act provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations. The NPFMC has exercised this authority most notably in developing halibut management programs for three fisheries that harvest halibut in Alaska: The subsistence, sport, and commercial fisheries. The PFMC has exercised this authority by developing a catch sharing plan governing the allocation of halibut and management of sport fisheries on the U.S. West Coast.

Subsistence and sport halibut fishery regulations for Alaska are codified at 50 CFR part 300. Commercial halibut fisheries in Alaska are subject to the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679) regulations, and the area-specific catch sharing plans.

The IPHC apportions catch limits for the Pacific halibut fishery among regulatory areas (Figure 1): Area 2A (Oregon, Washington, and California), Area 2B (British Columbia), Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into 5 areas, 4A through 4E, in the Bering Sea and Aleutian Islands of Western Alaska).

The NPFMC implemented a catch sharing plan (CSP) among commercial IFQ and CDQ halibut fisheries in IPHC Regulatory Areas 4C, 4D, and 4E (Area 4, Western Alaska) through rulemaking, and the Secretary of Commerce approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC action, subject to acceptance by the Secretary of State.

The NPFMC recommended and NMFS implemented through rulemaking a CSP for guided sport (charter) and commercial IFQ halibut fisheries in IPHC Regulatory Area 2C and Area 3A on January 13, 2014 (78 FR 75844, December 12, 2013). The Area 2C and 3A CSP regulations are codified at 50 CFR 300.65. The CSP defines an annual process for allocating halibut between the commercial and charter fisheries so that each sector's allocation varies in proportion to halibut abundance, specifies a public process for setting annual management measures, and authorizes limited annual leases of commercial IFQ for use in the charter fishery as guided angler fish (GAF).

The IPHC held its annual meeting in Victoria, British Columbia, Canada, January 23–27, 2017, and recommended a number of changes to the previous IPHC regulations (81 FR 14000, March 16, 2016). The Secretary of State accepted the annual management measures, including the following changes to the previous IPHC regulations for 2017:

1. New commercial halibut fishery opening and closing dates in Section 8;
2. New halibut catch limits in all regulatory areas in Section 11;
3. New requirement that commercial halibut be landed and weighed with the head attached in Section 13;
4. Revised regulations pertaining to fishing in multiple regulatory areas in Section 18; and
5. New management measures for Area 2C and Area 3A guided sport fisheries in Section 28, and in Figures 3 and 4.

Pursuant to regulations at 50 CFR 300.62, the 2017 IPHC annual management measures are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements. Because NMFS publishes the regulations applicable to the entire Convention area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS may implement more restrictive regulations for the fishery for halibut or components of it; therefore, anglers are advised to check the current Federal and IPHC regulations prior to fishing.

Catch Limits

The IPHC recommended to the governments of Canada and the United States catch limits for 2017 totaling 31,400,000 lb (14,242.80 mt). The IPHC recommended area-specific catch limits for 2017 that were higher than 2016 in most of its management areas except Areas 4A and 4B, where catch limits remained at the same level as in 2016. A description of the process the IPHC used to set these catch limits follows.

In 2016, the IPHC conducted its annual stock assessment using a range of updated data sources as described in detail in Chapter 4 of the 2016 IPHC Report of Assessment and Research Activities (2016 RARA; available at *www.iphc.int*). The IPHC used an ''ensemble'' of four equally weighted models, comprised of two long time-series models, and two short time-series models that use data series either divided by geographical region (IPHC Regulatory Area) or aggregated into coastwide summaries, to evaluate the Pacific halibut stock. These models incorporate data from the 2016 IPHC survey, the most recent NMFS trawl survey, weight-at-age estimates by region, and age distribution information for bycatch, sport, and sublegal discard removals. As has been the case since 2012, the results of the ensemble models are integrated, and incorporate uncertainty in natural mortality rates, environmental effects on recruitment, and in other model parameters.

The results at the end of 2016 indicate that the Pacific halibut stock declined continuously from the late 1990s to around 2010, as a result of decreasing size at a given age (size-at-age), as well as somewhat weaker recruitment strengths than those observed during the 1980s. The biomass of spawning females is estimated to have stabilized near 200,000,000 lb (90,718 mt) in 2010, and since then the stock is estimated to have been increasing gradually. Results of the 2016 assessment show a slight decrease from the 2015 assessment due to additional data from 2016 and updated recruitment estimates. Overall, the ensemble models predict that the stock would decrease gradually between 2018 and 2020 if total removals are maintained around 40,000,000 lb (18,144 mt).

The IPHC does not currently have an explicit target for the allowable level of total removals, also called coastwide fishing intensity; thus, it is uncertain if current levels of fishing intensity are consistent with the objectives of the IPHC's harvest policy. The IPHC harvest decision table (Table 4 in Chapter 4.2 of the 2016 RARA) provides a comparison of the relative risk of a decrease in stock abundance, status, or fishery metrics, for a range of alternative harvest levels for 2017. The IPHC adopted catch limits for 2017 totaling 31,400,000 lb (14,243.80 mt) coastwide. If these catch limits are fully harvested in 2017, and other sources of removals from bycatch, personal use, sport, subsistence, and wastage in the commercial fishery in 2017 are similar to those observed in 2016, then the total removals would be approximately 43,300,000 lb (19,640 mt) in 2017. At 43,300,000 lb of total removals from all sources, the IPHC estimates that the spawning stock biomass will decrease over the period from 2018 to 2020 relative to 2017. Specifically, the IPHC estimates that there is a 71 percent probability that the spawning stock biomass will decrease in 2018 relative to 2017. However, the IPHC estimates that there is only a 10 percent probability that the spawning stock biomass will decrease by more than 5 percent relative to 2017. After considering this information, the IPHC determined that the 2017 catch limits recommendations are consistent with its conservation objectives for the halibut stock and its management objectives for the halibut fisheries.

The IPHC recommended higher catch limits in 2017 than 2016 for Areas 2A, 2B, and 2C. Fishery-independent survey weight per unit effort (WPUE) and number of fish per unit effort (NPUE) generally indicate a stable and upward trend in these areas. An expanded survey with additional sampling locations has been approved in Area 2A for 2017. Both survey and fishery indices indicate rebuilding of the stock throughout Areas 2B and 2C, with the highest coastwide survey WPUE in Area 2C.

The IPHC recommended increases to the catch limits for Areas 3A and 3B compared to 2016. While survey and fishery WPUEs increased in Area 3A, the survey NPUE decreased in 2016. Based on the increase in WPUEs and decrease in survey NPUE, the IPHC adopted only a small precautionary increase to the catch limit for Area 3A to provide some additional harvest opportunities for the Area 3A commercial and charter sectors. Area 3B has experienced two years of increases in both the fishery and survey WPUE, with a substantial increase in survey WPUE and NPUE in 2016. These results

supported an increased catch limit for 2017.

The IPHC recommended catch limits for Areas 4A and 4B that are the same as the 2016 limits. The IPHC recommended no change in the catch limit amounts in these areas because although the survey results show signs of stability, survey WPUE is still low relative to historical estimates; therefore, a more precautionary approach to management is appropriate.

The IPHC recommended a slight increase in the catch limit for Areas 4CDE compared to 2016. The IPHC noted that for social, cultural, and economic reasons, an even larger increase is warranted, but the survey indices do not support a larger increase. However, ongoing efforts to reduce halibut bycatch in the commercial groundfish trawl fisheries may provide for additional harvest opportunities in the Area 4CDE directed fishery in the future.

The IPHC also considered the Catch Sharing Plan for Area 4CDE developed by the NPFMC in its catch limit recommendation. When the Area 4CDE catch limit is greater than 1,657,600 lb (751.87 mt), a direct allocation of 80,000 lb (36.29 mt) is made to Area 4E to provide CDQ fishermen in that area with additional harvesting opportunity. After this 80,000 lb allocation is deducted from the catch limit, the remainder is divided among Areas 4C, 4D, and 4E according to the percentages specified in the CSP. Those percentages are 46.43 percent each to 4C and 4D, and 7.14 percent to 4E. The IPHC recommended a catch limit for Area 4CDE of 1,700,000 lb (771.11 mt) for 2017 to provide benefits from increased harvest opportunities in Area 4E.

TABLE 1—PERCENT CHANGE IN CATCH LIMITS FROM 2016 TO 2017 BY IPHC REGULATORY AREA

Regulatory area	2017 IPHC recommended catch limit (lb)	2016 Catch limit (lb)	Change from 2016 (percent)
2A [1]	1,330,000	1,140,000	+ 16.7
2B [2]	7,450,000	7,300,000	+ 2.1
2C [3]	5,250,000	4,950,000	+ 6.1
3A [3]	10,000,000	9,600,000	+ 4.2
3B	3,140,000	2,710,000	+ 15.9
4A	1,390,000	1,390,000	+ 0.0
4B	1,140,000	1,140,000	+ 0.0
4CDE	1,700,000	1,660,000	+ 2.4
Coastwide	31,400,000	29,890,000	+ 5.1

[1] Area 2A catch limit includes sport, commercial, and tribal catch limits.
[2] Area 2B catch limit includes sport and commercial catch limits.
[3] Shown is the combined commercial and charter allocation under the Area 2C and Area 3A CSP. This value includes allocations to the charter sector and charter wastage, and an amount for commercial landings and wastage. The commercial catch limits after deducting wastage are 4,212,000 lb in Area 2C and 7,739,000 lb in Area 3A.

Commercial Halibut Fishery Opening and Closing Dates

The IPHC considers advice from the IPHC's two advisory boards when selecting opening and closing dates for the halibut fishery. The opening date for the tribal commercial fishery in Area 2A and for the commercial halibut fisheries in Areas 2B through 4E is March 11, 2017. The Conference Board had requested an earlier date (March 4) to coincide with favorable tides and to minimize potential interactions with sperm whales; however, the Processor Advisory Group noted that a later opening date facilitates halibut marketing. The March 11 date takes into account a number of factors, including the timing of halibut migration and spawning, and having a Saturday season opening to facilitate marketing. In addition, the majority of the fishing effort on the opening date has historically been for sablefish, whose opening date is tied to the halibut season dates, and not for halibut. The closing date for the halibut fisheries is November 7, 2017. This date takes into account the anticipated time required to fully harvest the commercial halibut catch limits, seasonal holidays, and adequate time for IPHC staff to review the complete record of 2017 commercial catch data for use in the 2017 stock assessment process.

In the Area 2A non-treaty directed commercial fishery the IPHC recommended seven 10-hour fishing periods. Each fishing period shall begin at 0800 hours and terminate at 1800 hours local time on June 28, July 12, July 26, August 9, August 23, September 6, and September 20, 2017, unless the IPHC specifies otherwise. These 10-hour openings will occur until the quota is taken and the fishery is closed.

Area 2A Catch Sharing Plan

The NMFS West Coast Region published a proposed rule for changes to the Pacific Halibut Catch Sharing Plan for Area 2A off Washington, Oregon, and California on February 23, 2017 (82 FR 11419), with public comments accepted through March 15, 2017. A separate final rule will be published to approve changes to the Area 2A CSP and to implement the portions of the CSP and management measures that are not implemented through the IPHC annual management measures that are published in this final rule. These measures include the sport fishery allocations and management measures for Area 2A. Once published, the final rule implementing the Area 2A CSP will be available on the NOAA Fisheries West Coast Region's Web site at *http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html,* and under FDMS Docket Number NOAA–NMFS–2016–0144 at *www.regulations.gov.*

Catch Sharing Plan for Area 2C and Area 3A

In 2014, NMFS implemented a CSP for Area 2C and Area 3A. The CSP defines an annual process for allocating halibut between the charter and commercial fisheries in Area 2C and Area 3A, and establishes allocations for each fishery. To allow flexibility for individual commercial and charter fishery participants, the CSP also authorizes annual transfers of commercial halibut IFQ as GAF to charter halibut permit holders for harvest in the charter fishery. Under the CSP, the IPHC recommends combined catch limits (CCLs) for the charter and commercial halibut fisheries in Area 2C and Area 3A. Each CCL includes estimates of discard mortality (wastage)

for each fishery. The CSP was implemented to achieve the halibut fishery management goals of the NPFMC. More information is provided in the final rule implementing the CSP (78 FR 75844, December 12, 2013). Implementing regulations for the CSP are at 50 CFR 300.65. The Area 2C and Area 3A CSP allocation tables are located in Tables 1 through 4 of subpart E of 50 CFR part 300. The IPHC recommended a CCL of 5,250,000 lb (2,381.36 mt) for Area 2C. Following the CSP allocations in Tables 1 and 3 of subpart E of 50 CFR part 300, the charter fishery is allocated 915,000 lb (415.04 mt) of the CCL and the remainder of the CCL, 4,335,000 lb (1,966.32 mt), is allocated to the commercial fishery. Wastage in the amount of 123,000 lb (55.79 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 4,212,000 lb (1,910.53 mt). The commercial allocation increased by about 291,000 lb (132.00 mt) or 7.2 percent, from the 2016 allocation of 4,044,000 lb (1,834.33 mt) (including wastage). The charter allocation for 2017 is about 9,000 lb (4.08 mt), or 1.0 percent greater than the charter sector allocation of 906,000 lb (410.95 mt) in 2016.

The IPHC recommended a CCL of 10,000,000 lb (4,535.92 mt) for Area 3A. Following the CSP allocations in Tables 2 and 4 of subpart E of 50 CFR part 300, the charter fishery is allocated 1,890,000 lb (857.29 mt) of the CCL and the remainder of the CCL, 8,110,000 lb (3,678.63 mt), is allocated to the commercial fishery. Wastage in the amount of 371,000 lb (168.28 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 7,739,000 lb (3,510.35 mt). The commercial allocation increased by about 324,000 lb (146.96 mt) or 4.2 percent, from the 2016 allocation of 7,786,000 lb (3,531.67 mt) (including wastage). The charter allocation increased by about 76,000 lb (34.47 mt), or 4.2 percent, from the 2016 allocation of 1,814,000 lb (822.82 mt).

Charter Halibut Management Measures for Area 2C and Area 3A

Guided (charter) recreational halibut anglers are managed under different regulations than unguided recreational halibut anglers in Areas 2C and 3A in Alaska. According to Federal regulations at 50 CFR 300.61, a charter vessel angler means a person, paying or non-paying, receiving sport fishing guide services for halibut. Sport fishing guide services means assistance, for compensation or with the intent to receive compensation, to a person who is sport fishing, to take or attempt to take halibut by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a charter vessel fishing trip. A charter vessel fishing trip is the time period between the first deployment of fishing gear into the water from a charter vessel by a charter vessel angler and the offloading of one or more charter vessel anglers or any halibut from that vessel. The charter fishery regulations described below apply only to charter vessel anglers receiving sport fishing guide services during a charter vessel fishing trip for halibut in Area 2C or Area 3A. These regulations do not apply to unguided recreational anglers in any regulatory area in Alaska, or guided anglers in areas other than Areas 2C and 3A.

The NPFMC formed the Charter Halibut Management Committee to provide it with recommendations for annual management measures intended to limit charter harvest to the charter catch limit while minimizing negative economic impacts to charter fishery participants in times of low halibut abundance. The committee is composed of representatives from the charter fishing industry in Areas 2C and 3A. The committee considered previously analyzed alternatives and suggested new alternative measures to be analyzed in October 2016. After reviewing an analysis of the effects of the alternative measures on estimated charter removals, the committee made recommendations for preferred management measures to the NPFMC for 2017. The NPFMC considered the recommendations of the committee, its industry advisory body, and public testimony to develop its recommendation to the IPHC, and the IPHC took action consistent with the NPFMC's recommendations. The NPFMC has used this process to select and recommend annual management measures to the IPHC since 2012.

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting charter harvests. The IPHC concluded that new management measures were necessary for 2017 to limit the Area 2C and Area 3A charter halibut fisheries to their charter catch limits under the CSP, to achieve the IPHC's overall conservation objective to limit total halibut harvests to established catch limits, and to meet the NPFMC's allocation objectives for these areas. The IPHC determined that limiting charter harvests by implementing the management measures discussed below would meet these objectives.

Management Measures for Charter Vessel Fishing in Area 2C

The preliminary estimate of charter removals in Area 2C was below the 2016 charter allocation by about 62,000 lb (28.12 mt) or 6.9 percent, indicating that the 2016 management measures were appropriate and effective at limiting harvest by charter vessel anglers to the charter allocation. The analysis of alternative management measures indicated that both effort and harvest were projected to increase in 2017 under *status quo* regulations; however, the 9,000 lb (4.08 mt) increase in the catch limit allows management measures to be relaxed slightly for 2017.

The preliminary estimate of charter wastage (release mortality) in 2016 represented about 6.5 percent of the directed harvest amount and has increased in recent years. Therefore, projected charter harvest for 2017 was increased by 7.0 percent to account for all charter removals in the selection of annual management measures for Area 2C.

Relaxation of management measures is possible, while managing total charter removals, including wastage, in Area 2C to the 2017 allocation of 915,000 lb (415.04 mt). This final rule amends the 2016 measures applicable to the charter vessel fishery in Area 2C to relax restrictions and allow additional harvest relative to 2016.

For 2017, the IPHC recommended the continuation of a one-fish daily bag limit with a reverse slot limit, as was in place in 2016, but increasing the lower size limit. The IPHC recommends a reverse slot limit that prohibits a person on board a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 44 inches (111.8 cm) and less than 80 inches (203.2 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. The 2016 reverse slot limit prohibited retention by charter vessel anglers of halibut that were greater than 43 inches (109.2 cm) and less than 80 inches. The projected charter removal under the 2017 recommended reverse slot limit is 888,000 lb (402.79 mt), 27,000 lb (12.25 mt) below the charter allocation. The recommended reverse slot limit for 2017 will increase harvest opportunities for charter vessel anglers, while managing total charter removals to the charter allocation.

Management Measures for Charter Vessel Fishing in Area 3A

The preliminary estimate of charter removals in Area 3A in 2016 exceeded the charter allocation by 167,000 lb (75.75 mt), or 9.2 percent, primarily because charter vessel anglers caught and retained 7.1 percent more halibut and the average size of halibut retained was 3.5 percent heavier, on average, than predicted for the size and bag limits in place. In 2016, charter vessel anglers in Area 3A were limited to a two-fish daily bag limit with a maximum size limit on one fish. One effect of the maximum size limit was that the number of fish harvested per angler decreased in 2016 compared to 2015, but the average weight of harvested fish increased as many anglers opted to maximize the size of retained fish. The estimation error for average weight was factored into the analysis of potential management measures for 2017.

The preliminary estimate of charter wastage in 2016 represented 0.8 percent of the directed harvest amount, but the average from 2013 through 2016 was 1.3 percent. The projected charter harvest for 2017 was increased by 1.5 percent to account for total charter removals in the selection of appropriate annual management measures for Area 3A for 2017.

This final rule amends the 2016 management measures applicable to the charter halibut fishery in Area 3A. The NPFMC and IPHC considered 2016 information on charter removals and the projections of charter harvest for 2017. After considering 2016 harvest information, the NPFMC and IPHC determined that more restrictive management measures in Area 3A are necessary to limit charter removals, including wastage, to the 2017 allocation.

For 2017, the IPHC recommended continuing the following management measures for Area 3A from 2016: (1) A two-fish bag limit with a 28-inch (71.1 cm) size limit on one of the halibut; (2) a one-trip per day limit for the entire season; (3) a day-of-week closure; and (4) an annual limit, with a reporting requirement. In addition, the IPHC recommended closure of another day of the week to charter fishing for part of the season. The projected charter harvest for 2017 under this combination of recommended measures is 1,874,000 lb (850.03 mt), 16,000 lb (7.26 mt) below the charter allocation. Each of these management measures is described in more detail below.

Size Limit for Halibut Retained on a Charter Vessel in Area 3A

The 2017 charter halibut fishery in Area 3A will be managed under a two-fish daily bag limit in which one of the retained halibut may be of any size and one of the retained halibut must be 28 inches (71.1 cm) total length or less. This is the same maximum size limit as 2016. This daily bag and size limit will be combined with additional restrictions to limit charter halibut removals to the 2017 allocation.

Trip Limit for Charter Vessels Harvesting Halibut in Area 3A

As in 2016, for 2017, a charter halibut permit is only authorized for use to catch and retain halibut on one charter halibut fishing trip per day in Area 3A. Additionally, a charter vessel is only authorized for use to catch and retain halibut on one charter halibut fishing trip per day. If no halibut are retained during a charter vessel fishing trip, the charter halibut permit and vessel may be used to take an additional trip to catch and retain halibut that day.

For purposes of the trip limit in Area 3A in 2017, a charter vessel fishing trip will end when anglers or halibut are offloaded, or at the end of the calendar day, whichever occurs first. Charter operators are still able to conduct overnight trips and anglers may retain a bag limit of halibut on each calendar day, but operators are not allowed to begin another overnight trip until the day after the trip ends. GAF halibut are exempt from the trip limit; therefore, GAF could be used to harvest halibut on a second trip in a day, but only if exclusively GAF halibut were harvested on that trip.

Day-of-Week Closure in Area 3A

The NPFMC and the IPHC recommended continuing the day-of-week closure on Wednesdays for Area 3A in 2017. No retention of halibut by charter vessel anglers will be allowed in Area 3A on Wednesdays. To further reduce harvest, an additional day-of-week closure will be added for three Tuesdays in 2017: July 18, July 25, and August 1. Retention of only GAF halibut will be allowed on charter vessels on Wednesdays and the three closed Tuesdays; all other halibut that are caught while fishing on a charter vessel must be released. The addition of the three Tuesday closures is expected to reduce charter halibut harvest by 3.9 percent in Area 3A and reduce total charter harvest to below the charter catch limit.

Annual Limit of Four Fish for Charter Vessels Anglers in Area 3A

For 2017, charter vessel anglers will continue to be limited to harvesting no more than four halibut on charter vessel fishing trips in Area 3A during a calendar year. This limit applies only to halibut caught and retained during charter vessel fishing trips in Area 3A. Halibut harvested while unguided fishing, fishing in other IPHC regulatory areas, or harvested as GAF will not accrue toward the annual limit.

To enforce the annual limit in 2017, each charter vessel angler who is required to have a State of Alaska sport fishing license and who harvests halibut will be required to record those halibut on the back of the fishing license. For those anglers who are not required to have a sport fishing license (*e.g.,* youth and senior anglers), a nontransferable Sport Harvest Record Card must be obtained from an Alaska Department of Fish and Game (ADF&G) office, the ADF&G Web site, or a fishing license vendor, on which to record halibut harvested aboard a charter vessel. Immediately upon retention of a halibut for which an annual limit has been established, the charter vessel angler must record the date, location (Area 3A), and species of the catch (halibut), in ink, on the harvest record card or back of the sport fishing license.

If the original sport fishing license or harvest record is lost, a duplicate or additional sport fishing license or harvest record card must be obtained and completed for all halibut previously retained during that year that were subject to the annual limit.

Only halibut caught during a charter vessel fishing trip in Area 3A accrue toward the 4-fish annual limit and must be recorded on the license or harvest record card. Halibut that are harvested while charter fishing in regulatory areas other than Area 3A will not accrue toward the annual limit and are not subject to the reporting requirement. Likewise, halibut harvested while sport fishing without a guide in Area 3A, harvested while subsistence fishing, or harvested as GAF do not accrue toward the annual limit and should not be recorded on the license or harvest record. Finally, halibut that are caught during a charter vessel fishing trip that bear IPHC external tags are exempt from the annual limit and reporting requirements (see Section 21 of the IPHC regulations).

Retention of Incidentally Caught Halibut in Sablefish Pots in Alaska

On December 28, 2016, NMFS published a final rule to authorize

longline pot gear for the IFQ sablefish fishery in the Gulf of Alaska (81 FR 95435). The Gulf of Alaska sablefish fishery takes place in a portion of IPHC Regulatory Area 2C (not including the inside waters), and Regulatory Areas 3A, 3B, and that portion of 4A in the Gulf of Alaska west of Area 3B and east of 170°00' W. longitude. The NMFS final rule also requires retention of halibut caught incidentally in longline pot gear subject to current retention requirements for the halibut IFQ Program (*i.e.,* only if the halibut are of legal size and a person(s) on the vessel holds sufficient halibut IFQ). This recommendation is intended to avoid discard mortality of legal-size halibut caught incidentally in longline pots in the sablefish IFQ fishery, similar to current regulations that authorize sablefish and halibut IFQ holders using hook-and-line gear to retain legal-size halibut caught incidentally during the sablefish IFQ fishery.

At its 2016 annual meeting, the IPHC approved longline pot gear, as defined by NMFS, as legal gear for the commercial halibut fishery in Alaska when NMFS regulations permit the use of this gear in the IFQ sablefish fishery. NMFS regulations will authorize the use of longline pot gear in the IFQ sablefish fishery on March 11, 2017 (81 FR 95435, December 28, 2016; notice of delayed effective date 82 FR 9690, February 8, 2017). Therefore, beginning in 2017, vessels using longline pot gear to harvest IFQ sablefish in the Gulf of Alaska will be required to retain halibut consistent with IPHC regulations and NMFS regulations specified in the final rule to authorize longline pot gear (81 FR 95435).

Other Regulatory Amendments

The IPHC approved two additional amendments to the 2017 annual management measures.

The first amendment approved by the IPHC requires that beginning in 2017, all commercial Pacific halibut must be landed and weighed with their heads attached (head-on) for data reporting purposes. Section 13 of IPHC regulations previously had two minimum size limits: 32 inches (81.3 cm) for halibut taken or possessed with the head on, and 24 inches (61.0 cm) for halibut taken or possessed with the head removed. This regulatory amendment will require that halibut be landed head-on and those head-on halibut will be subject to a 32-inch minimum size limit. The only exception is for vessels that freeze halibut at sea. Those vessels may deliver their frozen, head-off halibut shoreside with a 24-inch minimum size limit. The IPHC regulations already required that in Area 2A all commercial halibut be landed with the head attached.

This regulatory amendment is intended to improve the estimates of the weight of landed halibut. The IPHC has assumed that the weight of a removed head as a percentage of the whole body is 10 percent. However, results from recent studies (pp. 77–91 of the 2015 RARA and Chapter 2.8 of the 2016 RARA; available at *www.iphc.int*) indicate that the average weight of removed heads averages 12 percent of the whole body weight, and ranges from 9 to 18 percent of the whole body weight. The weight of removed heads relative to the whole body weight varies due to differences in the angle at which the head is cut off the body and the size of the fish.

Landing records show that, coastwide, 67 to 71 percent of catch by weight is reported head-off, so the potential effect of head proportions that differ from assumed values is likely to have a significant impact on the biomass of catch that is used in the IPHC's annual stock assessment. For example, in recent years, the IPHC may have underestimated the coastwide landings by 2 to 3 percent, and estimates in some regulatory areas could be more inaccurate than others depending on the type of processing used and the size of halibut. In order to improve the accuracy of estimated landings, the IPHC approved the requirement for all commercially landed Pacific halibut to be landed and weighed with the head on, except for those halibut processed and frozen at sea.

The second regulatory amendment approved by the IPHC revises Section 18 of the annual management measures for consistency with NMFS' halibut fishery regulations published at 50 CFR 679.7(f)(4), regarding fishing in multiple regulatory areas. Section 18 of the annual management measures and 50 CFR 679.7(f)(4) address the circumstances under which a person may lawfully possess at the same time, on board a vessel, halibut that were caught in more than one IPHC Regulatory Area off Alaska. However, differences in regulatory text have caused confusion for fishery participants. To reduce confusion, the IPHC regulations will allow possession at the same time on board a vessel halibut that were caught in more than one IPHC Regulatory Area off Alaska only if such possession is authorized by Federal regulations at 50 CFR 679.7(f)(4), and if the operator of the vessel identifies the halibut by regulatory area by separating halibut from different areas in the hold, tagging halibut, or by other means. The NMFS regulation specifies that a person may not retain IFQ or CDQ halibut on a vessel in excess of the total amount of unharvested IFQ or CDQ that is currently held by all persons on the vessel for the regulatory area in which the vessel is deploying fixed gear. This limit on halibut possession does not apply if the vessel has an observer aboard under the requirements of subpart E of 50 CFR part 679 and the vessel maintains an applicable daily fishing log as specified in IPHC regulations and 50 CFR 679.5. This change to the 2017 IPHC regulations does not change the requirements for vessels fishing in multiple areas, it simply clarifies the *status quo* regulations applicable to vessels fishing off Alaska.

Annual Halibut Management Measures

The following annual management measures for the 2017 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary of Commerce.

1. Short Title

These Regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 6 apply generally to all halibut fishing.

(3) Sections 7 to 20 apply to commercial fishing for halibut.

(4) Section 21 applies to tagged halibut caught by any vessel.

(5) Section 22 applies to the United States treaty Indian fishery in Subarea 2A–1.

(6) Section 23 applies to customary and traditional fishing in Alaska.

(7) Section 24 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.

(8) Sections 25 to 28 apply to sport fishing for halibut.

(9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Definitions

(1) In these Regulations,

(a) ''authorized officer'' means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of

Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), the Oregon State Police (OSP), and California Department of Fish and Wildlife (CDFW);

(b) ''authorized clearance personnel'' means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;

(c) ''charter vessel'' outside of Alaska waters means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator, and in Alaska waters means a vessel used while providing or receiving sport fishing guide services for halibut;

(d) ''commercial fishing'' means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than (i) sport fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations published at 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(e) ''Commission'' means the International Pacific Halibut Commission;

(f) ''daily bag limit'' means the maximum number of halibut a person may take in any calendar day from Convention waters;

(g) ''fishing'' means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of gear anywhere in the maritime area;

(h) ''fishing period limit'' means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(i) ''land'' or ''offload'' with respect to halibut, means the removal of halibut from the catching vessel;

(j) ''license'' means a halibut fishing license issued by the Commission pursuant to section 4;

(k) ''maritime area'', in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) ''net weight'' of a halibut means the weight of halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) ''operator'', with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) ''overall length'' of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) ''person'' includes an individual, corporation, firm, or association;

(p) ''regulatory area'' means an area referred to in section 6;

(q) ''setline gear'' means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) ''sport fishing'' means all fishing other than (i) commercial fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(s) ''tender'' means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) ''VMS transmitter'' means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NMFS-approved communications service provider.[1]

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

4. Licensing Vessels for Area 2A

(1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following:

(a) The directed commercial fishery during the fishing periods specified in paragraph (2) of section 8;

(b) the incidental catch fishery during the sablefish fishery specified in paragraph (3) of section 8; or

(c) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.

(5) No person may apply for or be issued a license for a vessel operating in the incidental catch fishery during the salmon troll fishery in paragraph (4)(c), if that vessel was previously issued a license for either the directed commercial fishery in paragraph (4)(a) or the incidental catch fishery during the sablefish fishery in paragraph (4)(b).

(6) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(7) The Commission shall issue a license in respect to a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed ''Application for Vessel License for the Halibut Fishery'' form.

(8) A vessel operating in the directed commercial fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on 30 April, or on the first weekday in May if 30 April is a Saturday or Sunday.

(9) A vessel operating in the incidental catch fishery during the sablefish fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

(10) A vessel operating in the incidental catch fishery during the salmon troll fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 p.m. on 15 March, or the next weekday in March if 15 March is a Saturday or Sunday.

(11) Application forms may be obtained from any authorized officer or from the Commission.

(12) Information on ''Application for Vessel License for the Halibut Fishery'' form must be accurate.

(13) The ''Application for Vessel License for the Halibut Fishery'' form shall be completed and signed by the vessel owner.

(14) Licenses issued under this section shall be valid only during the year in which they are issued.

[1] Call NOAA Enforcement Division, Alaska Region, at 907–586–7225 between the hours of 0800 and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.

(15) A new license is required for a vessel that is sold, transferred, renamed, or the documentation is changed.

(16) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(17) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in Title 15, CFR part 904.

5. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the catch limit established preseason for each regulatory area;

(b) is consistent with the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian governments.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

(a) Closed areas;

(b) fishing periods;

(c) fishing period limits;

(d) gear restrictions;

(e) recreational bag limits;

(f) size limits; or

(g) vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, and Provincial fishery officials; and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′56″ N. latitude, 136°38′26″ W. longitude) and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N. latitude, 155°35′00″ W. longitude) to Cape Ikolik (57°17′17″ N. latitude, 154°47′18″ W. longitude), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N. latitude, 154°08′44″ W. longitude), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N. latitude, 164°20′00″ W. longitude) and south of 54°49′00″ N. latitude in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W. longitude and south of 56°20′00″ N. latitude;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20′00″ N. latitude;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W. longitude, south of 58°00′00″ N. latitude, and west of 168°00′00″ W. longitude;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00′00″ W. longitude; and

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W. longitude, and south of 65°34′00″ N. latitude.

7. Fishing in Regulatory Area 4E and 4D

(1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut, provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.

(2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to 1 November of the year in which such halibut were harvested.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.

(2) Each fishing period in the Area 2A directed commercial fishery [2] shall begin at 0800 hours and terminate at 1800 hours local time on 28 June, 12 July, 26 July, 9 August, 23 August, 6 September, and 20 September, unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery [3] is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on 11 March and 1200 hours local time on 7 November.

(4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on 11 March and 1200 hours local time on 7 November.

(5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on 11 March and terminate at 1200 hours local time on 7 November, unless the Commission specifies otherwise.

(6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on 7 November.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.

[2] The directed fishery is restricted to waters that are south of Point Chehalis, Washington (46°53.30′ N. latitude) under regulations promulgated by NMFS and published in the **Federal Register**.

[3] The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53.30′ N. latitude) under regulations promulgated by NMFS at 50 CFR 300.63. Landing restrictions for halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.

(6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess halibut on board a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00′00″ N. latitude in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′00″ N. latitude, 164°55′42″ W. longitude) to a point at 56°20′00″ N. latitude, 168°30′00″ W. longitude; thence to a point at 58°21′25″ N. latitude, 163°00′00″ W. longitude; thence to Strogonof Point (56°53′18″ N. latitude, 158°50′37″ W. longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters, except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N. latitude and 54°49′00″ N. latitude are closed to halibut fishing.

11. Commercial Catch Limits

(1) The total allowable commercial catch of halibut to be taken during the commercial halibut fishing periods specified in section 8 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

IPHC regulatory area	Commercial catch limit—net weight	
	Pounds	Metric tons
2A: Directed commercial, and incidental commercial catch during salmon troll fishery	265,402	120.38
2A: Incidental commercial during sablefish fishery	70,000	31.75
2B [4]	6,271,971	2,844.92
2C [5]	4,212,000	1,910.53
3A [6]	7,739,000	3,510.36
3B	3,140,000	1,424.28
4A	1,390,000	630.49
4B	1,140,000	517.09
4C	752,000	341.10
4D	752,000	341.10
4E	196,000	88.90

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the **Federal Register**.

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.

(4) Notwithstanding paragraph (1), the commercial fishing in Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or November 7, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQs issued by NMFS have been taken, or 7 November, whichever is earlier.

(6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken and the directed commercial fishery closed as announced by the Commission.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E CDQ fisheries. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken in Area 4E in excess of the annual Area 4E CDQ catch limit.

(9) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4D directed commercial fishery is equal to the combined annual catch limits specified for Area 4C and Area 4D. The annual Area 4C catch limit will decrease by the equivalent amount of halibut taken in Area 4D in excess of the annual Area 4D catch limit.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

[4] IPHC allocates the catch limit to Area 2B as a combined commercial and sport catch limit (7,450,000 pounds). DFO allocates that amount between commercial and sport according to their allocation policy. In addition to the commercial fishery amount, 60,000 pounds has been allocated for research purposes. This amount also excludes any overage/underage adjustments. See section 27 for sport fishing regulations.

[5] For Area 2C, the commercial catch limit adopted by the Commission includes catch (4,212,000 pounds) reported in the table plus, estimated incidental mortality from the commercial fishery (123,000 pounds) for a total of 4,335,000 pounds. This total amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NMFS by a catch sharing plan (5,250,000 pounds).

[6] For Area 3A, the commercial catch limit adopted by the Commission includes catch (7,739,000 pounds) reported in the table plus, estimated incidental mortality from the commercial fishery (371,000 pounds) for a total of 8,110,000 pounds. This total amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NMFS by a catch sharing plan (10,000,000 pounds).

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) The vessel's overall length in feet and associated length class;

(b) the average performance of all vessels within that class; and

(c) the remaining catch limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that:

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) with the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering halibut shall possess any halibut that has had its head removed, except that halibut frozen at sea with its head removed may be possessed on board a vessel by persons in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E if authorized by Federal regulations.

(3) The size limit in paragraph (1)(b) will not be applied to any halibut that has had its head removed after the operator has landed the halibut.

14. Careful Release of Halibut

(1) All halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

(a) Hook straightening;

(b) cutting the gangion near the hook; or

(c) carefully removing the hook by twisting it from the halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of halibut on board a vessel that has been brought aboard to be measured to determine if the minimum size limit of the halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and

(b) before unloading any halibut from Area 4, the vessel operator obtains a

vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.

(13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Area 4C or 4D or 4E and lands its total annual halibut catch at a port within Area 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and

(b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800–304–4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

(1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: The Groundfish/IFQ Longline and Pot Gear Daily Fishing Logbook, in electronic or paper form, provided by NMFS; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADF&G) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in Area 2A must use either the WDFW Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the State (ADF&G, WDFW, ODFW, or CDFW) or Tribal ID number;

(b) the date(s) upon which the fishing gear is set or retrieved;

(c) the latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) Maintained on board the vessel;

(b) updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) retained for a period of two years by the owner or operator of the vessel;

(d) open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.

(5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate record in the British Columbia Integrated Groundfish Fishing Log.

(6) The log referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel registration number;

(b) the date(s) upon which the fishing gear is set and retrieved;

(c) the latitude and longitude coordinates for each set;

(d) the number of skates deployed or retrieved, and number of skates lost; and

(e) the total weight or number of halibut retained for each set.

(7) The log referred to in paragraph (5) shall be:

(a) Maintained on board the vessel;

(b) retained for a period of two years by the owner or operator of the vessel;

(c) open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;

(e) submitted to the DFO within seven days of offloading; and

(f) submitted to the Commission within seven days of the final offload if not previously collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut caught in Area 2A from a United States vessel that does not have on board the license required by section 4.

(2) No person shall possess on board a vessel a halibut other than whole or with gills and entrails removed, except that this paragraph shall not prohibit the possession on board a vessel of:

(a) Halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at 50 CFR part 679;

(b) fillets from halibut offloaded in accordance with section 17 that are possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload;[7] and

(c) halibut with their heads removed in accordance with section 13.

(3) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading.[8]

(4) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: Date of offload; name of vessel; vessel

[7] DFO has more restrictive regulations; therefore, section 17 paragraph (2)(b) does not apply to fish caught in Area 2B or landed in British Columbia.

[8] DFO did not adopt this regulation; therefore, section 17 paragraph (3) does not apply to fish caught in Area 2B.

number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of halibut purchased by the registered buyer, the scale weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the scale weight of halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of halibut discarded as unfit for human consumption.

(6) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on State fish tickets: The date of offload; vessel number (State or Federal, not IPHC vessel number) or Tribal ID number; total weight obtained at the time of offload including the weight (in pounds) of halibut purchased; the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of halibut discarded as unfit for human consumption.

(7) The individual completing the State fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.

(8) For halibut landings made in Alaska, the requirements as listed in paragraphs (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings in accordance with NMFS regulation published at 50 CFR part 679.

(9) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports: The date; locality; name of vessel; the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased, pounds in excess of IVQs, pounds retained for personal use, and pounds discarded as unfit for human consumption.

(10) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (9) of section 17.

(11) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (9) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(12) No person shall possess any halibut taken or retained in contravention of these Regulations.

(13) When halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (11).

(14) No person shall tag halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E may be possessed on board a vessel at the same time only if:

(a) Authorized by NMFS' regulations published at 50 CFR Section 679.7(f)(4); and

(b) the operator of the vessel identifies the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Licence can retain halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may retain halibut taken with longline pot gear in the sablefish IFQ fishery if such retention is authorized by NMFS regulations published at 50 CFR part 679.

(2) No person shall possess halibut taken with any gear other than hook and line gear,

(a) except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Licence can retain halibut caught as bycatch under regulations promulgated by DFO; or

(b) except that a person may possess halibut taken with longline pot gear in the sablefish IFQ fishery if such possession is authorized by NMFS regulations published at 50 CFR part 679.

(3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut,

(a) except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is on board the vessel; or

(b) except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut may be possessed on board a vessel carrying pots capable of catching halibut, provided such possession is authorized by NMFS regulations published at 50 CFR part 679 as referenced in paragraphs (1) and (2) of this section; or

(c) except that in Area 2B, halibut may be possessed on board a vessel carrying sablefish trap gear, provided such possession is authorized by the Condition of Licence regulations promulgated by DFO as referenced in paragraphs (1) and (2) of this section.

(4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) The vessel's State license number; or

(b) the vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

21. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut:

(a) May be retained for personal use; or

(b) may be sold only if the halibut is caught during commercial halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Any halibut that bears a Commission external tag must count against commercial IVQs, CDQs, or IFQs, unless otherwise exempted by State, Provincial, or Federal regulations.

(4) Any halibut that bears a Commission external tag will not count against sport daily bag limits or possession limits, may be retained outside of sport fishing seasons, and are not subject to size limits in these regulations.

(5) Any halibut that bears a Commission external tag will not count against daily bag limits, possession limits, or catch limits in the fisheries described in section 22, paragraph (7), section 23, or section 24.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in Subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A–1 includes all waters off the coast of Washington that are north of the Quinault River, WA (47°21.00′ N. lat.), and east of 125°44.00′ W. long; all waters off the coast of Washington that are between the Quinault River, WA (47°21.00′ N. lat.), and Point Chehalis, WA (46°53.30′ N. lat.), and east of 125°08.50′ W. long.; and all inland marine waters of Washington.

(3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in Subarea 2A–1 by the treaty Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by WDFW.

(5) Section 4 (Licensing Vessels for Area 2A) does not apply to commercial fishing for halibut in Subarea 2A–1 by treaty Indian tribes.

(6) Commercial fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from 11 March through 7 November, or until 435,900 pounds (197.72 metric tons) net weight is taken, whichever occurs first.

(7) Ceremonial and subsistence fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from 1 January through 31 December, and is estimated to take 29,600 pounds (13.43 metric tons) net weight.

23. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NMFS and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from 1 January through 31 December.

24. Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for halibut for food, social and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Sport Fishing for Halibut—General

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(3) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(4) No person may possess halibut on a vessel while fishing in a closed area.

(5) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(6) No halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by an angler on board said vessel. In Alaska, the charter vessel guide, as defined in 50 CFR 300.61 and referred to in 50 CFR 300.65, 300.66, and 300.67, shall be liable for any violation of these Regulations

committed by an angler on board a charter vessel.

26. Sport Fishing for Halibut—Area 2A

(1) The total allowable catch of halibut shall be limited to:

(a) 237,762 pounds (107.85 metric tons) net weight in waters off Washington;

(b) 256,757 pounds (116.46 metric tons) net weight in waters off Oregon; and

(c) 34,580 pounds (15.69 metric tons) net weight in waters off California.

(2) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.

(3) When the Commission has determined that a subquota under paragraph (8) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(5) The possession limit on a vessel for halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit for halibut on land in Washington is two daily bag limits.

(6) The possession limit on a vessel for halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for halibut on land in Oregon is three daily bag limits.

(7) The possession limit on a vessel for halibut caught in the waters off the coast of California is one daily bag limit. The possession limit for halibut on land in California is one daily bag limit.

(8) [The Area 2A CSP will be published under a separate final rule that, once published, will be available on the NOAA Fisheries West Coast Region's Web site at *http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html*, and under FDMS Docket Number NOAA–NMFS–2016–0144 at *www.regulations.gov*.]

27. Sport Fishing for Halibut—Area 2B

(1) In all waters off British Columbia: [9] [10]

(a) The sport fishing season will open on 1 February unless more restrictive regulations are in place;

(b) the sport fishing season will close when the sport catch limit allocated by DFO, is taken, or 31 December, whichever is earlier; and

(c) the daily bag limit is two halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.[9] [10]

28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska: [11] [12]

(a) The sport fishing season is from 1 February to 31 December.

(b) The daily bag limit is two halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.

(c) No person may possess more than two daily bag limits.

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces.

(e) Halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

(f) All halibut harvested on a charter vessel fishing trip in Area 2C or Area 3A must be retained on board the charter vessel on which the halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

(g) Guided angler fish (GAF), as described at 50 CFR 300.65, may be used to allow a charter vessel angler to harvest additional halibut up to the limits in place for unguided anglers, and are exempt from the requirements in paragraphs 2 and 3 of this section.

(2) For guided sport fishing (as referred to in 50 CFR 300.65) in Regulatory Area 2C:

(a) The total allocation, including estimated harvest and incidental mortality (wastage), is 915,000 pounds (415.04 metric tons).

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one halibut per calendar day.

(c) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain any halibut that with head on is greater than 44 inches (111.8 cm) and less than 80 inches (203.2 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 3.

(3) For guided sport fishing (as referred to in 50 CFR 300.65) in Regulatory Area 3A:

(a) The total allocation, including estimated harvest and incidental mortality (wastage), is 1,890,000 pounds (857.29 metric tons).

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two halibut per calendar day.

(c) At least one of the retained halibut must have a head-on length of no more than 28 inches (71.1 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 4. If a person sport fishing on a charter vessel in Area 3A retains only one halibut in a calendar day, that halibut may be of any length.

(d) A charter halibut permit (as referred to in 50 CFR 300.67) may only be used for one charter vessel fishing trip in which halibut are caught and retained per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 11:59 p.m. (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or halibut are offloaded, whichever comes first.

(e) A charter vessel on which one or more anglers catch and retain halibut may only make one charter vessel fishing trip per calendar day. A charter

[9] DFO could implement more restrictive regulations for the sport fishery; therefore, anglers are advised to check the current Federal or Provincial regulations prior to fishing.

[10] For regulations on the experimental recreational fishery implemented by DFO, check the current Federal or Provincial regulations.

[11] NMFS could implement more restrictive regulations for the sport fishery or components of it; therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

[12] Charter vessels are prohibited from harvesting halibut in Areas 2C and 3A during one charter vessel fishing trip under regulations promulgated by NMFS at 50 CFR 300.66.

vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 11:59 p.m. (Alaska local time) on the same calendar day that the fishing trip began, or when any anglers or halibut are offloaded, whichever comes first.

(f) No person on board a charter vessel may catch and retain halibut on any Wednesday, or on the following Tuesdays: 18 July, 25 July, and 1 August.

(g) Charter vessel anglers may catch and retain no more than four (4) halibut per calendar year on board charter vessels in Area 3A. Halibut that are retained as GAF, retained while on a charter vessel fishing trip in other Commission regulatory areas, or retained while fishing without the services of a guide do not accrue toward the 4-fish annual limit. For purposes of enforcing the annual limit, each angler must:

(1) Maintain a nontransferable harvest record in the angler's possession if retaining a halibut for which an annual limit has been established. Such harvest record must be maintained either on the back of the angler's State of Alaska sport fishing license or on a Sport Fishing Harvest Record Card obtained, without charge, from ADF&G offices, the ADF&G Web site, or fishing license vendors; and

(2) immediately upon retaining a halibut for which an annual limit has been established, record the date, location (Area 3A), and species of the catch (halibut), in ink, on the harvest record; and

(3) record the information required by paragraph 3(g)(2) on any duplicate or additional sport fishing license issued to the angler or any duplicate or additional Sport Fishing Harvest Record Card obtained by the angler for all halibut previously retained during that year that were subject to the harvest record reporting requirements of this section; and

(4) carry the harvest record on his or her person while fishing for halibut.

29. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

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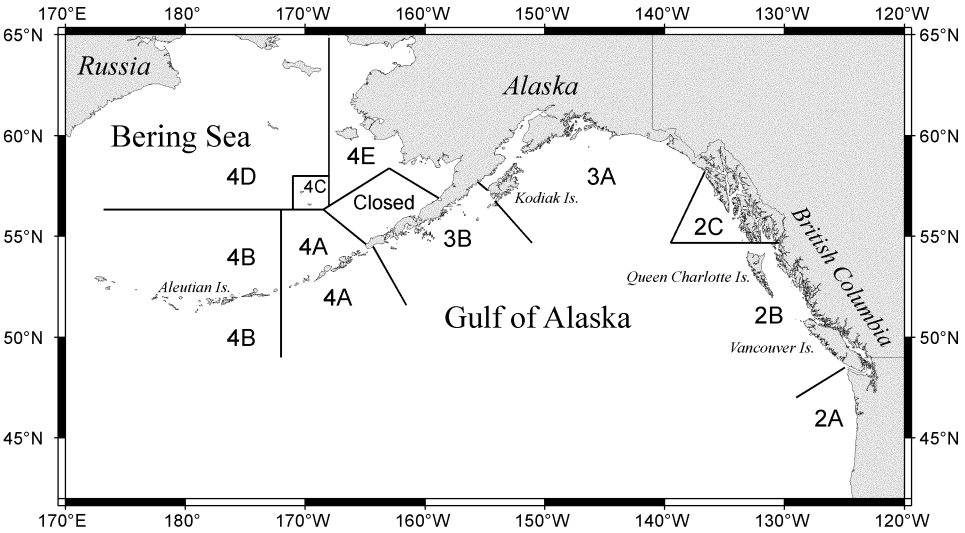

Figure 1. Regulatory areas for the Pacific halibut fishery.

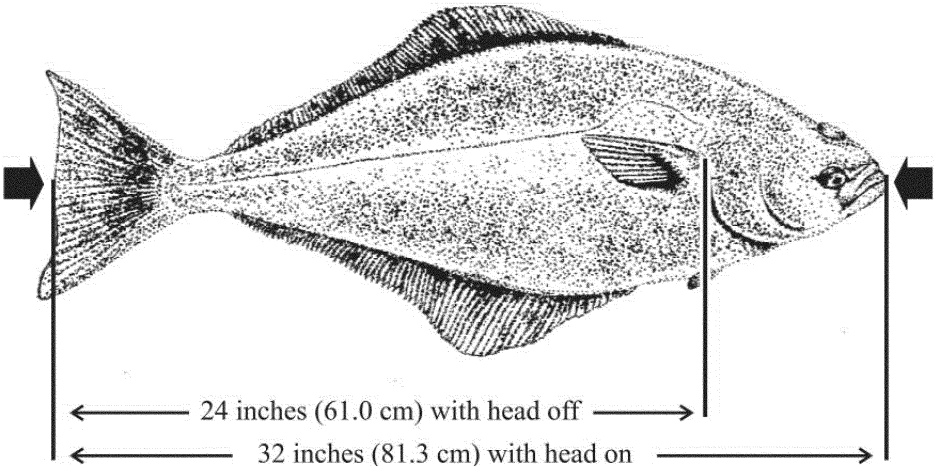

Figure 2. Minimum commercial size.

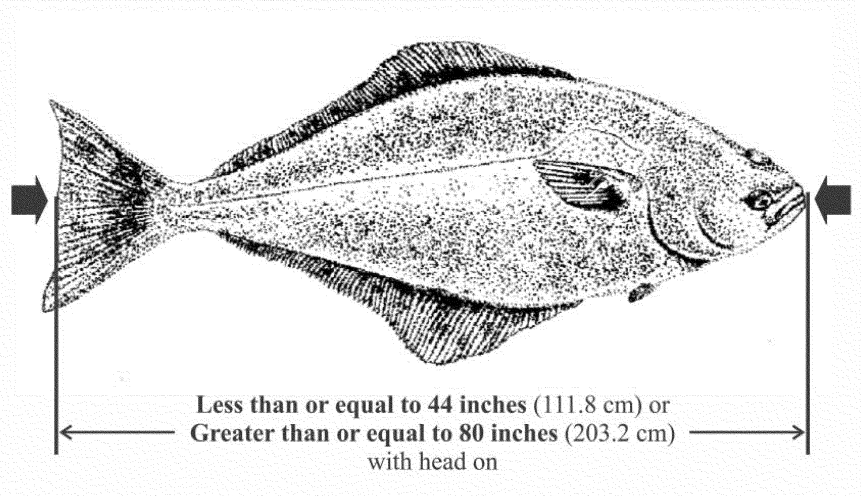

Figure 3. Recreational reverse slot limit for halibut on board a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 2C (see Section 28 paragraph 2(c)).

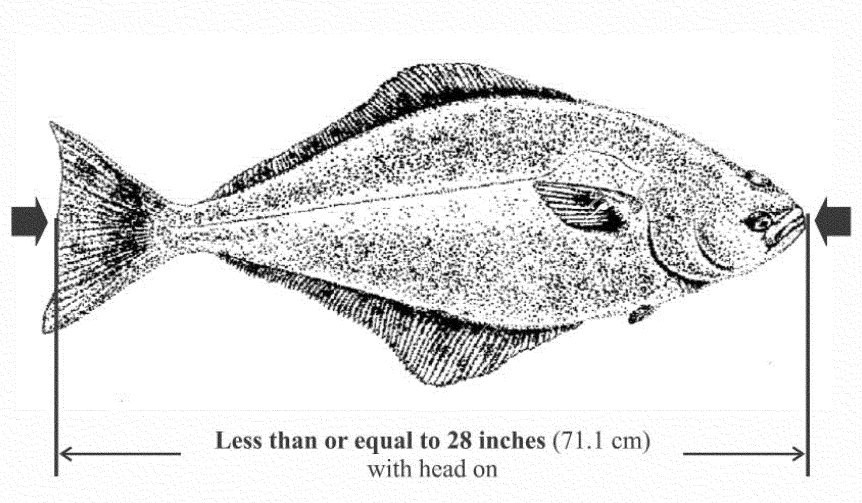

Figure 4. Recreational maximum size limit for one fish in two-fish bag limit for halibut on board a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 3A (see Section 28 paragraph 3(c)). If only one halibut is retained, it may be of any size.

Classification

IPHC Regulations

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal Register** to provide notice of their effectiveness and content. Pursuant to section 4 of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c, the Secretary of State, with the concurrence of the Secretary of Commerce, may ''accept or reject'' but not modify these recommendations of the IPHC. The notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553(c) and (d), are inapplicable to IPHC management measures because this regulation involves a foreign affairs function of the United States, 5 U.S.C. 553(a)(1). The additional time necessary to comply with the notice-and-comment and delay-in-effectiveness requirements of the APA would disrupt coordinated international conservation and management of the halibut fishery pursuant to the Convention. Furthermore, no other law requires prior notice and public comment for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this portion of the rule and none has been prepared.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 2, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–04407 Filed 3–3–17; 8:45 am]

BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XF259

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category bluefin tuna quota transfer and retention limit adjustment.

SUMMARY: NMFS is transferring 40 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the Reserve category to the General category January 2017 subquota period (which lasts from January 1 through March 31, 2017, or until the available subquota for this period is reached, whichever comes first). This transfer results in an adjusted subquota of 81 mt for the January 2017 subquota period and 78 mt for the Reserve category quota. NMFS also is adjusting the Atlantic tunas General category BFT daily retention limit for the January 2017 subquota period to one large medium or giant BFT from the current retention limit of three. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT.

DATES: The quota transfer is effective March 2, 2017 through March 31, 2017. The General category retention limit adjustment is effective March 5, 2017, through March 31, 2017.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

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) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated 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.

The base quota for the General category is 466.7 mt. See § 635.27(a). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although it is called the ''January'' subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. Based on the General category base quota of 466.7 mt, the subquotas for each time period are as follows: 24.7 mt for January; 233.3 mt for June through August; 123.7 mt for September; 60.7 mt for October through November; and 24.3 mt for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. Effective January 1, 2017, NMFS transferred 16.3 mt of the 24.3-mt General category quota allocated for the December 2017 period to the January 2017 period, resulting in a subquota of 41 mt for the January period and a subquota of 8 mt for the December 2017 period (81 FR 91873, December 19, 2016). Effective February 28, 2017, NMFS reallocated 138.2 mt of the 2017 Purse Seine category quota to the Reserve and transferred 45 mt from the Reserve category quota to the Longline category, resulting in an adjusted 2017 Reserve category quota of 118 mt (82 FR 12296, March 2, 2017).

Quota Transfer

Under § 635.27(a)(9), NMFS has the authority to transfer quota among fishing categories or subcategories, after considering regulatory determination criteria at § 635.27(a)(8).

NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer and change in retention limit in the General category fishery. The criteria and their application are discussed below.

Transfer of 40 mt From the Reserve Category to the General Category

For the inseason quota transfer, NMFS considered the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)). Biological samples collected from BFT landed by General category fishermen and provided by tuna dealers provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the General category would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date (including during the winter fishery in the last several years), and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii)). As of February 27, 2017, the General category landed approximately 52 mt of its adjusted January subquota of 41 mt. Without a quota transfer, NMFS would have to close the January 2017 General category fishery, while unused quota remains in the Reserve category and while commercial-sized BFT may remain available in the areas where General category permitted vessels operate at this time of year. Transferring 40 mt of BFT quota from the Reserve category would result in 81 mt being available for the January subquota period. This quota transfer would provide additional opportunities to harvest the U.S. BFT quota without exceeding it, while preserving the opportunity for General category fishermen to participate in the winter BFT fishery.

Regarding the projected ability of the vessels fishing under the particular category quota (here, the General category) to harvest the additional amount of BFT before the end of the fishing year (§ 635.27(a)(8)(iii)), NMFS considered General category landings in the last several years. General category landings in the winter BFT fishery tend to be highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. Any unused General category quota from the January subperiod that remains as of March 31 will roll forward to the next subperiod within the calendar year (*i.e.,* the June–August time period). In 2016, NMFS transferred the entire 24.3-mt December subquota to the January time period, for an adjusted January 2016 subquota of 49 mt. Under a three-fish General category daily retention

limit, that adjusted subquota allowed the fishery to continue through the end of March 2016. This year, fishing conditions have resulted in highly variable landings, with higher landings rates in recent days.

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. In the last several years, total U.S. BFT landings have been below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. In 2016, the General category exceeded its adjusted quota (discussed below) but sufficient quota was available to cover the exceedance without affecting the other categories. NMFS will need to account for 2017 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do that. This quota transfer would provide additional opportunities to harvest the U.S. BFT quota without exceeding it, while preserving the opportunity for General category fishermen to participate in the winter BFT fishery.

This transfer would be consistent with the current quotas, which were established and analyzed in the 2015 BFT quota final rule (80 FR 52198, August 28, 2015), and with objectives of the 2006 Consolidated HMS FMP and amendments. (§ 635.27(a)(8)(v) and (vi)). Another principal consideration is the objective of providing opportunities to harvest the full annual U.S. BFT quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and Amendment 7, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)).

NMFS also anticipates that some underharvest of the 2016 adjusted U.S. BFT quota will be carried forward to 2017 and placed in the Reserve category, in accordance with the regulations. This, in addition to the fact that any unused General category quota will roll forward to the next subperiod within the calendar year, along with NMFS' plan to actively manage the subquotas to avoid any exceedances, makes it likely that General category quota will remain available through the end of 2017. NMFS also may conduct other allowable transfers among categories throughout the year after considering the regulatory determination criteria for such adjustments. In 2016, NMFS closed the General category quota effective November 4 to prevent further overharvest of the adjusted General category quota. General category landings were relatively high in the fall of 2016, due to a combination of fish availability, favorable fishing conditions, and higher daily retention limits (described below). NMFS anticipates that General category participants in all areas and time periods will have opportunities to harvest the General category quota in 2017, through active inseason management such as retention limit adjustments and/or the timing of quota transfers, as practicable. Thus, this quota transfer would allow fishermen to take advantage of the availability of fish on the fishing grounds, consider the expected increases in available 2017 quota later in the year, and provide a reasonable opportunity to harvest the full U.S. BFT quota.

Based on the considerations above, NMFS is transferring 40 mt of BFT quota from the Reserve category, resulting in a subquota of 81 mt for the January 2017 subquota period and a subquota of 78 mt for the Reserve category. NMFS will close the General category fishery when the adjusted January period subquota of 81 mt has been reached, or it will close automatically on March 31, 2017, whichever comes first, and it will remain closed until the General category fishery reopens on June 1, 2017.

Adjustment of General Category Daily Retention Limit

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8), and listed above. NMFS has considered the relevant criteria and their applicability to the General category BFT retention limit for the remainder of the January subquota period.

As described above with regard to the quota transfer, additional opportunity to land BFT (*i.e.,* keeping the fishery open at a lower daily retention limit) would support the collection of a broad range of data for biological studies and for stock monitoring purposes. Regarding the effects of the adjustment on bluefin tuna rebuilding and overfishing and the effects of the adjustment on accomplishing the objectives of the fishery management plan, this action is needed to ensure that the fishery operates within the previously implemented quotas and retention limits analyzed in the Environmental Assessment for the 2011 final rule regarding General and Harpoon category management measures (76 FR 74003, November 30, 2011).

As described above, a principal consideration in reducing the daily retention limit is the objective of providing opportunities to harvest the available U.S. BFT quota without exceeding that quota, based on the goals of the 2006 Consolidated HMS FMP, as amended. The retention limit currently is three fish and would continue to be three fish if NMFS were to take no action. NMFS is setting the retention limit at one fish through this action because, given the expected level of fishing effort and catch rates, a continued level of three fish may lead to exceeding the adjusted category quota.

Regarding 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, NMFS notes that in 2012, 2013, and 2014, the available January subquota (23.1 mt) was reached on January 22, February 15, and March 21, respectively, under a limit of two large medium or giant BFT. In each of these years, the General category did not reach its available quota by the end of the year. For 2015, the adjusted January subquota of 45.7 was not met under a daily retention limit of three large medium or giant BFT, whereas for 2016, the adjusted subquota of 49 mt was reached, and slightly exceeded, as of March 31 under a three-fish limit. For the January 2017 subquota period, NMFS allowed a three-fish limit for most of the subquota period, and is decreasing it only in the final third of the period, to try to best utilize available quota and keep the fishery open for the rest of the subquota period, if possible.

Based on these considerations, NMFS has determined that a General category retention limit of one fish is warranted for the remainder of the January 2017 subquota period. It would provide a reasonable opportunity to harvest the U.S. quota of BFT without exceeding it, help optimize the ability of the General category to harvest its available quota, allow collection of a broad range of data for stock monitoring purposes, and be consistent with the objectives of the 2006 Consolidated HMS FMP and amendments. Therefore, NMFS adjusts the General category retention limit from three to one large medium or giant BFT per vessel per day/trip, effective March 5, 2017, through March 31, 2017, or until the 81-mt January subquota is harvested, whichever comes first.

Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, during the remainder of the January 2017 subquota period, whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the day/trip limit of one fish applies and may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT, and applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels fishing commercially for BFT.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. General, HMS Charter/Headboat, Harpoon, and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov* or by using the Android or iPhone app. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional action (*i.e.,* quota and/or daily retention limit adjustment, or closure) is necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. 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 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, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the quota transfer and daily retention limit for the remainder of the January 2017 subquota period at this time is impracticable. NMFS could not have proposed these actions earlier, as it needed to consider and respond information about landings and availability of fish and other conditions outside the agency's control that then require immediate action to be effective on the fishing grounds and thus efficiently manage the fishery. Daily landings rates increased substantially the week of February 20, 2017, pushing total landings toward the available 41-mt quota. This information became available on February 24, 2017. NMFS could not effectively react to these landings data if, in implementing the retention limit, it allowed a public comment period, which would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria.

Delays in adjusting the retention limit may result in the available quota being exceeded and NMFS needing to close the fishery earlier than otherwise would be necessary under a lower limit. This could adversely affect those General and HMS Charter/Headboat category vessels that would otherwise have an opportunity to harvest BFT under retention limits set in response to the most recent data available. Limited opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP, as amended. Adjustment of the retention limit needs to be effective as soon as possible to extend fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. 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 these reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under §§ 635.23(a)(4) and 635.27(a)(9), and is exempt from review under Executive Order 12866.

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

Dated: March 2, 2017.

Emily D. Menashes,

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

[FR Doc. 2017–04439 Filed 3–2–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF268

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is opening directed fishing for Pacific cod by catcher/processors using trawl gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to fully use the A season allowance of the 2017 total allowable catch apportioned to catcher/processors using trawl gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 4, 2017, through 1200 hours, A.l.t., June 10, 2017. Comments must be received at the following address no later than 4:30 p.m., A.l.t., March 17, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0127, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0127,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information

submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

NMFS closed directed fishing for Pacific cod by catcher/processors using trawl gear in the Western Regulatory Area of the GOA under § 679.20(d)(1)(iii) on January 1, 2017 pursuant to the final 2017 and 2018 harvest specifications for groundfish of the Gulf of Alaska (82 FR 12032, February 27, 2017).

NMFS has determined that as of March 1, 2017, approximately 200 metric tons of Pacific cod remain in the A season allowance of the 2017 Pacific cod apportionment for catcher/processors using trawl gear in the Western Regulatory Area of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the 2017 total allowable catch (TAC) of Pacific cod in the Western Regulatory Area of the GOA, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by catcher/processors using trawl gear in the Western Regulatory Area of the GOA. The Administrator, Alaska Region, NMFS, (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of Pacific cod by catcher/processors using trawl gear in the Western Regulatory Area of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of directed fishing for Pacific cod by catcher/processors using trawl gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 1, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific cod by catcher/processors using trawl gear in the Western Regulatory Area of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 17, 2017.

This action is required by § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: March 2, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04446 Filed 3–2–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF262

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation's pollock and the Community Development Quota directed fishing allowance from the Aleutian Islands subarea to the Bering Sea subarea directed fisheries. These actions are necessary to provide opportunity for harvest of the 2017 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 7, 2017, until 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the portion of the 2017 pollock total allowable catch (TAC) allocated to the Aleut Corporation's is 14,700 metric tons (mt) and the Community Development Quota (CDQ) directed fishing allowance (DFA) is 1,900 mt as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017).

As of March 1, 2017, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 9,000 mt of Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 9,000 mt of Aleut Corporation's DFA and 1,900 mt of pollock CDQ DFA from the Aleutian Islands subarea to the 2017 Bering Sea subarea allocations. The 1,900 mt of pollock CDQ DFA is added to the 2017 Bering Sea CDQ DFA. The remaining 9,000 mt of pollock is apportioned to the AFA Inshore sector (50 percent), AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent). The 2017 pollock incidental catch allowance remains at 47,210 mt. As a result, the harvest specifications for pollock in the

Aleutian Islands subarea included in the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) are revised as follows: 5,700 mt to Aleut Corporation's DFA and 0 mt to CDQ DFA pollock. Furthermore, pursuant to § 679.20(a)(5), Table 4 of the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) is revised to make 2017 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2017 Aleut Corporation and CDQ pollock allocations established at § 679.20(a)(5).

TABLE 4—FINAL 2017 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2017 Allocations	2017 A season [1]		2017 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,355,900	n/a	n/a	n/a
CDQ DFA	136,400	61,380	38,192	75,020
ICA [1]	47,210	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,172,291	527,531	328,241	644,760
AFA Inshore	586,145	263,765	164,121	322,380
AFA Catcher/Processors [3]	468,916	211,012	131,297	257,904
Catch by C/Ps	429,058	193,076	n/a	235,982
Catch by CVs [3]	39,858	17,936	n/a	21,922
Unlisted C/P Limit [4]	2,345	1,055	n/a	1,290
AFA Motherships	117,229	52,753	32,824	64,476
Excessive Harvesting Limit [5]	205,151	n/a	n/a	n/a
Excessive Processing Limit [6]	351,687	n/a	n/a	n/a
Aleutian Islands subarea ABC	36,061	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	8,100	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	5,700	5,700	n/a	0
Area harvest limit [7]				
541	10,818	n/a	n/a	n/a
542	5,409	n/a	n/a	n/a
543	1,803	n/a	n/a	n/a
Bogoslof District ICA [8]	500	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (3.9 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the Bering Sea subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*)–(*iii*), the annual Aleutian Islands pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the Aleutian Islands subarea, the A season is allocated less than or equal to 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the Bering Sea subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the Aleutian Islands pollock ABC.

[8] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Aleutians Islands pollock. Since the pollock fishery is currently open, it is important to immediately inform the industry as to the final Bering Sea subarea and Aleutian Islands subarea pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 1, 2017.

The AA also finds good cause to waive the 30-day delay in the effective

date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 2, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04435 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 43
Tuesday, March 7, 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–2017–0174; Directorate Identifier 2014–SW–059–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Bell Helicopter Textron Canada Limited (Bell) Model 429 helicopters. This proposed AD would reduce the life limit of certain landing gear parts and is prompted by a stress analysis. The proposed actions are intended to address an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 8, 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–2017–0174; 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 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 proposed 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

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

Transport Canada, which is the aviation authority for Canada, has issued AD No. CF–2014–28, dated August 19, 2014, to correct an unsafe condition for Bell Model 429 helicopters, serial numbers 57001 and subsequent. Transport Canada advises that Bell has reduced the life limits of several landing gear components and accordingly revised the airworthiness limitations schedule for Model 429 helicopters. The reduced life limits resulted from a stress analysis completed by Bell after the introduction of the Model 429 helicopter to service. While the reduced life limits were originally published in Revision 9 of the Bell Model 429 maintenance manual, Transport Canada AD No. CF–2014–28 requires inserting the new airworthiness limitations schedule in Revision 10 of the Bell Model 429 maintenance manual. Transport Canada states that failure to replace those components prior to the established airworthiness life could result in an unsafe condition.

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 proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

We reviewed Bell Model 429 Maintenance Manual BHT–429–MM–1, Chapter 4, Airworthiness Limitations Schedule, Revision 9, dated January 6, 2012, which specifies airworthiness life limits and inspection intervals for parts installed on Model 429 helicopters. Revision 9 reduced the life limits for the skid tube assemblies, forward crosstube assembly, and aft crosstube assembly.

Proposed AD Requirements

This proposed AD would reduce the life limit of certain landing gear parts by requiring the removal from service of

any part that has reached or exceeded its new life limit before further flight.

Costs of Compliance

We estimate that this proposed AD would affect 71 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. Calculating the life limit would take about 0.25 work-hour for an estimated cost of $21 per helicopter and $1,491 for the U.S. fleet. Replacing a skid tube assembly would take about 2 work-hours and parts would cost about $7,050 for an estimated replacement cost of $7,220. Replacing a forward cross tube assembly would take about 1.5 work-hours and parts would cost about $5,880 for an estimated replacement cost of $6,008. Replacing an aft tube assembly would take about 1.5 work-hours and parts would cost $6,710 for an estimated replacement cost of $6,838.

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 adding the following new airworthiness directive (AD):

Bell Helicopter Textron Canada Limited: Docket No. FAA–2017–0174; Directorate Identifier 2014–SW–059–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada Limited Model 429 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a landing gear part remaining in service beyond its fatigue life. This condition could result in failure of a landing gear part, failure of a landing gear skid, and subsequent loss of control of the helicopter during takeoff or landing.

(c) Comments Due Date

We must receive comments by May 8, 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

Before further flight, determine the accumulated retirement index number (RIN) for each part and remove it from service if it has reached or exceeded its life limit as follows. Thereafter, remove each part from service on or before reaching its life limit. For purposes of this AD, a run-on landing is defined as a landing with forward ground travel of the helicopter greater than 3 feet (0.91 m) with weight on skids.

(1) For Skid Tube Assembly part number (P/N) 429–700–101, 429–700–102, and 429–030–586–107: 16,000 RIN. Count 1 RIN for each landing; count 81 RIN for each run-on landing; and count 117 RIN for each autorotation landing.

(2) For Forward Crosstube Assembly P/N 429–712–101: 10,000 RIN. Count 1 RIN for each landing; count 50 RIN for each run-on landing; and count 118 RIN for each autorotation landing.

(3) Aft Crosstube Assembly P/N 429–723–108: 30,000 RIN. Count 1 RIN for each landing; count 32 RIN for each run-on landing; and count 186 RIN for each autorotation landing.

(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 429 Maintenance Manual BHT–429–MM–1, Volume 1, Chapter 4, Revision 9, dated January 6, 2012, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, 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.

(2) The subject of this AD is addressed in Transport Canada AD No. CF–2014–28, dated August 19, 2014. You may view the Transport Canada AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 3200, Landing Gear System.

Issued in Fort Worth, Texas, on February 27, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–04371 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9451; Directorate Identifier 2016–NE–24–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Honeywell International Inc. TFE731–20 and TFE731–40 turbofan engines. This proposed AD was prompted by two fan disks found with a manufacturing-caused flaw. This proposed AD would require removing affected fan disks, performing a one-time inspection, and replacing fan disks that fail inspection. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 21, 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 Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal/!ut/.* 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.

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–2016–9451; 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: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–9451; Directorate Identifier 2016–NE–24–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

Discussion

We received reports of two fan disks with material rollover condition on the surface of the dovetail slot. The material rollover was caused by incomplete chamfering or edge-break of the fan disk dovetail slots after broaching and subsequent shot-peening. This material rollover was considered a crack-like stress riser that can cause reduction in fatigue life and cracking. This condition, if not corrected, could result in uncontained failure of the fan disk and damage to the engine and airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Honeywell Service Bulletin (SB) TFE731–72–5256, Revision 0, dated October 7, 2016. The SB identifies affected fan disks by serial number and describes procedures for removing, inspecting, and replacing the fan disks. 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 removing, inspecting, and replacing affected fan disks.

Differences Between This Proposed AD and the Service Information

Honeywell SB TFE731–72–5256, Revision 0, dated October 7, 2016 specifies a five year compliance time with no grace period. This NPRM proposes a tiered compliance time based on cycle accumulation. Also, Honeywell SB TFE731–72–5256 specifies compliance with two overhaul/repair instructions (ORIs). Honeywell ORI T43374 addresses the fan disk material rollover condition and Honeywell ORI T43342 addresses additional material in the fan disk wings. This NPRM addresses only ORI T43374 corrective action for an unsafe condition.

Costs of Compliance

We estimate that this proposed AD affects 61 engines installed on 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
Remove fan disk	8 work-hours × $85 per hour = $680.00	$0	$680.00	$41,480.00
Inspect fan disk	8 work-hours × $85 per hour = $680.00	$0	680.00	41,480.00

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install reworked or new fan disk.	18 work-hours × $85 per hour = $1,530.00	$0	1,530.00	93,330.00

We estimate the following costs to do any necessary disk replacements that would be required based on the results of the proposed inspection. We estimate that 6 engines will need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace non-serviceable disks with new fan disk	1 work-hour × $85 per hour = $85.00	$50,000.00	$300,510.00

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

Authority for This Rulemaking

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

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

Regulatory Findings

We 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):

Honeywell International Inc. (Type Certificate previously held by AlliedSignal Inc., Garrett Engine Division; Garrett Turbine Engine Company; and AiResearch Manufacturing Company of Arizona): Docket No. FAA–2016–9451; Directorate Identifier 2016–NE–24–AD.

(a) Comments Due Date

We must receive comments by April 21, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Honeywell International Inc. (Honeywell) TFE731–20 and TFE731–40 turbofan engines, with fan disk, part number (P/N) 3060287–2 and serial numbers (S/Ns) listed in Table 9 of Honeywell Service Bulletin (SB) TFE731–72–5256, Revision 0, dated October 7, 2016, that do not have ''T43374'' marked adjacent to the engine P/N or S/N.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by a report of two fan disks found with surface rollovers in the dovetail slot area. We are issuing this AD to prevent uncontained failure of the fan disks and damage to the engine and airplane.

(f) Compliance

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

(g) Required Actions

(1) Remove fan disks with 9,000 cycles-since-new (CSN) or more on the effective date of this AD, within 100 cycles-in-service (CIS), or at the next shop visit, or at next access, whichever occurs first, after the effective date of this AD.

(2) Remove fan disks with between 8,000 and 8,999 CSN, inclusive, on the effective date of this AD, within 9,100 CSN or within 1,000 CIS, or at the next shop visit, or at next access, whichever occurs first, after the effective date of this AD.

(3) Remove fan disks with fewer than 8,000 CSN, on the effective date of this AD, before exceeding 9,000 CSN, or at the next shop visit, or at next access, whichever occurs first, after the effective date of this AD.

(4) Inspect removed fan disks in accordance with Paragraph 3.D.(2) in the Accomplishment Instructions of Honeywell SB TFE731–72–5256, Revision 0, dated October 7, 2016.

(5) Replace all removed fan disks with a part eligible for installation.

(h) Definitions

(1) For the purposes of this AD, shop visit is defined as the removal of the tie-shaft nut from the engine.

(2) For the purposes of this AD, access is defined as the removal of the fan rotor assembly from the engine.

(3) For the purposes of this AD, parts eligible for installation are those fan disks that pass the inspections and are marked with ''T43374'' adjacent to the P/N or S/N.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(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.

(j) Related Information

(1) For more information about this AD, contact Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; phone: 562–627–5246; fax: 562–627–5210; email: *joseph.costa@faa.gov.*

(2) For service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal/!ut/.*

(3) For service information on returning the fan disk for inspection identified in SB TFE731–72–5256 of this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, AZ 85034–2802; phone: 800–601–3099; Internet: *https://myaerospace.honeywell.com/wps/portal/!ut/.*

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

Issued in Burlington, Massachusetts on February 8, 2017.

Carlos A. Pestana,

Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2017–04370 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 211, 229, 231 and 241

[Release No. 33–10321; 34–80131; File No. S7–02–17]

RIN 3235–AL79

Request for Comment on Possible Changes to Industry Guide 3 (Statistical Disclosure by Bank Holding Companies)

AGENCY: Securities and Exchange Commission.

ACTION: Request for comment.

SUMMARY: The Commission is publishing this request for comment to seek public input as to the disclosures called for by Industry Guide 3, *Statistical Disclosure by Bank Holding Companies.* The financial services industry has changed dramatically since Guide 3 was first published. Consequently, our disclosure guidance may not in all cases reflect recent industry developments or changes in accounting standards related to financial and other reporting requirements.

DATES: Comments should be received on or before May 8, 2017.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*);
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–02–17 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–02–17. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Web site (*http://www.sec.gov/rules/other.shtml*). Comments also are 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. 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.

FOR FURTHER INFORMATION CONTACT: Lindsay McCord, Associate Chief Accountant in the Office of Chief Accountant, Division of Corporation Finance, at (202) 551–3400, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission is considering possible revisions to its disclosure regime for bank holding companies. When we discuss current disclosure guidance in this request for comment, we focus on the disclosures currently called for by Industry Guide 3, *Statistical Disclosure by Bank Holding Companies* (Guide 3).[1] By its terms, Guide 3 applies exclusively to bank holding companies, although the staff has previously indicated that the disclosures called for by Guide 3 ''should also be provided by other registrants with material lending and deposit activities.''[2] In this request for comment, when we use the term ''BHC registrants,'' we are referring to public companies that apply Guide 3 disclosures. In light of developments in

[1] 57 FR 36442.

[2] Staff Accounting Bulletin Topic 11:K—Application of Article 9 and Guide 3 (SAB 11:K). The Industry Guides and SAB 11:K are not rules, regulations or statements of the Commission. Further, as with any staff guidance, the views of the staff referenced in this request for comment are not rules or interpretations of the Commission. The Commission has neither approved nor disapproved the views of the staff expressed herein.

the financial services industry since publication of Guide 3, we are considering modernization of the nature, timing, scope and applicability of Guide 3. We also encourage commenters to consider registrants *other than* BHC registrants with material amounts of activities in the areas addressed in Guide 3 [3] when responding to this request for comment.

The goal of the Commission's disclosure system is to ensure that investors receive the information they need to make informed investment and voting decisions.[4] Many of the Commission's disclosure requirements are found in Regulation S–K,[5] which is the central repository of non-financial statement disclosure requirements, and Regulation S–X,[6] which prescribes the form and content of and requirements for financial statements. These requirements generally apply to all registrants, regardless of industry. In some instances, the Commission has determined that registrants in specific industries, such as bank holding companies, should provide additional disclosures. For example, Subpart 1200 of Regulation S–K [7] contains additional disclosure requirements for oil and gas producing companies. The Commission also recently proposed to consolidate the property disclosure requirements for mining registrants in a new Subpart 1300 of Regulation S–K.[8] Similarly, the Commission has adopted disclosure requirements and published guidance specific to bank holding companies, such as Article 9 of Regulation S–X (Article 9),[9] which sets forth the Commission's rules for the form and content of consolidated bank holding company financial statements and bank financial statements included in filings with the Commission.

Industry Guide 3 was first published in 1976 [10] as ''a convenient reference to the statistical disclosures sought by the staff of the Division of Corporation Finance in registration statements and other disclosure documents filed by bank holding companies.'' [11] The Guide 3 release noted that ''as the operations of bank holding companies have diversified, it has become increasingly difficult for investors to identify the sources of income of such companies.'' [12] The Division believed that disclosure of the same statistical information on a regular, periodic basis would assist in assessing their future earning potential and enable investors to compare bank holding companies.[13] In drafting Guide 3, the staff was ''mindful of the investor's need to assess uncertainties, the need for disclosure with respect to changes in risk characteristics, and specifically the need for substantial and specific disclosure of changes in risk characteristics of loan portfolios.'' [14] Consequently, Guide 3 called for ''more meaningful disclosure about loan portfolios and related items in filings by bank holding companies'' [15] than had been generally available prior to implementation of Guide 3. Guide 3 also requests information with respect to a BHC registrant's foreign operations on the basis that it believes is representative of its foreign activities and the risks associated with such business. The staff's view was that such ''information [would] assist investors to evaluate the potential impact of future economic events upon a registrant's business and earnings and to assess the ability of a bank holding company to move into or out of situations with favorable or unfavorable risk/return characteristics.'' [16] In adopting Guide 3, the staff consulted extensively with representatives of the Board of Governors of the Federal Reserve System (FRB), the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC) (collectively, U.S. banking agencies), which regulate banking organizations.[17] Unless the context dictates otherwise, in this request for comment, when we use the term ''banking organizations,'' we are referring to national banks, state member banks, Federal savings associations, and top-tier bank holding companies domiciled in the United States not subject to the FRB's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), as well as top-tier savings and loan holding companies domiciled in the United States, except certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities.[18] Guide 3 has been amended over time to provide more uniformity and consistency between the Guide and Article 9 and to elicit additional information about various risk elements involved in deposit and lending activities,[19] although the last substantive revision of Guide 3 took place in 1986.[20]

Purpose of This Request for Comment

Since the last substantive revisions to Guide 3, the Commission has issued disclosure requirements and guidelines [21] and the Financial Accounting Standards Board (FASB) [22]

[3] Guide 3 is divided into seven sections, each covering a distinct area of statistical disclosure: (I) Distribution of Assets, Liabilities and Stockholders' Equity; Interest Rates and Interest Differential, (II) Investment Portfolio, (III) Loan Portfolio, (IV) Summary of Loan Loss Experience, (V) Deposits, (VI) Return on Equity and Assets, and (VII) Short-Term Borrowings.

[4] Adoption of Integrated Disclosure System, Release No. 33–6383 (Mar. 3, 1982) [47 FR 11380].

[5] 17 CFR 229.10 *et seq.*

[6] 17 CFR 210.1–01 *et seq.*

[7] 17 CFR 229.1201 through 1208.

[8] Modernization of Property Disclosures for Mining Registrants, Release No. 33–10098 (June 16, 2016) [81 FR 41651] (Mining Disclosures Release).

[9] 17 CFR 210.9–01 through 9–07.

[10] Guides for Statistical Disclosure by Bank Holding Companies, Release No. 33–5735 (Aug. 31, 1976) [41 FR 39007] (Guide 3 Release). Guide 3 was originally published as Securities Act Guide 61 and Exchange Act Guide 3. In 1982, Securities Act Guide 61 and Exchange Act Guide 3 were redesignated as Securities Act Industry Guide 3 and Exchange Act Industry Guide 3. *See* Rescission of Guides and Redesignation of Industry Guides, Release No. 33–6384 (Mar. 16, 1982) [47 FR 11476]. When it published the Guide 3 Release, the Commission stated that ''[t]he Guides are not Commission rules nor do they bear the Commission's official approval; they represent policies and practices followed by the Commission's Division of Corporation Finance in administering the disclosure requirements of the federal securities laws.''

[11] Guide 3 Release at 39008.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *See* Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule. (Oct. 11, 2013) [78 FR 62017] (Regulatory Capital Rules).

[19] Amendments to Guides for Statistical Disclosure by Bank Holding Companies, Release No. 33–6221 (July 8, 1980) [45 FR 47138] (1980 Guide 3 Amendments Release); Revision of Financial Statement Requirements and Industry Guide Disclosure for Bank Holding Companies, Release No. 33–6458 (Mar. 7, 1983) [48 FR 11104]; Revision of Industry Guide Disclosures for Bank Holding Companies, Release No. 33–6478 (Aug. 11, 1983) 48 FR 37609 (1983 Guide 3 Revisions Release); Notification of Technical Amendments to Securities Act Industry Guides, Release No. 33–9337 (Jul. 13, 2012) [77 FR 42175].

[20] Guide 3's last substantive revision, which added disclosures regarding loans and extensions of credit to borrowers in countries experiencing liquidity problems, occurred in 1986. *See* Amendments to Industry Guide Disclosures by Bank Holding Companies, Release No. 33–6677 (Nov. 25, 1986) [51 FR 43594].

[21] For example, the Commission adopted Item 305 of Regulation S–K in 1997. Disclosure of Accounting Policies for Derivative Financial Instruments and Derivative Commodity Instruments and Disclosure of Quantitative and Qualitative Information about Market Risk Inherent in Derivative Financial Instruments, Other Financial Instruments and Derivative Commodity Instruments, Release No. 33–7386 (Jan. 31, 1997) [62 FR 6044] (Disclosure of Market Risk Sensitive Instruments Release).

[22] The Commission has broad authority and responsibility under the federal securities laws to prescribe the methods to be followed in the preparation of accounts and the form and content of financial statements to be filed under those laws.

has issued accounting standards that have changed the reporting obligations for all registrants generally. In addition, various international, federal and state regulatory, supervisory and standard-setting bodies [23] require entities within their respective remits to publish a wide range of quantitative and qualitative disclosures. Consequently, some of the disclosures called for by Guide 3, which are focused on the needs of an investor, may be duplicative of or overlap with subsequently adopted Commission rules, accounting principles generally accepted in the United States (U.S. GAAP) or disclosures mandated by other regulatory, supervisory or standard-setting regimes.

Furthermore, the financial services industry has evolved significantly since Guide 3 was first published. Bank holding companies and financial holding companies today conduct a wider array of activities than was the case at the time of Guide 3's publication.[24] Moreover, the use of financial instruments has also evolved. For example, 1,438 insured U.S. commercial banks and savings associations reported derivatives activities at the end of the third quarter of 2016.[25] A small group of large financial institutions continues to dominate derivatives activity in the U.S. commercial banking system. During the third quarter of 2016, four large commercial banks represented 89.7 percent of the total banking industry notional amounts and 84.4 percent of industry net credit exposure.[26]

In this request for comment, we describe each disclosure section in Guide 3 in turn, as well as related disclosures required by Commission rules, U.S. GAAP and the U.S. banking agencies,[27] and we ask for public input about how and to what extent the Guide 3 disclosure regime could be improved. We seek input on new or revised disclosure or the elimination of what may be duplicative or overlapping disclosures in Guide 3. We also seek input on whether any of the Guide 3 disclosures, which are not Commission rules or requirements, should be codified as Commission rules.[28] Because we are considering modernization of the scope and applicability of Guide 3, we also encourage commenters to consider registrants *other than* bank holding companies when recommending improvements to the disclosure regime.

Sources of Disclosures

In addition to Article 9 and Guide 3, various Commission rules and accounting standards applicable to registrants in all industries govern the disclosures that bank holding companies provide in Commission filings. For example: [29]

- Article 4 of Regulation S–X [30] requires financial statements for domestic registrants to comply with U.S. GAAP, which in turn contains disclosure requirements that apply specifically to the financial services industry.[31]
- Item 303 of Regulation S–K,[32] Management's discussion and analysis of financial condition and results of operations (MD&A), requires a discussion and analysis of the underlying causes of material changes in financial statement line items, as well as the material trends and uncertainties that may have a material impact on a registrant's results of operations, liquidity or capital resources.[33]
- Item 305 of Regulation S–K,[34] Quantitative and qualitative disclosures about market risk, requires disclosures about market risks, including interest rate risk. Interest rate risk is a significant risk for registrants whose balance sheets are concentrated in interest-earning assets and interest-bearing liabilities.
- Item 2.02 of Form 8–K requires registrants that make any public announcement or release material non-public information about their results of operations or financial condition for a completed quarter or annual period to furnish the information as an exhibit to Form 8–K. Among other things, this requirement applies to earnings releases and investor presentations.[35]

A wide range of information is publicly available beyond what is called for by the Commission's disclosure requirements and guidance. For example:

- The U.S. banking agencies require their regulated banking organizations to file publicly available Consolidated Reports of Condition and Income (Call

See, e.g., Sections 7 and 19(a) and Schedule A, Items (25) and (26) of the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] (Securities Act) and Sections 3(b), 12(b) and 13(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*] (Exchange Act). To assist it in meeting this responsibility, the Commission historically has looked to private sector standard-setting bodies designated by the accounting profession to develop accounting principles and standards. In 2002, in accordance with criteria established by the Sarbanes-Oxley Act, the Commission designated the FASB as the private sector accounting standard setter for U.S. financial reporting. *See* Commission Statement of Policy Reaffirming the Status of the FASB as a Designated Private-Sector Standard Setter, Release No. 33–8221 (Apr. 25, 2003) [68 FR 23333]. The IASB, which is subject to oversight by the IFRS Foundation, is responsible for IFRS and establishes its own standard-setting agenda. For further information, *see http://www.ifrs.org/About-us/Pages/IFRS-Foundation-and-IASB.aspx.*

[23] In the United States, for example, the U.S. banking agencies regulate and supervise banking organizations. The Basel Committee on Banking Supervision (BCBS) is an example of an international standard-setter for the prudential regulation of banks. The BCBS develops international regulatory capital standards through a number of capital accords and related publications. The United States is a participating member of the BCBS, and the U.S. banking agencies generally implement BCBS standards through a notice and comment process. For more information, *see http://www.bis.org/bcbs/history.pdf.*

[24] For example, some banking organizations engage in activities involving physical commodities, insurance, investment management, asset management and broker-dealer activities. *See also* Henry T. C. Hu, *Disclosure Universes and Modes of Information: Banks, Innovation, and Divergent Regulatory Quests,* 31 Yale Journal on Regulation 565 (2014) at pages 590–592.

[25] See Quarterly Report on Bank Derivatives Activities, Third Quarter 2016, Office of the Comptroller of the Currency, available at *https://www.occ.gov/topics/capital-markets/financial-markets/derivatives/derivatives-quarterly-report.html.*

[26] *Id.*

[27] The descriptions in this request for comment are provided for the convenience of commenters and to facilitate the comment process. These descriptions, particularly the descriptions of applicable bank regulatory requirements and U.S. GAAP, should not be taken as Commission or staff guidance about the relevant rules or standards.

[28] In 1996, the Commission's *Task Force on Disclosure Simplification* recommended relocating the industry guides, including Guide 3, into Regulation S–K. *Report of the Task Force on Disclosure Simplification* (Mar. 5, 1996), available at *http://www.sec.gov/news/studies/smpl.htm.* Currently, Instruction 13 to Regulation S–K Item 303(a) directs the attention of bank holding companies to the information called for by Guide 3. In 2008, the Commission modernized the reporting requirements applicable to oil and gas reserves and codified the disclosures formerly in Industry Guide 2 into Regulation S–K. Modernization of Oil and Gas Reporting, Release No. 33–8995 (Dec. 31, 2008) [74 FR 2158].

[29] The rules and accounting standards in these examples apply to domestic registrants. Foreign private issuers are subject to similar Commission disclosure requirements. For example, Form 20–F requires a discussion of the foreign private issuer's financial condition, changes in financial condition and results of operations and quantitative and qualitative disclosures about market risk.

[30] 17 CFR 210.4–01 through 4–10.

[31] U.S. GAAP includes industry-specific accounting and reporting guidance for the financial services industry in Accounting Standards Codification (ASC) 940 to 950. U.S. GAAP categorizes the financial services industry disclosures by the following: Broker Dealers, Depository and Lending, Insurance, Investment Companies, Mortgage Banking, and Title Plant.

[32] 17 CFR 229.303.

[33] *See* Commission Guidance Regarding Management's Discussion and Analysis of Financial Condition and Results of Operations, Release No. 33–8350 (Dec. 19, 2003) [68 FR 75056] (Interpretive Guidance on MD&A).

[34] 17 CFR 229.305.

[35] Registrants sometimes provide investor presentations that contain extensive information that is not required to be disclosed by Commission rules or accounting standards. For example, some registrants disclose calculations for capital ratios to which they are not yet subject. In addition, some registrants disclose their deposit spreads for each category of deposits, while disclosing in MD&A their deposit spread on an aggregated basis only.

Reports), on a quarterly basis.[36] The FRB also requires bank holding companies to file publicly available data separately on a consolidated basis.[37] Because these reports are prepared based on bank regulatory reporting requirements, the information they contain is not necessarily identical to the information in Commission filings.

• Banking organizations are subject to the regulatory capital framework and the associated disclosures adopted by the U.S. banking agencies. The current regulatory capital framework, known as ''Basel III,'' was first phased in beginning on January 1, 2014 and became effective for all U.S. banking organizations on January 1, 2015.[38] U.S. GAAP requires disclosure describing the capital requirements and compliance with those requirements on an annual basis.[39]

• Large, internationally active banking organizations, certain designated nonbank financial companies and certain consolidated subsidiary depositary institutions thereof are subject to a liquidity coverage ratio (LCR) requirement. The LCR requirement is designed to promote the short-term resilience of the liquidity risk profile of covered organizations, thereby improving the financial services industry's ability to absorb shocks arising from financial and economic stress, and to further improve the measurement and management of liquidity risk. It requires covered organizations to maintain adequate levels of ''high-quality liquid assets.''[40] Basel III also introduced, and the U.S. banking agencies have proposed, a net stable funding ratio (NSFR) requirement, a liquidity measure that would require large, internationally active banking organizations to maintain sufficient levels of ''stable funding'' to reduce liquidity risk in the banking system.[41]

• Under Basel III, certain banking organizations are subject to public disclosure requirements intended to allow market participants to assess an organization's capital adequacy (Pillar 3).[42]

• Large bank holding companies are subject to the FRB's annual comprehensive capital analysis and review (CCAR) and Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)[43] stress testing (DFAST).[44] Some bank holding companies subject to these stress testing requirements issue press releases announcing their CCAR and DFAST results and furnish the press releases as Form 8–K exhibits. The FRB generally publishes the CCAR results, and banking organizations' primary bank regulatory agencies generally publish the DFAST results. These results are published both in summary form and on an organization-by-organization basis.

Public Comments on Guide 3

Over the years, the Commission has continuously evaluated its disclosure system and engaged periodically in rulemakings designed to enhance its disclosure and registration requirements. This request for comment is part of the staff's broad-based review of the Commission's disclosure regime.

As part of this effort, the staff requested public input generally on how the Commission's disclosure system could be improved for the benefit of both companies and investors,[45] and a concept release on the business and financial disclosure requirements in Regulation S–K[46] requests comment on the Commission industry guides.[47] Over

[36] Every national bank, state member bank, insured state nonmember bank, and savings association is required to file periodic consolidated Call Reports. These banking organizations may not be the entities that file reports with the Commission, which typically are the bank holding companies. For Call Report instructions and forms, *see http://www.ffiec.gov/ffiec_report_forms.htm.* Call Reports must be filed 30 to 35 calendar days after the report date, depending on whether the filer has a foreign office. The discussion of Call Reports in this request for comment is based on the reporting requirements applicable to banking organizations as of December 31, 2016.

[37] The FRB collects basic financial data on a consolidated basis from domestic bank holding companies, savings and loan holding companies and securities holding companies on Form FR Y–9C.

[38] The BCBS developed international regulatory capital standards through a number of capital accords and related publications, which have collectively been in effect since 1998. Basel III is a comprehensive set of reform measures, developed by the BCBS, to strengthen the regulation, supervision, and risk management of the banking sector. The measures include both liquidity and capital reforms. *See http://www.federalreserve.gov/bankinforeg/basel/.*

The Basel III framework is based on the following three pillars: (1) Minimum capital requirements, (2) supervisory review process, and (3) market discipline disclosures. *See* Regulatory Capital Rules.

[39] ASC 942–505–50. The ratios and amounts required to be disclosed, if applicable, include: (1) Tier 1 leverage, (2) Tier 1 risk-based and total risk-based capital, (3) tangible capital, and (4) Tier 3 capital for market risk. Registrants should disclose any other regulatory limitations that could materially affect their economic resources and claims to those resources.

Entities within the scope of ASC 942 include the following: (a) Finance companies; (b) depository institutions; (c) bank holding companies; (d) savings and loan association holding companies; (e) branches and agencies of foreign banks regulated by U.S. federal banking regulatory agencies; (f) state-chartered banks, credit unions and savings institutions that are not federally insured; (g) foreign financial institutions that present U.S. GAAP financial statements; (h) mortgage companies; and (i) corporate credit unions.

[40] The U.S. banking agencies adopted the LCR rule effective January 1, 2015 for large and internationally active banking organizations, generally, bank holding companies, certain savings and loan holding companies, and depository institutions with $250 billion or more in total assets or $10 billion or more in on balance sheet foreign exposure and their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets. In addition, a modified minimum LCR requirement applies to bank holding companies and savings and loan holding companies without significant insurance or commercial operations that are not internationally active and, in each case, have $50 billion or more in total consolidated assets. *See* Liquidity Coverage Ratio: Liquidity Risk Measurement Standards (Oct. 10, 2014) [79 FR 61440] (LCR Adopting Release).

In December 2016, the FRB adopted quarterly public disclosure requirements related to the LCR requirement, including disclosure of the inputs to the LCR calculation. The effective date is scaled based on organization size, and only those covered organizations with $700 billion or more in total consolidated assets or $10 trillion or more in assets under custody must comply in 2017. *See* Liquidity Coverage Ratio: Public Disclosure Requirements; Extension of Compliance Period for Certain Companies to Meet the Liquidity Coverage Ratio Requirements (Dec. 27, 2016) [81 FR 94922].

[41] In May 2016, the U.S. banking agencies proposed a rule that would establish a minimum NSFR threshold applicable to covered organizations and would require public disclosure of the NSFR, its components and a discussion of certain qualitative features of it. If adopted, the rule would become effective on January 1, 2018 and is tailored to the size of the organization. *See* Net Stable Funding Ratio: Liquidity Risk Measurement Standards and Disclosure Requirements (May 3, 2016) [81 FR 35123].

[42] Pillar 3 disclosure requirements apply to banking organizations with $50 billion or more in total assets. *See* Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule (Oct. 11, 2013) [78 FR 62018] (Regulatory Capital Rules Release).

[43] Public Law 111–203, 124 Stat. 1376 (2010).

[44] Banking organizations with $50 billion or more in total consolidated assets are subject to the full scope of these tests. DFAST testing and disclosure requirements are significantly reduced for banking organizations with $10 billion to $50 billion in total consolidated assets. *See https://www.federalreserve.gov/newsevents/press/bcreg/20150602a.htm.*

The FRB uses CCAR to assess whether a banking organization has sufficient capital to continue operations in times of economic and financial stress and to ensure that the organization maintains a robust, forward-looking capital planning process that accounts for the unique risks it faces. *See http://www.federalreserve.gov/bankinforeg/ccar.htm.* The U.S. banking agencies use DFAST to assess whether a banking organization has sufficient capital to absorb losses and support operations during adverse economic conditions. *See http://www.federalreserve.gov/newsevents/press/bcreg/bcreg20150602a1.pdf.*

[45] Comment letters related to this request are available at *http://www.sec.gov/spotlight/disclosure-effectiveness.shtml.*

[46] Business and Financial Disclosure Required by Regulation S–K, Release No. 33–10064 (Apr. 13, 2016) [81 FR 23915] (Regulation S–K Concept Release).

[47] Comment letters related to the Regulation S–K Concept release are available at *https://www.sec.gov/comments/s7-06-16/s70616.htm.*

30 of the comment letters submitted in response to these requests addressed Guide 3 specifically or Commission industry guides generally.[48] Several commenters indicated that the industry guides are helpful and relevant,[49] and several commenters recommended that the industry guides be updated.[50] Several commenters recommended that the industry guides be revised to eliminate overlap with U.S. GAAP requirements.[51] One commenter recommended that the Commission conduct a comprehensive review of the regulatory disclosures applicable to the financial services industry.[52] Some commenters suggested that to reduce complexity and redundancy, the staff should consider how U.S. GAAP disclosure requirements interplay with Commission disclosure requirements.[53] Some commenters recommended that the industry guides be codified into Regulation S–K or Regulation S–X,[54] while other commenters recommended that the guides not be codified.[55] Three commenters made specific recommendations on the disclosures called for by Guide 3.[56]

In this request for comment, we are seeking public input as to whether and in which respects the specific quantitative and qualitative disclosures called for by Guide 3 should be modified. Such disclosures include statistical disclosures that enable investors to compare results of operations among BHC registrants and evaluate exposures to risk. Portions of Guide 3 may call for the same or similar information as called for by U.S. GAAP or other regulatory reporting requirements that are not subject to the Commission's review. We are considering whether our current disclosure regime for BHC registrants continues to elicit the most relevant and important information for investors. To this end, we are seeking to understand better the types of information investors find important and how our current disclosure regime comports with investor expectations as well as industry practice and trends. In addition, we seek to understand to what degree other disclosure regimes, such as those instituted by U.S. banking agencies, may be used by investors.

We also are considering how Guide 3's disclosures can be most effectively presented from the perspective of both investor protection and promoting efficiency, competition and capital formation.[57] We also are interested in learning about any challenges that BHC registrants have faced in preparing and providing the categories of information currently covered by Guide 3.

Further, we are considering whether disclosures called for by Guide 3 should be applicable to certain other registrants in the financial services industry.

Request for Comment

1. Does Guide 3 provide important information for investors about BHC registrants? What is the value to investors of the disclosures currently called for by Guide 3?

2. Do the disclosures called for by Guide 3 assist investors with comparing financial condition and results of operations across BHC registrants? Do the disclosures help investors evaluate exposures to risk across BHC registrants?

3. How should the Commission consider the importance of comparability for BHC registrants relative to other industries that do not have defined analytical data or specified disclosures?

4. Which Guide 3 disclosures, if any, should be codified as Commission rules, and why?

5. Excluding Commission filings, on what disclosures (*e.g.,* U.S. banking agency regulatory disclosures) do investors most frequently rely in making investment decisions? How do investors use those disclosures in making investment decisions? How do investors use such disclosures to compare results of operations and evaluate exposures to risks?

6. Should the information from disclosures outside of Commission filings be incorporated into the Commission's disclosure requirements? Why or why not? If incorporated, how should the information be presented to facilitate investors' access to such information?

7. Should the disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

II. Applicable Disclosures

In this section, we describe the disclosures currently called for by Guide 3 and other regulatory regimes. Our discussion of U.S. accounting standards and bank regulatory requirements is neither comprehensive nor interpretive, and it emphasizes only current[58] disclosure requirements, some

[48] *See* letters from The PNC Financial Services Group (July 14, 2014) (PNC Letter); Tom C.W. Lin (July 30, 2014) (Lin Letter); Global Financial Institutions Accounting Committee of the Securities Industry and Financial Markets Association (Oct. 13, 2014) (SIFMA Letter); Sustainability Accounting Standards Board (Nov. 12, 2014) (SASB Letter); CFA Institute (Nov. 12, 2014) (CFA Institute Letter); Shearman & Sterling LLP (Nov. 26, 2014) (Shearman & Sterling Letter); Disclosure Effectiveness Working Group of the Federal Regulation of Securities Committee and the Law & Accounting Committee of the Business Law Section of the American Bar Association (Mar. 6, 2015) (ABA Letter); Henry T. C. Hu (Oct. 7, 2015) (Hu Letter); Data Transparency Coalition (Oct. 29, 2015) (Data Transparency Coalition Letter); Ernst & Young LLP (Nov. 20, 2015) (EY Letter); Terra Alpha Investments LLC (June 6, 2016) (Terra Alpha Letter); Sustainability Accounting Standards Board (July 1, 2016) (SASB Letter II); US SIF and US SIF Foundation (July 14, 2016) (US SIF Letter); American Bankers Association (July 15, 2016) (American Bankers Association Letter); Deloitte & Touche LLP (July 15, 2016) (Deloitte Letter); U.S. Chamber of Commerce (July 20, 2016) (Chamber Letter); Corporate Governance Coalition for Investor Value (July 20, 2016) (CGCIV Letter); Center for Audit Quality (July 21, 2016) (CAQ Letter); Ernst & Young LLP (July 21, 2016) (EY Letter II); The PNC Financial Services Group (July 21, 2016) (PNC Letter II); KPMG LLP (July 21, 2016); Investment Program Association (July 21, 2016) (Investment Program Association Letter); Committee on Securities Law, Business Law Section, Maryland State Bar Association (July 21, 2016) (Maryland State Bar Letter); PricewaterhouseCoopers LLP (July 21, 2016) (PwC Letter); Crowe Horwath LLP (July 21, 2016) (Crowe Horwath Letter); Allstate Insurance Company (July 21, 2016) (Allstate Letter); Financial Services Roundtable (July 21, 2016) (Financial Services Roundtable Letter); Davis Polk & Wardwell LLP (July 22, 2016) (Davis Polk Letter); Lark Research, Inc. (July 25, 2016 (Lark Research Letter); Shearman & Sterling (August 31, 2016) (Shearman & Sterling Letter II); CFA Institute (Oct. 6, 2016) (CFA Institute Letter II).

[49] *See, e.g.,* CFA Institute Letter; CFA Institute Letter II; Maryland State Bar Letter; Shearman & Sterling Letter II.

[50] *See, e.g.,* Allstate Letter; American Bankers Association Letter; CAQ Letter; CFA Institute Letter; CFA Institute Letter II; Crowe Horwath Letter; Davis Polk Letter; EY Letter; Financial Services Roundtable Letter; Investment Program Association Letter; PNC Letter II; PwC Letter; Shearman & Sterling Letter; SIFMA Letter.

[51] *See, e.g.,* CAQ Letter; Crowe Horwath Letter; EY Letter; KPMG Letter; SIFMA Letter.

[52] SIFMA Letter.

[53] *See, e.g.* CFA Institute Letter; Shearman & Sterling Letter.

[54] *See, e.g.,* Crowe Horwath Letter; Davis Polk Letter; EY Letter;

[55] *See, e.g.,* Allstate Letter; Investment Program Association Letter; PNC Letter II.

[56] Deloitte Letter (recommending that the Commission consider whether certain investment portfolio, return on equity and assets and short-term borrowings disclosures continue to be informative or useful for investors, and that the Commission consider increasing the threshold that triggers deposits disclosure); Maryland State Bar Letter (recommending that the threshold that triggers deposit disclosure be increased, and that the scaled disclosure requirements in Guide 3 be made available to all smaller reporting companies and emerging growth companies); SIFMA Letter (providing specific recommendations on whether to retain, eliminate or revise each Guide 3 disclosure).

[57] Section 3(f) of the Exchange Act requires that, whenever the Commission is engaged in rulemaking under the Exchange Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall consider, in addition to the protection of investors, promotion of efficiency, competition and capital formation. Section 2(b) of the Securities Act also sets forth this same requirement. *See also* Section 23(a)(2) of the Exchange Act.

[58] We refer to U.S. GAAP standards that are effective as of the date of this request for comment

Continued

of which will or may change in the future.[59] To focus the discussion, this request for comment describes the disclosures applicable to domestic registrants that are not smaller reporting companies[60] or emerging growth companies[61] and that do not provide scaled Guide 3 disclosures.[62] We discuss the applicability of these disclosures to foreign registrants, smaller reporting companies, emerging growth companies and smaller bank holding companies in Section III. We also consider whether disclosures beyond or in lieu of those currently applicable would be important for investors.

A. Distribution of Assets, Liabilities and Stockholders' Equity; Interest Rate and Interest Differential (Average Balance, Interest and Yield/Rate Analysis and Rate/Volume Analysis)

1. Background

Net interest income represented more than 64% of total net operating revenue for all FDIC-insured institutions for the first three quarters of 2016.[63] Given the significance of net interest income to the results of operations, it is important for investors to understand the reasons for its fluctuations. A BHC registrant's future earnings depend significantly on present and future economic conditions. Changes in interest rates can have a significant impact on a BHC registrant's performance, and that impact may not be evident from analyzing historical results alone.

As called for by Guide 3, average balance sheets[64] provide investors with an indication of the balance sheet items that have been most affected by changes in interest rates and an indication of a registrant's ability to move into or out of situations with favorable or unfavorable risk/return characteristics. For example, an average balance sheet may provide an indication of whether a registrant is asset-sensitive or liability-sensitive.[65] Liability-sensitive BHC registrants that rely heavily on short-term and other rate-sensitive funding sources may experience significant increases in funding costs in a rising interest rate environment. Such BHC registrants may be unable to offset higher funding costs with higher yielding assets, which could result in an adverse impact on net interest margins.

2. Current Guide 3 Disclosures

Section I.A of Guide 3 calls for balance sheets that show the average daily balances of significant categories of assets and liabilities, including all major categories of interest-earning assets and interest-bearing liabilities.[66] Section I.B of Guide 3 calls for disclosure of the:

- Interest earned or paid[67] on the average amount of each major category of interest-earning asset and interest-bearing liability;
- average yield for each major category of interest-earning asset;
- average rate paid for each major category of interest-bearing liability;
- average yield on all interest-earning assets;
- average effective rate paid on all interest-bearing liabilities; and
- net yield on interest-earning assets.[68]

Section I.C of Guide 3 calls for a rate and volume analysis of interest income and interest expense for the last two fiscal years. This analysis should be segregated by each major category of interest-earning asset and interest-bearing liability into amounts attributable to:

- changes in volume (changes in volume multiplied by the old rate);
- changes in rates (changes in rates multiplied by the old volume); and
- changes in rate/volume (changes in rates multiplied by changes in volume).

3. Other Sources of Information

i. Information Available in SEC Filings as Required by Commission Rules and Accounting Standards

Article 9 prescribes the form and content of consolidated financial statements for bank holding companies and requires presentation of interest income and interest expense separately by type and subtotals of total interest income, interest expense and net interest income on the income statement or in the footnotes to the financial statements.[69] In addition, all registrants must discuss their financial condition, changes in financial condition and results of operations in MD&A, including a narrative discussion of the extent to which any material increases are attributable to increases in price or increases in volume. MD&A requires registrants to describe significant components of revenues or expenses that, in the registrant's judgment, should be described in order to understand the results of operations.[70] In response to this requirement, some bank holding companies provide an analysis of fluctuations in their interest income and interest expense in MD&A. Another source of income for bank holding companies that may be discussed in MD&A is non-interest income. Because Guide 3 currently does not call for specific disclosures regarding this type of income, we discuss non-interest

as ''current'' and highlight separately throughout this request for comment standards that have been issued but are not yet effective.

[59] For example, in 2016 the FASB issued two new accounting standards that modify the accounting for and disclosure of financial assets and liabilities. See the discussion of these new standards in Sections 2.B, 2.C and 2.D of this request for comment.

[60] Exchange Act Rule 12b–2 [17 CFR 240.12b–2] defines a smaller reporting company as an issuer that is not an investment company, an asset-backed issuer or a majority-owned subsidiary of a parent that is not a smaller reporting company and that has a public float of less than $75 million. If an issuer has zero public float, it is considered a smaller reporting company if its annual revenues are less than $50 million.

[61] Section 2(a)(19) of the Securities Act defines an emerging growth company as an issuer that had total annual gross revenues of less than $1 billion during its most recently completed fiscal year. It retains that status for five years after its initial public offering unless its revenues are $1 billion or more, it issues more than $1 billion of non-convertible debt during the previous three-year period, or it qualifies as a large accelerated filer as defined in Exchange Act Rule 12b–2.

[62] For bank holding companies with less than $200 million in total assets or less than $10 million of equity, Guide 3 calls for only two years of data, as opposed to three or five years of data, depending on the item, for all other registrants.

[63] Unless otherwise indicated, industry-wide percentages used in this request for comment were calculated using information from FDIC Quarterly, which includes data for all FDIC-insured institutions and is available at *https://www.fdic.gov/bank/analytical/quarterly/2016_vol10_4/fdic_v10n4_3q16_quarterly.pdf.*

[64] Section I.A of Guide 3 calls for balance sheets that show the average daily balances of significant categories of assets and liabilities. If the collection of data on a daily average basis, however, would involve unwarranted or undue burden or expense, weekly or month end averages may be used, provided they are representative of the operations of the BHC registrant. The basis used for presenting averages should be disclosed when not presented on a daily average basis.

[65] A liability-sensitive banking organization has a long-term asset maturity and repricing structure, relative to a shorter-term liability structure. For example, a liability-sensitive BHC registrants may have significant exposure to longer-term mortgage-related assets that reprice slowly while relying heavily on rate-sensitive funding sources that reprice more quickly.

[66] Section I.A of Guide 3 indicates that major categories of interest-earning assets should include loans, taxable investment securities, non-taxable investment securities, interest-bearing deposits in other banks, federal funds sold, securities purchased with agreements to resell, other short-term investments and other assets. Major categories of interest-bearing liabilities should include savings deposits, other time deposits, short-term debt, long-term debt and other liabilities.

[67] The interest earned and interest paid reported on the average balance sheet is based on the amounts reported in the audited financial statements. Under U.S. GAAP, reported interest expense may differ from the cash paid for interest during the period.

[68] Net yield is net interest earnings divided by total interest-earning assets, with net interest earnings equaling the difference between total interest earned and total interest paid.

[69] 17 CFR 210.9–04. The types of interest income or interest expense include loans, investment securities, trading accounts, deposits, short-term borrowings and long-term debt.

[70] 17 CFR 229.303(a)(3).

income in Section H. *Potential New Disclosures.*

Other rule provisions require registrants to provide quantitative and qualitative disclosures about market risk sensitive instruments, both trading and other than trading instruments, that affect their financial condition.[71] Interest rate risk generally is a significant market risk exposure for BHC registrants. These disclosures, made in response to Item 305 of Regulation S–K, are intended to provide investors with forward-looking information about a registrant's potential interest rate risk exposure, while the disclosures called for by Item I of Guide 3 focus on the historical effect. Item 305 requires a description of the quantitative impact of market risk and provides flexibility by allowing one or more of the following three disclosure alternatives to be used:

- A tabular presentation of fair value information and contract terms relevant to determining future cash flows, categorized by expected maturity dates.
- A sensitivity analysis expressing potential loss in future earnings, fair values or cash flows from selected hypothetical changes in market rates and prices.
- Value at risk (VaR) disclosures expressing potential loss in future earnings, fair values or cash flows from market movements over a selected period of time with a selected likelihood of occurrence.

Item 305 of Regulation S–K addresses risks arising from changes in interest rates, foreign currency exchange rates, commodity prices, equity prices and other market changes that affect market risk sensitive instruments and was designed to strike a balance between comparability and flexibility of market risk disclosures by prescribing these alternatives without stipulating standardized methods or procedures specifying how to comply with each alternative.[72] Registrants may choose which methods, model characteristics, assumptions and parameters they use in complying with the item, and registrants may use more than one disclosure alternative across each market risk exposure category.[73] Consequently, investors may be unable to compare one registrant to another. The staff has observed that large bank holding companies generally elect to use a combination of disclosure alternatives to present different market risk sensitive instruments. An example of how a bank holding company may use multiple disclosure alternatives for its Item 305 disclosures is to use VaR to quantify market risks for its entire trading portfolio while using a sensitivity analysis to quantify interest rate risk for the other than trading portfolio. Registrants must describe the disclosure alternative or alternatives they select to assist investors with evaluating the potential effect of variations in a model's characteristics and assumptions. One consequence of the disclosure alternative approach used in Item 305 is that registrants may provide disclosure using alternatives that differ from the methods they actually use to manage, evaluate and monitor market risk. Commenters have suggested that management's views about market risk and risk management activities, rather than one of the three prescribed methods, represent the most relevant information for investors.[74] However, when Item 305 was adopted, the Commission believed that a presentation of market risk using a management approach outside of the framework articulated in Item 305 could make it difficult for investors to assess market risk across registrants.[75]

During the last five years, other regulatory agencies and the private sector have given increased attention to market risk disclosures. For example, in 2012 the Financial Stability Board's Enhanced Disclosure Task Force (EDTF), a private sector group composed of members representing users and preparers of financial reports, recommended that banking organizations provide information that facilitates users' understanding of the linkages between line items in the balance sheet and income statement with positions included in the market risk disclosures. The EDTF report included 32 recommendations for improving bank risk disclosures in the areas of report usability, risk governance and risk management, capital adequacy, liquidity and funding, market risk, credit risk and other risks.

In addition, the BCBS has focused on whether banking organizations have sufficient capital to cover possible losses due to interest rate changes.[76] According to the BCBS, adverse movements in interest rates can pose a significant threat to a bank's current capital base and/or future earnings. However, U.S. GAAP does not require a presentation or disclosure of net interest earnings or average balance sheets. Nearly five years ago, the FASB proposed the following standardized quantitative interest rate risk disclosures:

- The carrying amount of classes of financial assets and liabilities segregated according to time intervals based on the contractual repricing of the financial instruments;
- the weighted-average contractual yield by class of financial instrument and time interval as well as the duration for each class of financial instrument;
- an interest rate sensitivity table showing the effects on net income and shareholders' equity of specified hypothetical, instantaneous shifts of interest rate curves as of the measurement date;
- a discussion of the significant changes and reasons for those changes related to the timing and amounts of financial assets and liabilities in the tabular disclosures from the last reporting period to the current reporting period along with any action taken to manage the exposure related to the changes; and
- additional qualitative or narrative disclosure, as necessary, for understanding of exposure to interest rate risk.[77]

During the FASB Exposure Draft's development, the FASB received feedback from users[78] that it was imperative that liquidity and interest rate disclosures be comparable and that standardized quantitative disclosures provide more decision-useful information than non-standardized disclosures. Although initiated, in part, as a response to these comments, the

[71] Items 305(a) and 305(b) of Regulation S–K [17 CFR 229.305(a) and 305 (b)]. For purposes of Items 305(a) and 305(b), market risk sensitive instruments include derivative financial instruments, other financial instruments and derivative commodity instruments. Each of these terms is defined in General Instruction 3 to Items 305(a) and 305(b).

[72] *See* Disclosure of Market Risk Sensitive Instruments Release.

[73] Market risk exposure categories include interest rate risk, foreign currency exchange rate risk, commodity price risk and other relevant market risks.

[74] *See, e.g.,* CAQ Letter and KPMG Letter.

[75] The Commission noted that, in adopting Item 305, it sought to strike a balance between the views of commenters seeking a ''management approach'' and those supporting a more consistent reporting framework for the sake of comparability. *See* Disclosure of Market Risk Sensitive Instruments Release.

[76] *See* Interest rate risk in the banking book (April 2016), available at *https://www.bis.org/bcbs/publ/d368.pdf.*

[77] The proposed disclosures would have applied only to entities or reportable segments for which the primary business activity is to (i) earn, as a primary source of income, the difference between interest income generated by earning assets and interest paid on borrowed funds or (ii) provide insurance. *See* Proposed Accounting Standards Update—Financial Instruments (Topic 825): *Disclosure About Liquidity Risk and Interest Rate Risk* (Jun. 27, 2012) (FASB Interest Rate Risk Exposure Draft), available at *www.fasb.org.*

[78] *See Accounting for Financial Instruments Disclosures About Liquidity Risk and Interest Rate Risk Comment Letter Summary,* available at *http://www.fasb.org/cs/ContentServer?c=Document_C&pagename=FASB%2FDocument_C%2FDocumentPage&cid=1176160500931.*

majority of respondents to the FASB Exposure Draft, 84% of whom were preparers, did not support the proposed disclosures. Most respondents stated that standardizing information about interest rate risk would not be achieved by the proposals. Some commenters questioned whether standardization was an appropriate objective and whether it could ever be achieved.[79] The liquidity risk and interest rate risk project was last updated in November 2012 and is not on the FASB's active standard-setting agenda.

ii. Information Available Outside of SEC Filings

Banking organizations must report segregated information about interest income and interest expense and quarterly averages of certain balance sheet items in their Call Reports.[80] While banking organizations are not required to report all balance sheet line items or subtotals of interest-earning assets and interest-bearing liabilities, the Call Report categories for reporting interest income, interest expense and quarterly averages are more disaggregated than what is called for by Guide 3.

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8. Do the distribution of (i) assets, liabilities and stockholders' equity; (ii) interest rates and (iii) interest differential disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

9. Do Commission rules or U.S. GAAP require the same or similar information on the distribution of (i) assets, liabilities and stockholders' equity; (ii) interest rates and (iii) interest differential disclosures as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

10. What improvements could we make to the disclosures called for by Section I of Guide 3? For example, should we require disclosure about how BHC registrants present the effects of hedging of interest rate risk? Should we consider enhancing quantitative interest-rate risk disclosures? If so, what guidance, if any, should we provide to BHC registrants about the presentation?

11. Are there additional interest income and interest expense disclosures that would be important for investors that we should consider? In suggesting additional disclosures, please indicate whether BHC registrants would face any challenges in preparing and providing them. Please describe specifically the evidentiary basis for your knowledge of the challenges faced by BHC registrants in providing such disclosures. In your response, please assess the benefits of such disclosures to investors against the regulatory burdens to BHC registrants.

12. Recognizing the differences between more prescriptive and standardized disclosure requirements, which allow for more comparability, and more principles-based disclosure requirements, which allow registrants to provide disclosures more closely aligned with how their business is managed, would more prescriptive and standardized disclosures about market risks for BHC registrants beyond those called for by Item 305 of Regulation S–K be important for investors? If so, how should we revise our current disclosures? For example, should we limit the disclosure alternatives or assumptions these BHC registrants can use by market risk and/or trading versus other than trading portfolios in Item 305?

13. Alternatively, should we eliminate the prescribed market risk disclosure alternatives in Item 305 for BHC registrants and instead require them to provide market risk disclosures based on the methods they actually use to manage risk? Does the benefit of providing disclosure about the way management assesses market risk outweigh any lack of comparability of these disclosures across BHC registrants for an investor?

14. Should we require any of the interest rate risk disclosures proposed in the FASB's 2012 Exposure Draft in our filings? If so, which ones, and why?

15. Should we revise our market risk disclosures for BHC registrants to better align the disclosures to the financial statements, capital adequacy or other metrics? If so, what revisions should we consider and why?

16. Should we consider requiring that the distribution of (i) assets, liabilities and stockholders' equity; (ii) interest rates and (iii) interest differential disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures should be tagged so that they can be extracted in a structured data format?

17. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

18. Should the categories used for disaggregation of these Guide 3 disclosures be closely aligned with those called for in Call Reports and other U.S. banking agency regulatory filings? If so, which ones and why?

19. Should we require disclosure of the interest income and expense information provided in Call Reports or other regulatory filings? If so, what information and why?

20. Should the distribution of (i) assets, liabilities and stockholders' equity; (ii) interest rates and (iii) interest differential disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

B. Investment Portfolio

1. Background

The investment portfolio typically is an important component of BHC registrants' total assets. Due to a recent trend of deposits outpacing lending,[81] investment portfolios have expanded in recent years and now represent a much greater percentage of the total assets of FDIC-insured institutions.[82] In addition, compliance with the LCR requirements may require some large, internationally active banking organizations to alter the mix of assets in their investment portfolios or revise their investment strategies so as to maintain sufficient amounts of investments that meet the definition of ''high-quality liquid assets.'' [83] At September 30, 2016,

[79] For example, respondents noted that expected maturity requires estimates from each entity's asset and loan portfolios, such as prepayment rates relating to the expected behavior of the counterparty, and that the underlying assumptions made for each of those estimates will not be consistent among entities.

[80] Interest income, interest expense and quarterly averages are segregated by the following: Type of loan, type of security, trading assets/liabilities, federal funds sold/purchased and securities purchased/sold under agreements to resell/repurchase, deposits by location and category, subordinated notes and debentures and other. *See* Call Report Schedules RC–1, *Income Statement* and RC–K, *Quarterly Averages.*

[81] *See, e.g., Shrinking Loan-to-Deposit Ratios Remain Cause for Concern Among Banks,* Forbes (Mar. 10, 2015).

[82] According to the Aggregate Condition and Income Data for all FDIC-Insured Institutions, Table II–A., in the FDIC Quarterly, investment securities accounted for 15% of total assets as of December 31, 2007. This report is available at *https://www5.fdic.gov/qbp/2007dec/qbp.pdf.*

[83] *See* LCR Adopting Release and the discussion of concerns raised with respect to assets that would qualify as high-quality liquid assets.

investment securities constituted nearly 21% of the total assets of all FDIC-insured institutions.[84]

Banking organizations typically use their investment portfolios to provide balance sheet liquidity, to generate income and to engage in risk management and market-making. U.S. GAAP currently classifies investment securities into three categories: Trading securities, held-to-maturity (HTM) securities and available-for-sale (AFS) securities.[85] Trading securities include securities acquired for the purpose of selling them within hours or days and securities for which this category has been elected. HTM securities are limited to securities that a registrant has the positive intent and ability to hold to maturity. Securities not classified as trading or HTM are classified as AFS securities. Both trading and AFS securities are measured at fair value on the balance sheet, whereas HTM securities are measured at amortized cost.

In 2016, the FASB issued two new accounting standards for financial instruments.[86] ASU 2016–01 will change the accounting guidance for equity investments, but does not affect the recognition and initial measurement of investments in debt securities.[87] This guidance is effective for registrants in fiscal years beginning after December 15, 2017. ASU 2016–13 will change the impairment model for most financial assets accounted for at amortized cost, including HTM debt securities, and also makes certain changes to the recognition of impairment for AFS securities.[88] This guidance is effective for registrants in fiscal years beginning after December 15, 2019 or fiscal years beginning after December 15, 2018 if early adoption is elected. Both ASU 2016–01 and ASU 2016–13 also will change U.S. GAAP disclosure requirements for investment securities.[89]

Guide 3 investment portfolio disclosures provide investors with insight into the types of investments a BHC registrant holds, the earnings potential of those investments and their risk characteristics. For example, the weighted average yield for a category of securities allows investors to calculate estimated future earnings potential for that category of securities. Disclosures about significant amounts of investments in one or a small number of issuers also alert investors to concentration risks.

2. Current Guide 3 Disclosures

Section II.A of Guide 3 calls for disclosure of the book value of investments by specified category as of the end of each reported period. Section II.B calls for a maturity analysis for each category of investments as of the end of the latest reported period, as well as the weighted average yield for each range of maturities.[90] When the aggregate book value of securities from a single issuer exceeds 10% of stockholders' equity as of the end of the latest reported period, Section II.C calls for disclosure of the name of the issuer and the aggregate book value and aggregate market value of those securities.

3. Other Sources of Information

i. Information Available in SEC Filings as Required by Commission Rules and Accounting Standards

Article 9 requires disclosure of investment securities either on the balance sheet or in the footnotes to the financial statements. Article 9 also currently requires footnote disclosure of the carrying value and market value of securities by specified category, while Guide 3 calls for disclosure of book value.[91]

Accounting standards have similar disclosure requirements, although the disclosures required by U.S. GAAP are more extensive than those required by Guide 3.[92] For example, U.S. GAAP currently requires the following disclosures for AFS securities by major security type:[93]

- Amortized cost basis;
- aggregate fair value;
- total other-than-temporary impairment (OTTI) recognized in accumulated other comprehensive income (AOCI);
- total gains for securities with net gains in AOCI;
- total losses for securities with net losses in AOCI; and
- information about the contractual maturities as of the date of the most recent balance sheet presented.[94]

U.S. GAAP requires similar disclosures for HTM securities, except that gross unrecognized holding gains and losses also must be disclosed.[95] U.S. GAAP also requires a maturity analysis of both AFS and HTM securities, but it does not require disclosure of weighted average yields.[96] ASU 2016–13, when effective for registrants in fiscal years after December 15, 2019, will not significantly change the disclosure requirements described above, except that it will require disclosure of the

[84] *See* FDIC Quarterly.

[85] ASC 320–10–25–1.

[86] Accounting Standards Update 2016–01, *Financial Instruments—Overall (Subtopic 825–10): Recognition and Measurement of Financial Assets and Liabilities* (ASU 2016–01).

Accounting Standards Update 2016–13, *Financial Instruments—Credit Losses (Topic 326): Measurement of Credit Losses on Financial Instruments* (ASU 2016–13).

[87] Equity investments that have readily determinable fair values (except those accounted for under the equity method of accounting or those that result in consolidation of the investee) will be measured at fair value with changes in fair value recognized in net income. This eliminates the ability to classify equity securities as AFS and the reporting of unrealized holding gains and losses in other comprehensive income. Equity investments that do not have readily determinable fair values will no longer be accounted for using the cost method. Instead, an entity can elect to either measure these equity investments at fair value with unrealized holding gains and losses in earnings or choose a measurement alternative. There will also no longer be an assessment of whether an impairment loss is ''other than temporary'' for these investments.

[88] U.S. GAAP currently requires a two-step process to measure other-than-temporary impairment (OTTI) for HTM and AFS investment securities. When OTTI is recognized, it is reflected as a direct reduction of the amortized cost basis of the investment. The new standard will require an allowance for credit losses for these debt securities instead of a direct reduction. The allowance for credit losses for HTM securities will be based on the same expected credit loss model applied to loans. There will also be an allowance for credit losses for AFS debt securities, but it will be measured in a manner similar to OTTI under current U.S. GAAP.

[89] The U.S. GAAP standards differ significantly from the International Financial Reporting Standard (IFRS) as issued by the International Accounting Standard Board (IASB) model, IFRS 9, *Financial Instruments,* as described in Section III.B.

[90] The ranges of maturities are securities due (1) in one year or less, (2) between one and five years, (3) between five and ten years, and (4) after ten years.

[91] 17 CFR 210.9–03. The investment categories specified by Article 9 are the same as those specified by Guide 3. In July 2016, the Commission proposed to amend certain of its disclosure requirements, including Article 9, that may have become redundant, duplicative, overlapping, outdated, or superseded, in light of other Commission disclosure requirements, U.S. GAAP, IFRS, or changes in the information environment. Specifically, the investment securities disclosure in Article 9 was proposed for elimination. *See* Disclosure Update and Simplification, Release No. 33–10110 (July 13, 2016) [81 FR 51607] (Disclosure Update and Simplification Release).

[92] *See* ASC 320–10–50.

[93] ASC 320–10–50–1B notes that major security types should be based on the nature and risks of the security and that an entity should consider all of the following when considering whether disclosure for a particular security type is necessary: (a) Shared activity or business sector, (b) vintage, (c) geographic concentration, (d) credit quality, and (e) economic characteristics. ASC 942–320–50–2 defines nine security types that entities within its scope must present in their investment disclosures and the list is more granular than the Guide 3 categories.

[94] ASC 320–10–50–2. These disclosures will no longer be required for equity securities upon the effectiveness of ASU 2016–01 as equity securities that have readily determinable fair values (except those accounted for under the equity method of accounting or those that result in consolidation of the investee) will be measured at fair value with changes in fair value recognized in net income.

[95] ASC 320–10–50.

[96] *Id.*

allowance for credit losses rather than OTTI.

U.S. GAAP also requires disclosures related to asset quality and impairment of investment securities.[97] For example, registrants must disclose the aggregate fair value of investments with unrealized losses and the amount of those losses, segregated by those that have been in a continuous unrealized loss position for 12 months or longer and those that have not, as well as qualitative and quantitative information about impairments. When registrants conclude that it is not necessary to record OTTI for these investment securities, U.S. GAAP requires that they describe the factors considered in reaching that conclusion.[98] When OTTI is recorded in earnings, registrants must disclose the methodology and significant inputs they used to measure the credit loss and include a roll-forward[99] of the amount of credit losses recognized in earnings. When ASU 2016–13 becomes effective, the credit quality and impairment disclosures described above will continue to apply to AFS securities, but not HTM securities. Instead, the credit quality and allowance for credit losses disclosures discussed below in Sections C.3 and D.3 will apply to HTM securities.[100]

U.S. GAAP also requires disclosures about fair value measurements for securities measured at or written-down to fair value.[101] These disclosures include the valuation techniques and inputs used to develop the fair value measurements, the observability of the inputs used, quantitative information about significant unobservable inputs and the effect of those fair value measurements using significant unobservable inputs on earnings or other comprehensive income for the period.

The Division staff has observed that some BHC registrants discuss the composition of and fluctuations in their investment portfolio in MD&A.[102] These BHC registrants also discuss critical accounting estimates[103] related to their investment portfolios in MD&A, which may include fair value measurements and the determination of OTTI.[104]

Some BHC registrants, especially the largest ones, often publish and furnish in a current report on Form 8–K supplements to their earnings releases that provide detailed information about the investment portfolio not required by U.S. GAAP, including information about the duration of the portfolio, management's investment strategy or how new regulations may affect the portfolio. Some BHC registrants also provide detailed information about credit ratings or the valuation of specific investments that may be at risk of impairment or were impaired during the period.

ii. Information Available Outside of SEC Filings

Banking organizations are required to report the amortized cost and fair value of both HTM and AFS securities by security type in Call Reports.[105] Banking organizations also report maturity and repricing data for debt securities and the amounts of income and loss recognized during the period.[106] Banking organizations must also report regulatory capital components and ratios, including the categorization of investment securities by risk weights in Call Reports.[107]

In addition, Pillar 3 disclosures require information about how banking organizations measure credit and market risks in their investment portfolios, along with the associated risk weights of investment portfolio assets.[108] For example, they must quantify the credit risk exposure of their investment portfolio.

Request for Comment

21. Do the investment portfolio disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

22. Do Commission rules or U.S. GAAP require the same or similar investment portfolio information as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

23. What improvements to the existing investment portfolio disclosures should we consider that would assist investors in making investment and voting decisions? For example, should investment securities that are measured at fair value with changes in fair value recorded in earnings, such as trading securities, fall within the scope of our investment portfolio disclosures? In suggesting improvements, please indicate whether BHC registrants would face any challenges in preparing and providing the disclosures.

24. To promote comparability and consistency of investment portfolio disclosures, should we specify the investment categories that BHC registrants must present when providing their investment portfolio disclosures?[109] Why or why not? If so, which investment categories should we specify?

25. While investors do not have experience with the disclosures that will be required by ASU 2016–13, is there information about HTM securities and impairment that would be important for investors under an expected credit loss model? If so, please indicate which information and indicate whether BHC registrants would face any challenges in preparing and providing the information.

26. In addition, is there information about AFS securities that would be important for investors when

[97] *Id.*

[98] OTTI is considered to have occurred if (a) an entity intends to sell an impaired security, (b) it is more likely than not that an entity will be required to sell an impaired security before the recovery of its amortized cost basis, or (c) a credit loss is determined to have occurred based on an analysis of the present value of expected cash flows. ASC 320–10–35.

[99] A ''roll-forward'' is a reconciliation of beginning of period and end of period line item balances.

[100] *See* ASU 2016–13. The new standard still requires a roll-forward of credit losses for HTM securities and a discussion of how the allowance for credit losses was determined. The new standard also includes prescriptive disclosure requirements for loans that do not apply to HTM securities. For example, a registrant is not required to present credit quality indicators for HTM securities by year of origination.

[101] ASC 820–10–50.

[102] Item 303 of Reg. S–K requires registrants to discuss their financial condition and material changes in financial condition. It also requires a description of internal and external sources of liquidity, and any material unused sources of liquid assets.

[103] In the Interpretive Guidance on MD&A, the Commission reminded registrants that they should address the material implications of uncertainties associated with the methods, assumptions and estimates underlying their critical accounting measurements.

[104] *See* Staff Accounting Bulletin Topic 5:M—Other Than Temporary Impairment of Certain Investments in Equity Securities. The OTTI guidance for equity securities will no longer apply when ASU 2016–01 is adopted.

[105] Call Report Schedule RC–B, *Securities,* identifies more security types than Guide 3.

[106] Banking organizations may omit the maturity and repricing data for certain branches or subsidiaries located in foreign countries in Call Report Schedule RC–B. A banking organization may exclude its foreign branches or subsidiaries if the assets of the excluded locations combined do not exceed 50% of its total assets in foreign countries and 10% of its total consolidated assets.

[107] Banking organization's assets and off-balance sheet exposures are risk-weighted based on the assigned categories of risk. Call Report Schedule RC–R, *Regulatory Capital.*

[108] *See* Regulatory Capital Rules Release, Section XI, *Market Discipline and Disclosure Requirements.*

[109] While most accounting standards include guidance about disaggregation, the requirements are principles-based instead of prescriptive.

impairment is reflected through an allowance for credit losses instead of OTTI? If so, please indicate which information and whether BHC registrants would face any challenges in preparing and providing the information. For example, upon adoption of ASU 2016–13, should we require disaggregation of the AFS securities allowance for credit losses roll-forward by security type?

27. Should we consider requiring that the investment portfolio disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures should be tagged so that they can be extracted in a structured data format?

28. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

29. Should the categories used for disaggregation of these Guide 3 disclosures be closely aligned with those called for in Call Reports and other U.S. banking agency regulatory filings? If so, which ones and why?

30. Should we require disclosure of the investment information provided in Call Reports or other regulatory filings? If so, what information and why?

31. Should the investment portfolio disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

C. Loan Portfolio

1. Background

Loans [110] often constitute a banking organization's most significant assets and generate a significant portion of revenues. At September 30, 2016, total loans and leases constituted 55% of total assets of all FDIC-insured institutions.[111] Loan portfolio compositions differ considerably because lending activities are influenced by many factors, including the type of banking organization, management's objectives and philosophies about diversification and credit risk management, the availability of funds, credit demand, interest-rate margins and regulations. A banking organization's loan portfolio may consist of consumer loans, such as residential real estate, credit card and auto loans, as well as commercial loans, such as commercial real estate loans, lease financings and wholesale loans.[112] Different types of loans have different risk characteristics. For example, commercial loans tend to have shorter maturities than residential real estate loans and are more likely to have balloon payments at maturity. Further, the composition of a particular banking organization's loan portfolio may vary substantially over time due to factors such as changes in regulations or management philosophies. For example, if management expects interest rates to rise, it may seek to increase the banking organization's offerings of variable-rate mortgages.

To address risks related to the loan portfolio and the allowance for loan losses,[113] the Commission issued Accounting Series Release No. 166 [114] in 1975, which was the precursor to Guide 3's loan portfolio and loan loss experience disclosures. Among other things, ASR No. 166 provided for the disclosure of information necessary to enable investors to understand the nature and the status of loan portfolios, including a breakdown sufficient to provide investors with insight into investment policies, lending practices and portfolio concentrations. The release also called for consideration of expanded disclosures when loans considered doubtful as to collectability have materially increased, or there have been large increases in delinquent loans, or in loans extended or renegotiated under adverse conditions.

In 2010, the FASB issued updated disclosure guidance that greatly expanded the loan credit quality disclosures required by U.S. GAAP.[115] Loan portfolio disclosures provide investors with information about the types of lending in which a registrant engages, and one objective of the FASB's amendments was to increase the transparency of the nature of credit risk inherent in the loan portfolio.[116] Further, disclosures of trends in early stage delinquencies can be an early-warning indicator of deteriorating credit quality.

2. Current Guide 3 Disclosures

Section III.A of Guide 3 calls for disclosure of the amount of loans in each specified category [117] as of the end of each period.

Section III.B calls for a maturity analysis [118] for each category of loans as of the end of the latest reported period and a separate presentation of all loans due after one year with fixed interest rates versus those with floating or adjustable interest rates.

Section III.C.1 calls for disclosure of the aggregate amount of domestic and foreign [119] loans in each of the following categories:

- Loans accounted for on a nonaccrual basis; [120]
- loans accruing but contractually past due 90 days or more as to principal or interest payments; and
- loans classified as troubled debt restructurings (TDRs) [121] that are not

[110] In this request for comment we use the terms ''loans'' or ''loan portfolio'' when we refer to Commission rules or U.S. banking reporting requirements. The loan portfolio for a registrant may also include receivables and leases. Receivables and leases, however, generally do not represent a significant portion of the total loan portfolio.

[111] *See* FDIC Quarterly.

[112] Wholesale banking is often used as a term to refer to the wide range of services that banking organizations provide to various corporations and businesses, as well as to government entities.

[113] We discuss allowance for loan losses disclosures in Section II.D of this request for comment.

[114] Accounting Series Release No. 166—Disclosure of Unusual Risks and Uncertainties, Release No. 33–5551 (Jan. 15, 1975) [40 FR 2678].

[115] Accounting Standards Update 2010–20, *Disclosures about the Credit Quality of Financing Receivables and the Allowance for Credit Losses.* (ASU 2010–20).

[116] *Id.*

[117] The specified categories are, *for domestic loans:* (1) Commercial, financial and agricultural, (2) real estate—construction, (3) real estate—mortgage, (4) installment loans to individuals, and (5) lease financing, and *for foreign loans:* (6) Governments and official institutions, (7) banks and other financial institutions, (8) commercial and industrial, and (9) other. The loan categories specified in Guide 3 originally conformed to those required in Call Reports but were changed when Guide 3 was amended in 1980 to conform to the loan categories set forth in Article 9. 1980 Guide 3 Amendments Release.

[118] The range of maturities are loans due (1) in one year or less, (2) between one and five years, (3) between five and ten years, and (4) after ten years. This information need not be presented for mortgage real estate loans, installment loans to individuals and lease financing. Foreign loan categories may be aggregated.

[119] Instruction 7 of Guide 3 clarifies that foreign data need not be presented if the registrant is not required to make separate disclosures concerning its foreign activities pursuant to the test set forth in Rule 9–05 of Regulation S–X.

[120] The term ''nonaccrual'' is not defined in U.S. GAAP or Commission rules. Call Report instructions, however, generally require an asset to be reported as nonaccrual if: (1) It is maintained on a cash basis because of deterioration in the financial condition of the borrower, (2) payment in full of principal or interest is not expected, or (3) principal or interest has been in default for a period of 90 days or more unless the asset is both well secured and in the process of collection. Certain loans, such as consumer loans and purchased credit-impaired loans, are not placed on nonaccrual status as discussed in the nonaccrual definitions section of Call Report Schedule RC–N–2. Guide 3 also calls for and U.S. GAAP also requires disclosure of the nonaccrual policy.

[121] Under U.S. GAAP, a restructuring of a debt is a TDR if the creditor, for economic or legal reasons related to the debtor's financial difficulties, grants a concession to the debtor that it would not otherwise consider.

otherwise disclosed as being on nonaccrual status or past due 90 days or more.[122]

Section III.C.2 calls for descriptions of the nature and extent of any potential problem loans [123] at the end of the most recent reported period and the policy for placing loans on nonaccrual status. The instructions to Section III.C.2 call for disclosure of the foregone interest income and recognized interest income for nonaccrual loans and TDRs during the period.

If material amounts of the loans described in these sections are outstanding to borrowers in any foreign country, Guide 3 states that each country should be identified and that the amounts outstanding should be quantified.[124]

Section III.C.3 calls for disclosure of the aggregate amount of cross-border outstandings [125] to borrowers in each foreign country where they exceed 1% of total assets.[126] These disclosures should be provided by category of foreign borrower specified in Section III.A. Where current conditions in a foreign country give rise to liquidity problems that are expected to have a material impact on the timely repayment of principal or interest on the country's private or public sector debt, Guide 3 calls for:

- A description of the nature and impact of the developments;
- an analysis of the changes in aggregate outstandings to borrowers in each country for the most recent reported period;
- quantitative information about interest income and interest collected during the most recent period; and
- quantitative information about any outstandings that may be subject to a restructuring.

Section III.C.4 calls for disclosure as of the end of the most recent reported period of any concentration of loans exceeding 10% of total loans not otherwise disclosed as a category of loans pursuant to Section III.A.[127]

Section III.D calls for disclosure as of the end of the most recent reported period of the nature and amounts of any other interest-bearing assets that would be disclosed under Section III.C.1 or III.C.2 if those assets were loans.

3. Other Sources of Information

i. Information Available in SEC Filings as Required by Commission Rules and Accounting Standards

Article 9 requires separate disclosure of total loans and unearned income on the balance sheet or in the footnotes for the same loan categories specified in Guide 3.[128] Similar to Guide 3, Article 9 allows bank holding companies latitude in determining loan categories.[129] Article 9 also requires disclosures about loans made to certain related parties and the aggregate amount of those loans that are disclosed as nonaccrual, past due, restructured or potential problem loans.[130]

U.S. GAAP and Guide 3 have some similar loan presentation and disclosure standards. U.S. GAAP requires major categories of loans to be presented separately either on the balance sheet or in the financial statement footnotes.[131] Although U.S. GAAP does not specify loan categories, it does require that qualitative and quantitative credit quality information be provided for each class of financing receivable,[132] except loans measured at fair value, under the fair value option, and loans held for sale measured at lower of cost or fair value. These disclosures include:

- A description of each credit quality indicator; [133]
- the recorded investment in financing receivables by credit quality indicator; and
- the date or range of dates in which information was updated for each credit quality indicator.[134]

Currently and after implementation of ASU 2016–13, U.S. GAAP requires disclosure, by class of financing receivable, of the same information as specified in Sections III.C.1(a) and (b) of Guide 3 and an aging analysis of past due financing receivables. ASU 2016–13 will increase the credit quality-related disclosures for loans. For example, it will require registrants to present credit quality indicator disclosures by year of origination and require additional disclosures about loans on nonaccrual status. The disclosures about loans on nonaccrual status will include the amortized cost basis at both the beginning and end of the reporting period and the amortized cost basis for those nonaccrual loans without a related allowance for credit losses. In addition, disclosures will be required by class of financing receivable about collateral-dependent loans and the collateral that secures them.[135]

In addition, both Guide 3 and U.S. GAAP, now and after the adoption of ASU 2016–13, call for disclosure of the following accounting policies:

- Placing financing receivables on nonaccrual status;
- recording payments received on nonaccrual financing receivables;
- resuming accrual of interest; and

[122] Guide 3 originally called for disclosure of nonperforming loans and a discussion of the risk elements associated with those loans for which there were serious doubts as to the ability of the borrowers to comply with the present loan payment terms. The current Section III.C.1 disclosures reflect amendments made in 1980 and 1983 to promote consistency with bank regulatory disclosure requirements and comparability among registrants. 1980 Guide 3 Amendments Release; 1983 Guide 3 Revisions Release.

[123] Potential problem loans are loans not disclosed pursuant to Item III.C.1, but where known information about possible credit problems of borrowers (which are not related to transfer risk inherent in cross-border lending activities) causes management to have serious doubts as to the ability of the borrowers to comply with the present loan repayment terms and which may result in disclosure of the loans pursuant to Item III.C.1.

[124] For purposes of determining the amount of outstandings to be reported, loans made to or deposits placed with a branch of a foreign bank located outside the foreign bank's home country should be considered as loans to or deposits with the foreign bank.

[125] Cross-border outstandings are defined as loans (including accrued interest), acceptances, interest-bearing deposits with other banks, other interest-bearing investments and any other monetary assets which are denominated in dollars or other nonlocal currency. The foreign outstandings disclosure was added in 1983 to consolidate all risk-related disclosure guidelines in one section of Guide 3 and to emphasize the risks present in cross-border lending activities. *See* 1983 Guide 3 Revisions Release.

[126] For countries whose outstandings are between 0.75% and 1% of total assets, the names of the countries and the aggregate amount of outstandings attributable to them should be disclosed.

[127] Loan concentrations are considered to exist when there are amounts loaned to multiple borrowers engaged in similar activities which would cause them to be similarly affected by economic or other conditions. For example, loans may be concentrated in a specific industry, such as the energy sector, that exceed the 10% threshold.

[128] 17 CFR 210.9–03.

[129] The instructions to Section III.A of Guide 3 and Item 7(b) of Rule 9–03 state that ''[a] series of categories other than those specified above may be used to present details of loans if considered a more appropriate presentation.'' The staff has observed that bank holding companies commonly provide the Guide 3 and Article 9 loan disclosures by ''class of financing receivables'' as defined by U.S. GAAP instead of the specified Guide 3 and Article 9 loan categories.

[130] Item 7(e) of Rule 9–03. Related parties include directors, executive officers, principal equity holders and associates of those persons.

[131] ASC 310–10–45–2.

[132] U.S. GAAP uses the term ''financing receivable,'' and a loan is considered a type of financing receivable. A class of financing receivable is defined as a group of financing receivables determined on the basis of all of the following: (a) Initial measurement attribute (for example, amortized cost), (b) risk characteristics of the financing receivable, and (c) an entity's method for monitoring and assessing credit risk.

[133] A credit quality indicator is defined as a statistic about the credit quality of financing receivables.

[134] ASC 310–10–50.

[135] The disclosures required for collateral-dependent financial assets include descriptions of (1) the type of collateral, (2) the extent to which collateral secures the asset, and (3) significant changes in the extent to which collateral secures the asset, whether because of general deterioration or some other reason.

• determining past due or delinquency status for each class of financing receivable.[136]

Currently, U.S. GAAP also requires the following disclosures, by class of financing receivable, for impaired loans:[137]

• The accounting policy for recognizing interest income, including how cash receipts are recorded;

• the accounting policy for determining which loans are individually assessed for impairment and the factors considered in determining that a loan is impaired;

• as of each balance sheet date, the recorded investment segregated by the amount for which there is a related allowance versus the amount for which there is no related allowance, and the total unpaid principal balance of impaired loans; and

• for each period, the average recorded investment in impaired loans, the amount of interest income recognized while the loans were impaired and, if practicable, the amount of interest income recognized using a cash-basis method of accounting.[138]

ASU 2016–13 will eliminate the impaired loan concept and the above related disclosures.[139]

U.S. GAAP also requires qualitative and quantitative information, by class of financing receivable, about TDRs for each period for which an income statement is presented. For example, for TDRs occurring during the period, registrants must disclose how the financing receivables were modified and the financial effects of the modifications. In addition, for TDRs that were completed within the previous 12 months and subsequently have payment defaults during the reporting periods, registrants must disclose the types and amounts of financing receivables that defaulted.[140] Registrants also must disclose the amount of commitments, if any, to lend additional funds related to a TDR.[141] In contrast, Guide 3 does not call for disclosures specific to TDR activity during the period, but calls for disclosure of the total balance of TDRs as of the end of the period. U.S. GAAP also requires specific disclosures about loans acquired with deteriorated credit quality[142] for each balance sheet presented.[143]

The Division staff has observed that bank holding companies often discuss their loan portfolios and focus on changes in portfolio composition, delinquencies and nonperforming or restructured loans in the results of operations section of MD&A. The Division staff also has observed that BHC registrants with material amounts of nonaccrual loans sometimes provide a reconciliation of the beginning and ending balances of those loans, although they are not required by Commission rules to do so. As described previously, ASU 2016–13 will require disclosure of the beginning and ending nonaccrual loan balances, but will not require disclosure of activity during the period. Information about activity during the period may help investors understand remediation efforts related to the portfolio and changes in credit quality. Therefore, we are considering whether we should require disclosure of activity during the period in addition to beginning and ending balances.

BHC registrants also may discuss higher-risk loans and declines in collateral value when they are reasonably expected to have a material impact on results of operations, liquidity or capital resources.[144] For example, disclosures about interest-only and adjustable-rate mortgage loans, by year of reset, provide investors with information about a BHC registrant's exposure to higher-risk loans, including the potential effect that changes in repayment terms may have on future cash flows and liquidity. In addition, BHC registrants may disclose in their Commission filings quantitative and qualitative information about their loan portfolios and other significant balance sheet items with material country-specific risk.[145]

BHC registrants often publish and furnish, on current reports, Forms 8–K, supplements to their earnings releases that include credit quality statistics that are adjusted or more disaggregated than those provided under Guide 3 or U.S. GAAP. These statistics may exclude certain types of loans that are not typically classified as nonaccrual.[146]

ii. Information Available Outside of SEC Filings

Banking organizations must report loan amounts categorized by type of security, borrower or purpose in Call Reports.[147] Loans past due and on nonaccrual status must be reported along with TDRs, both performing and on nonaccrual status.[148] Certain banking organizations also must report specific information about mortgage banking activities, including carrying amount, originations, purchases and sales for both first lien and junior lien loans.[149]

[136] ASC 310–10–50.

[137] See ASC 310–10–35–13 for the scope of loans evaluated individually for impairment. A loan is impaired when, based on current information and events, it is probable that a creditor will be unable to collect all amounts due according to the contractual terms of the loan agreement. TDRs are also considered impaired loans in accordance with ASC 310–40–35–10 but are not required to be included in the impaired loan disclosures in years after the restructuring as long as the criteria in ASC 310–40–50–2 are met.

[138] ASC 310–10–50. For the cash-basis method of accounting, income is recognized only when the interest payment is received.

[139] We discuss the ASU 2016–13 changes to the allowance and related disclosures in Section II.D below.

[140] ASC 310–10–50.

[141] ASC 310–40–50.

[142] ASC 310–30–20. These are loans that were acquired with evidence of deteriorated credit quality since their origination and for which it was probable, at acquisition, that the acquirer would be unable to collect all contractually required payments. Because these loans are identified as having credit risk at the time of acquisition, the accounting treatment is different than for newly originated loans. Any cash flows in excess of those expected at acquisition are recognized as interest income on a level-yield basis over the life of the loan.

[143] ASC 310–30–50 requires the following disclosures: Outstanding balance and related carrying amount of the loans at the beginning and end of the period; the amount of accretable yield at the beginning and end of the period, reconciled for additions, accretion, disposals of loans and reclassifications to/from nonaccretable difference during the period; for loans acquired during the period, the contractually required payments receivable, cash flows expected to be collected and fair value at the acquisition date; and the carrying amount as of acquisition date and at end of period of loans acquired with deteriorated credit quality for which income is not being recognized because the timing and amount of cash flows expected to be collected cannot be reasonably estimated.

ASU 2016–13 revises these disclosures to require a reconciliation of the difference between the purchase price of these loans and the par value of the assets and removes the requirements described above.

[144] The Division has provided guidance in the form of a sample comment letter regarding provisions and allowance for loans losses. *See* Sample Letter Sent to Public Companies on MD&A Disclosure Regarding Provisions and Allowances for Loan Losses (Aug. 2009) (Sample MD&A Letter), available at *https://www.sec.gov/divisions/corpfin/guidance/loanlossesltr0809.htm.* Types of loans identified as ''higher-risk'' included option adjustable-rate mortgage products, junior lien mortgages, high loan-to-value ratio mortgages, interest-only loans, subprime loans and loans with initial teaser rates.

[145] In January 2012, the Division issued disclosure guidance providing the Division's views regarding disclosure related to registrants' exposures to certain European countries experiencing financial stress. *See* CF Disclosure Guidance: Topic No. 4, *European Sovereign Debt Exposures.*

[146] For example, the allowance to loan ratios may exclude credit cards and loans acquired with deteriorated credit quality. Registrants also may adjust credit quality statistics for significant sales, litigation settlements or regulatory changes.

[147] Call Report Schedule RC–C, *Loans and Lease Financing Receivables,* specifies more loan categories than Guide 3.

[148] Call Report Schedule RC–N, *Past Due and Nonaccrual Loans, Leases, and Other Assets* and Call Report Schedule RC–C.

[149] Call Report Schedule RC–P, *Family Residential Mortgage Banking Activities,* must be completed by (1) all banks with $1 billion or more in total assets, and (2) banks with less than $1 billion in total assets with greater than $10 million in mortgage banking activities (determined based on

Continued

Banking organizations also must report regulatory capital components and ratios, including the categorization of loans by risk weights.[150]

Pillar 3 disclosures include a description of how banking organizations subject to the disclosure requirements [151] measure credit risk in their loan portfolios, how they mitigate those risks and the associated regulatory risk weights of the assets. For example, these organizations must provide quantitative credit risk disclosures [152] based on geography, industry and/or counterparty type. If a banking organization uses its own internal credit risk estimates, such as the probability of default, exposure at default and loss given default, those measures must be disclosed.[153]

Request for Comment

32. Do the loan portfolio disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

33. Do Commission rules or U.S. GAAP require the same or similar loan information as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

34. What improvements to the existing loan disclosures should we consider that would be important for investors? For example, should loans held-for-sale or loans carried at fair value under the fair value option fall within the scope of our loan portfolio disclosures? In suggesting improvements, please indicate whether BHC registrants would face any challenges in preparing and providing the disclosures.

35. How do investors use the TDR disclosures called for by Guide 3 for investment decisions? Is the basis for a modification (*i.e.,* credit risk management purposes versus commercial or other reasons) important in assessing the risk elements in a BHC registrant's loan portfolio?

36. Should we require disclosures of all loan modifications by type of modification and/or credit quality of borrower? Would BHC registrants face any challenges in preparing and providing these disclosures?

37. To promote comparability and consistency, should we prescribe the level of disaggregation that BHC registrants should employ for their loan portfolio disclosures? [154] If so, what threshold should be used and why?

38. Should the categories used for disaggregation of these Guide 3 disclosures be closely aligned with those called for in Call Reports and other U.S. banking agency regulatory filings? If so, which ones and why?

39. While investors do not have experience with the disclosures that will be required by ASU 2016–13, is there information about loans that would be important for investors under an expected credit loss model? If so, please indicate which information and whether BHC registrants would face any challenges in preparing and providing the information? For example, upon effectiveness of ASU 2016–13, should we require disclosure of the current period activity for nonaccrual loans since the new standard will require disclosure of the beginning and ending nonaccrual balances only?

40. Should we consider requiring that the loan portfolio disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures should be tagged so that they can be extracted in a structured data format?

41. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

42. Should we require disclosure of the loan information provided in Call Reports or other regulatory filings? If so, what information and why?

43. Should the loan portfolio disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

D. Summary of Loan Loss Experience

1. Background

BHC registrants generally accept and manage significant amounts of credit risk, and most of their credit losses traditionally have come from loans and declines in the value of collateral underlying loans. The allowance for loan losses is a critical accounting estimate and is a primary focus of management, investors and the U.S. banking agencies. This discussion focuses on the allowance for loan loss methodology currently required by U.S. GAAP and highlights only the significant changes that will occur once the new standard, ASU 2016–13, becomes effective.[155]

A BHC registrant's methodology for estimating loan losses is influenced by many factors, including the its size, organizational structure, business environment and strategy, loan portfolio characteristics, loan administration procedures and management information systems.[156] Most methodologies for estimating loan losses include a risk classification process that involves categorizing loans into risk categories or ratings.[157] U.S. GAAP also requires management to consider all available information reflecting past events and current conditions when developing its estimate of loan losses.[158] Because estimating loan losses involves

originations, sales or period-end balances) for two consecutive quarters.

[150] Call Report Schedule RC–R, *Regulatory Capital.*

[151] Pillar 3 disclosure requirements apply to banking organizations with $50 billion or more in total assets. *See* Regulatory Capital Rules Release.

[152] The required quantitative credit risk disclosures include total credit risk exposures and average credit risk disclosures, after accounting for offsets in accordance with U.S. GAAP over the period, without taking into account the effect of credit risk mitigation techniques, categorized by major types of credit exposure. Information about impaired and past-due loans also is required.

[153] Regulatory Capital Rules Release, Section XI, *Market Discipline and Disclosure Requirements.*

[154] While U.S. GAAP and IFRS standards include guidance about disaggregation, the requirements generally allow management to exercise judgment. For example ASC 310–10–50 includes disclosures by class of financing receivables and portfolio segment, but management determines the classes and segments. IFRS 7 requires disclosures by classes of financing instruments, which are defined as ''. . . classes that are appropriate to the nature of the information disclosed and that take into account the characteristics of those financial instruments.''

[155] The currently effective guidance for recognizing credit losses includes ASC 310–10–35–4, which states that an impairment is recognized when it is probable that a loss has been incurred. The new standard replaces the current incurred loss methodology with a methodology that reflects expected credit losses. ASU 2016–13 is not effective for registrants until fiscal years beginning after December 15, 2019, unless early adoption is elected. Early adoption is permitted for annual periods beginning after December 15, 2018, and interim periods therein.

[156] *See* Interpretive Response to Question 2.A in Staff Accounting Bulletin Topic 6:L—Financial Reporting Release 28—Accounting for Loan Losses By Registrants Engaged in Lending Activities (SAB Topic 6:L). The guidance was issued in 2001 based on the U.S. GAAP impairment model effective today and has not been updated for ASU 2016–13.

[157] The categorization normally is based on relevant information about the ability of borrowers to service their debt, such as current financial information, historical payment experience, credit documentation, public information and current trends.

[158] ASC 310–10–35. Examples of available information include existing industry, geographical, economic and political factors that are relevant to the collectibility of a loan.

a high degree of management judgment, the Commission issued a financial reporting release and the staff issued an accounting bulletin that provides its views on the development, documentation and application of a systematic methodology for determining an allowance for loan losses.[159]

ASU 2016–13, once effective, will replace the current incurred loss methodology with a methodology that reflects expected credit losses and will require consideration of a broader range of reasonable and supportable information to inform credit loss estimates.[160] The new methodology will require registrants to use forecasted information, in addition to past events and current conditions, when developing their estimates. In addition, it will not specify a method for measuring expected credit losses and will allow registrants to apply methods that reasonably reflect their expectations of the credit loss estimate. As a result of the broader range of items to consider and the required use of forward-looking information, the FASB expanded the disclosure requirements related to financial instruments and impairments.

Loan loss disclosures, like those required by U.S. GAAP, provide investors with information about how a registrant analyzes and assesses credit risk when determining the allowance for loan losses and the reasons for any changes in how it determines the allowance.[161]

2. Current Guide 3 Disclosures

Section IV.A of Guide 3 calls for a five-year analysis of loan loss experience,[162] including the beginning and ending balances of the allowance for loan losses, charge-offs and recoveries by loan category [163] and additions charged to operations. Section IV.A also calls for disclosure of the ratio of net charge-offs to average loans outstanding during the period.

Section IV.B calls for a breakdown of the allowance for loan losses by category along with the percentage of loans in each category. BHC registrants may, however, furnish a narrative discussion of the loan portfolio's risk elements and the factors considered in determining the amount of the allowance in lieu of providing a breakdown. The staff has observed that BHC registrants generally elect to use the tabular format and loan categories in Section IV.B to present the allocation of allowance for loan losses instead of the narrative discussion.

3. Other Sources of Information

i. Information Available in SEC Filings as Required by Commission Rules and Accounting Standards

Article 9 currently requires disclosure of the total allowance for loan losses on the balance sheet or in the footnotes to the financial statements and the changes in the allowance for loan losses for each period in which an income statement is presented in the footnotes.[164] This requirement is identical to the Guide 3 disclosure.

U.S. GAAP requires disclosure of loan loss information, including the related accounting policies, for each portfolio segment except loans measured at fair value.[165] For example, the accounting policy disclosures shall include:

- A description of the methodology used to estimate the allowance for loan losses, including a description of the factors that influenced management's judgment; [166]
- a discussion of risk characteristics relevant to each portfolio segment;
- the identification of any change in accounting policies or methodology from the prior period, the rationale for the change and the quantitative effect of the change; and
- a description of the policy for charging off uncollectible financing receivables.[167]

ASU 2016–13, once effective, will add new policy disclosures regarding the changes in the factors that influenced management's current estimate of expected credit losses and reasons for significant changes in the amount of write-offs. In addition, ASU 2016–13 will require disclosures related to the forecasted information management used in developing its allowance for credit losses.[168] U.S. GAAP currently requires disclosure of the allowance for loan losses and the related investment in financing receivables to which the allowance pertains, disaggregated on the basis of a registrant's impairment methodology.[169] Both before and after adoption of ASU 2016–13, U.S. GAAP requires a roll-forward of the activity in the allowance for loan losses for each period by portfolio segment.[170]

Both before and after adoption of ASU 2016–13, U.S. GAAP requires qualitative information, by portfolio segment, about the impact of TDRs on the allowance for loan losses. For TDRs occurring during each period for which an income statement is presented, U.S. GAAP requires disclosure of how the modifications were factored into the determination of the allowance for loan losses. Similarly, for TDRs that were completed within the previous 12 months and subsequently have payment defaults during the reporting periods, U.S. GAAP requires disclosure of how the defaults were factored into the determination of the allowance for loan losses.[171]

U.S. GAAP currently also requires specific disclosures about the impact that loans acquired with deteriorated credit quality have on the allowance for loan losses in periods subsequent to acquisition.[172] For example, U.S. GAAP currently requires disclosure of the amount of any additions or reductions to the allowance for loan losses resulting from changes in estimated cash flows expected to be collected over the life of those loans, as well as the amount of the allowance pertaining to those loans at the beginning and end of the period.[173] ASU 2016–13 will change

[159] *See* Financial Reporting Release 28, *Accounting for Loan Losses by Registrants Engaged in Lending Activities* and SAB Topic 6:L.

[160] *See* ASU 2016–13.

[161] *See* ''What Are the Main Provisions?'' section of ASU 2010–20.

[162] This analysis of activity in the allowance for loan losses is known as a ''roll-forward'' of the allowance for loan losses.

[163] The loan categories presented in Section IV.A are the same as in Section III.

[164] 17 CFR 210.9–03. The Commission has proposed to eliminate the changes in the allowance for loan losses disclosure in the Disclosure Update and Simplification Release.

[165] ASC 310–10–20 defines a portfolio segment as the level at which an entity develops and documents a systematic methodology to determine its allowance for credit losses.

[166] ASC 310–10–50 states that both historical losses and existing economic conditions must be included in the description of factors.

[167] ASC 310–10–50–11B.

[168] ASC 326–20–50 requires a description of the factors that influenced management's expected loss estimate, including a discussion of the reasonable and supportable forecasts used and a discussion of the reversion method applied for periods beyond the reasonable and supportable forecast period.

[169] To disaggregate the required information on the basis of the impairment methodology, U.S. GAAP provides that a registrant shall disclose the following amounts: (a) Amounts collectively evaluated for impairment, (b) amounts individually evaluated for impairment, and (c) amounts related to loans acquired with deteriorated credit quality. *See* ASC 310–10–50–11C.

Since ASU 2016–13 requires the allowance methodology for all loans to reflect the current estimate of expected credit losses, it eliminates this disaggregation requirement.

[170] The staff has observed that some bank holding companies present their Guide 3 roll-forward using their U.S. GAAP portfolio segments instead of the loan categories specified in Guide 3 or Article 9 because Guide 3 provides latitude in determining loan categories.

[171] ASC 310–10–50.

[172] Currently under U.S. GAAP, an allowance for loan losses is not recorded upon the acquisition of loans acquired with deteriorated credit quality. These loans are initially recorded at fair value, which factors in an estimate of expected credit losses. An allowance may subsequently be required to the extent that there is an adverse change in the estimated cash flows expected to be collected over the life of the loan.

[173] ASC 310–30–50.

the required disclosures because, under the new methodology, these loans will be recorded with an allowance for credit losses at the acquisition date. Therefore, there no longer will be separate disclosures related to changes in expected cash flows for these loans, but the roll-forward of the allowance by portfolio segment will include a separate line for the allowance recorded at acquisition.

The staff has observed that bank holding companies consider their methodology for determining the allowance for loan losses, when it could have a material impact on the financial condition or operation performance, to be a critical accounting estimate and provide a discussion of the material implications of uncertainties associated with their allowance methodology and assumptions in MD&A.[174] These bank holding companies also discuss material fluctuations in their provision and allowance for loan losses in MD&A. The Division has provided its views on the appropriate disclosure in MD&A related to the current allowance for loan loss methodology, which includes the following information:

- The historical loss data used as the starting point for estimating current losses;
- how economic factors affecting loan quality are incorporated into the allowance estimate;
- the level of specificity used to group loans for purposes of estimating losses;
- the application of loss factors to risk-rated loans; and
- any other estimation methods and assumptions used.[175]

ii. Information Available Outside of SEC Filings

Banking organizations must report the amount of loans charged off against the allowance for loan losses during the period, as well as the amount of recoveries of loans previously charged off by specified loan category in Call Reports.[176] Banking organizations also must provide a reconciliation of the allowance for loan losses on an aggregate basis. This requirement is similar to the disclosures called for in Section IV.A of Guide 3, except that write-downs arising from transfers of loans to held for sale and any other adjustments must also be reported in the Call Reports.[177] Banking organizations must disclose in their Call Reports the amount of allowance for loan losses established due to decreases in cash flows expected to be collected on loans acquired with deteriorated credit quality.[178] Banking organizations with $1 billion or more in total assets also must report disaggregated data on the allowance for loan losses and the related recorded investment in loans.[179] This requirement is similar to the U.S. GAAP requirement.

Pillar 3 disclosures provide qualitative and quantitative information about the allowance for loan losses that are more detailed than the disclosures called for by Guide 3 and U.S. GAAP. For example, qualitative disclosures include a description of the approaches used to determine the allowance for loan losses, including statistical methods used and an explanation of the internal rating system and its relationship with external ratings by loan type. Quantitative disclosures include actual losses for the preceding period for each loan category, including how the amounts differ from past experience or the banking organization's estimates of losses compared to actual losses over a longer period.[180]

Request for Comment

44. Do the summary of loan loss experience disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

45. Do Commission rules or U.S. GAAP require the same or similar loan loss experience information as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

46. What improvements to the existing summary of loan loss experience disclosures should we consider that would be important for investors? For example, should BHC registrants disclose the qualitative portion of their allowance or details about their allowance methodology, such as adjustments made due to existing economic conditions? In suggesting improvements, please indicate whether BHC registrants would face any challenges in preparing and providing the disclosures.

47. To promote comparability and consistency, should we prescribe the level of disaggregation that BHC registrants should employ for their summary of loan loss disclosures? If so, what threshold should be used and why?

48. Should the categories used for disaggregation of these Guide 3 disclosures be closely aligned with those called for in Call Reports and other U.S. banking agency regulatory filings? If so, which ones and why?

49. While investors do not have experience with the disclosures that will be required by ASU 2016–13, is there information about loan impairment that would be important for investors under an expected credit loss model? If so, please indicate which information and whether BHC registrants would face any challenges in preparing and providing the information? For example, upon effectiveness of ASU 2016–13, should we require separate disclosure of the amount of provision that relates to loans originated during the period in the allowance for credit losses roll-forward? Why or why not?

50. Should we require any of the suggested disclosures from the 2009 Sample MD&A Letter? Why or why not? If so, which disclosures should we require and what challenges, if any, would BHC registrants face in preparing and providing them? For example, should we require the disclosure suggestions related to changes in practices such as the historical loss data used as the starting point for estimating current losses?

51. Should we consider requiring that the summary of loan loss experience disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures

[174] In the Interpretive Guidance on MD&A, the Commission reminded registrants that they should address the material implications of uncertainties associated with the methods, assumptions and estimates underlying their critical accounting measurements.

[175] Sample MD&A Letter. The Division is considering the impact that ASU 2016–13 will have on these disclosures and will take into consideration comments received in response to this request for comment as part of its analysis.

[176] The loan categories specified by Call Report Schedule RI–B, *Charge-offs and Recoveries on Loans and Leases and Changes in Allowance for Loan and Lease Losses,* are consistent with those specified by Schedule RC–C.

[177] Loans held for sale are measured at lower of cost or fair value. Therefore, when a loan measured at amortized cost is transferred to the held for sale category, it may result in a write-down.

[178] Memoranda Item 4 in Schedule RI–B.

[179] The loan categories specified by Call Report Schedule RI–C, *Disaggregated Data on the Allowance for Loan and Lease Losses,* represent general categories that best correspond to the characteristics of the related loans and leases, rather than the standardized loan categories defined in Schedule RC–C.

[180] Pillar 3 instructions do not prescribe the period used for this assessment, but define the period as ''a period sufficient to allow for meaningful assessment of the performance of the internal ratings processes.''

should be tagged so that they can be extracted in a structured data format?

52. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

53. Should we require disclosure of any loan information provided in Call Reports or other regulatory filings? If so, what information and why?

54. Should the summary of loan loss experience disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

E. Deposits

1. Background

Deposits are generally the most significant liability on an FDIC-insured institution's balance sheet, and interest paid on deposits generally represents a large portion of expenses. As of September 30, 2016, deposits represented 76% of the total liabilities and capital of all FDIC-insured institutions.[181] During times of economic stress, insured retail deposits have proven to be the most reliable funding source and, therefore, play an integral role in mitigating liquidity risk during crisis scenarios.[182] FDIC-insured institutions also can generate funds by acquiring brokered deposits,[183] which typically are obtained through arrangements with securities brokerage firms. The use of brokered deposits allows FDIC-insured institutions to raise large amounts of funds quickly with a predetermined maturity structure. Brokered deposits, however, are highly rate-sensitive and when they mature institutions need to match prevailing market rates to roll-over or renew them. FDIC rules limit access to brokered deposits for insured institutions that are not ''well capitalized'' for purposes of the applicable regulatory capital requirements.[184]

Deposit disclosures, together with the level of other disclosed funding sources,[185] may provide transparency with respect to a registrant's sources of funding and liquidity risk profile. Disclosures about significant amounts of deposits from a small number of depositors also could indicate concentration risk. For example, disclosures about a BHC registrant's reliance on brokered deposits as a source of funding may inform investors that the BHC registrant's cost of funding could increase quickly when the brokered deposits mature.

2. Current Guide 3 Disclosures

Section V.A of Guide 3 calls for presentation of the average amounts of and the average rates paid for specified deposit categories that exceed 10% of average total deposits.[186] Most BHC registrants provide this disclosure by disaggregating the deposit categories in the average balance sheet required by Section I of Guide 3. Section V.A also calls for disclosure of the aggregate amount of deposits by foreign depositors in U.S. offices, if material. Sections V.D and V.E of Guide 3 focus on the disclosures of time certificates of deposits and other time deposits in amounts of $100,000 or more.[187] Section V.D calls for a maturity analysis of time deposits,[188] and Section V.E calls for disclosure of time deposits in excess of $100,000 issued by foreign offices.[189]

3. Other Sources of Information

i. Information Available in SEC Filings as Required by Commission Rules and Accounting Standards

Article 9 requires separate presentation on the balance sheet of noninterest-bearing deposits and interest-bearing deposits.[190] U.S. GAAP requires limited disclosures about deposits. For example, U.S. GAAP requires disclosures about deposits received on terms other than those available in the normal course of business and the aggregate amount of time deposits equal to or exceeding the FDIC insurance limit,[191] which is currently $250,000.[192] The time deposit disclosure requirement previously contained a $100,000 threshold, similar to Guide 3. In March 2014, the FASB replaced the $100,000 threshold with the term ''FDIC insurance amounts.''[193] As a result, BHC registrants generally provide separate time deposit disclosures at both the $100,000 and the $250,000 thresholds to comply with both Guide 3 and U.S. GAAP.

As part of the standard-setting process for ASU 2016–01, in 2013 the FASB proposed a definition of ''core deposit liabilities'' and related disclosures.[194] The proposal would have required registrants with core deposit liabilities to disclose the following by significant type of core deposit account:

- The core deposit liability balance;
- the implied weighted-average maturity period; and
- the estimated all-in-cost-to-service rate.[195]

The FASB did not include these disclosures in the final standard due to

[181] *See* FDIC Quarterly.

[182] *See* page 15 of OCC, Comptroller's Handbook—Liquidity (June 2012). Retail deposits include demand, savings and time deposits. In addition, retail deposits are assigned a low outflow rate of 3–10% for purposes of the LCR calculations whereas the rates for other types of liabilities (*e.g.,* unsecured wholesale funding provided by a financial sector entity) may be as high as 100%. *See* LCR Adopting Release.

[183] As defined by the FDIC, brokered deposits are deposits accepted through a ''deposit broker'' or ''any person engaged in the business of placing deposits, or facilitating the placement of deposits, of third parties with insured depository institutions for the purpose of selling interests in those deposits to third parties.'' *See* Frequently Asked Questions Regarding Identifying, Accepting, and Reporting Brokered Deposits on the FDIC's Web site for additional information, available at *https://www.fdic.gov/news/news/financial/2015/fil15051b.pdf.*

[184] 12 CFR 337.6.

[185] ASC 942–470–50–3 requires disclosures related to debt agreements and Section VII of Guide 3 calls for disclosures about short-term borrowings as described below in Section II.G.

[186] The specified deposit categories are: (1) Noninterest-bearing demand deposits, (2) interest-bearing demand deposits, (3) savings deposits, (4) time deposits, (5) deposits of banks located in foreign countries including foreign branches of other U.S. banks, (6) deposits of foreign governments and official institutions, (7) other foreign demand deposits, and (8) other foreign time and savings deposits. Categories (1) to (4) are deposits in U.S. bank offices and categories (5) to (8) are deposits in foreign bank offices. Other categories may be used for U.S. bank offices if they more appropriately describe the nature of the deposits.

[187] The $100,000 thresholds were established in 1976 when the FDIC insurance limit was $40,000.

[188] The ranges of maturities are by time remaining until maturity: (1) 3 months or less, (2) over 3 through 6 months, (3) over 6 through 12 months, and (4) over 12 months.

[189] If the aggregate of certificates of deposit and time deposits over $100,000 issued by foreign offices represents a majority of total foreign deposit liabilities, this disclosure need not be provided if a statement to that effect is provided.

[190] 17 CFR 210.9–03. If the disclosures on foreign activities in Rule 9–05 apply, the amount of noninterest-bearing deposits and interest-bearing deposits in foreign banking offices also must be presented separately.

[191] ASC 942–405–50–1.

[192] *https://www.fdic.gov/deposit/deposits.*

[193] FASB Editorial and Maintenance Update 2014–07 (Mar. 17, 2014), available at *https://asc.fasb.org/imageRoot/89/51570489.pdf.* In the update, the FASB states that the revision maintained the original intent of the disclosure and was made to accommodate any future changes to the FDIC insurance limit.

[194] ''Core deposit liabilities'' was defined as ''deposits without a contractual maturity that management considers to be a stable source of funds, which excludes surge balances due to seasonal factors or economic uncertainty and other balances that management believes are transient (such as highly interest rate sensitive accounts.)''

[195] Proposed Accounting Standards Update (Apr. 12, 2013), available at *http://www.fasb.org/jsp/FASB/Document_C/DocumentPage?cid=1176162349236&acceptedDisclaimer=true.* The all-in-cost-to-service rate was defined as ''a rate that includes the net direct costs to service core deposit liabilities, including interest paid on those deposits and the expense of maintaining a branch network minus fee income earned on those deposit accounts.''

input from financial statement preparers indicating that the cost of providing the information would be significant and that they could result in the disclosure of proprietary information. In addition, respondents expressed concern that the disclosures would not be comparable because the definition of core deposit liabilities would be based on management's determination.[196] Because the respondents to the FASB proposal consisted mostly of preparers and included only one user,[197] we are seeking feedback about whether there are additional disclosures about deposits, such as those considered by the FASB, that would be important for investors.

The staff has observed that BHC registrants generally discuss in MD&A material changes to or key metrics for deposits when deposits are a material source of liquidity.[198] For example, many BHC registrants discuss loan-to-deposit ratios and some present this information by reportable segment. They also generally include a discussion of deposits as a source of funding, including a description of deposit inflows and outflows during the period, in the liquidity section of MD&A. Some include total deposits or time deposits in the maturity of contractual obligations table.[199]

ii. Information Available Outside of SEC Filings

Banking organizations must separately report deposits held at U.S. bank offices and deposits held at foreign bank offices [200] in their Call Reports.[201] Maturity data for brokered deposits, time deposits less than $100,000, time deposits between $100,000 and $250,000, and time deposits of $250,000 or more must also be provided.[202] Banking organizations must also provide quarterly average balances of interest-bearing deposit transaction accounts and non-transaction accounts in Call Reports. Call Reports contain more information about deposits and categorize deposits by more and sometimes different factors than Guide 3. For example, banking organizations must provide information about whether deposits are insured or uninsured and the intended uses of the deposit products in Call Reports.

Request for Comment

55. Do the deposit disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

56. Do Commission rules or U.S. GAAP require the same or similar deposits information as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

57. What improvements to the existing deposits disclosures should we consider that would be important for investors? For example, should BHC registrants disclose the amount and maturity of brokered deposits? Should we require disclosures about core deposits and, if so, what disclosures? In suggesting improvements, please indicate whether BHC registrants would face any challenges in preparing and providing the disclosures.

58. How do investors use the time deposit disclosures? Should we retain the $100,000 threshold for these disclosures or should we change it to another threshold, such as the FDIC insurance limit? Why or why not?

59. Should we require disclosure of an estimate of the quantitative and qualitative benefits of using government guaranteed deposits?

60. Should we consider requiring that the deposit disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures should be tagged so that they can be extracted in a structured data format?

61. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

62. Should the categories used for disaggregation of these Guide 3 disclosures be closely aligned with those called for in Call Reports and other U.S. banking agency regulatory filings? If so, which ones and why?

63. Should we require disclosure of any deposit information provided in Call Reports or other regulatory filings? If so, what information and why?

64. Should the deposit disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

F. Return on Equity and Assets

1. Background

Financial ratios allow investors to compare registrants in the same industry. Section VI of Guide 3 calls for disclosure of four specific ratios. Two are profitability ratios, one is an indicator of how much capital a BHC registrant returns to investors, and the other is an indicator of solvency.

While useful to investors for comparing BHC registrants and making investment decisions, the ratios called for by Guide 3 are not specific to the financial services industry. Moreover, Guide 3 does not call for other industry-specific ratios, other than the ratio of net charge-offs to average loans outstanding in Section IV.A. Examples of industry-specific ratios that investors may use to evaluate BHC registrants and make investment decisions include the efficiency ratio,[203] allowance for loan losses to total loans, allowance for loan losses to total nonaccrual loans and nonaccrual loans to total loans. Although not specifically referenced in Guide 3, BHC registrants generally disclose these ratios. We are considering whether specific ratio disclosures for BHC registrants would be important for investors or whether these BHC registrants already disclose the ratios that are important for investors in response to Regulation S–K requirements.

2. Current Guide 3 Disclosure Requirements

Section VI of Guide 3 calls for the following ratios for each reported period:

- Return on assets (ROA);
- return on equity (ROE);
- dividend payout ratio; and
- equity to assets ratio.[204]

[196] *See* ASU 2016–01, paragraph BC138.

[197] *See http://www.fasb.org/cs/ContentServer?c=Document_C&pagename=FASB%2FDocument_C%2FDocumentPage&cid=1176162921974.*

[198] Item 303 of Reg. S–K requires registrants to discuss their financial condition, material changes in financial condition, and a description of internal and external sources of liquidity.

[199] Deposits, including time deposits, normally do not meet the definition of long-term obligations in Item 303(a)(5)(ii) of Regulation S–K.

[200] For definitions of U.S. bank offices and foreign bank offices, *see* the Glossary in *Instructions for Preparation of Consolidated Reports of Condition and Income (FFIEC 031 and 041).*

[201] Call Report Schedule RC–E, *Deposit Liabilities.*

[202] The maturity periods specified by Schedule RC–E, are one year or less for brokered deposits and, for time deposits, (a) three months or less, (b) over three months through 12 months, (c) over one year and through three years, and (d) over three years.

[203] The efficiency ratio measures the proportion of net operating revenues that are absorbed by overhead expenses, so that a lower value indicates greater efficiency. FDIC Quarterly.

[204] Instruction 1 to Section VI calls for a dual presentation of the return on equity and equity to

Instruction 2 of Section VI indicates that BHC registrants should provide any other ratios they deem necessary to explain their operations.

3. Other Sources of Information

No other Commission rules, U.S. accounting standards or bank regulatory requirements specifically require disclosure of the four ratios included in Guide 3. These ratios, however, can be calculated using financial information disclosed in Commission filings. ROA, ROE and equity to assets can be derived from amounts reported on the income statement and the average balance sheet called for by Section I.A of Guide 3.[205] BHC registrants also generally disclose their ROA and ROE ratios in their earnings releases. The dividend payout ratio can be calculated based on the disclosures required by Article 3 of Regulation S–X.[206] Also, although Commission rules do not specifically require these ratios, the Interpretive Guidance on MD&A highlights the potential need for disclosure of industry-specific or key performance measures when they are used to manage the business and would be material to investors.

Bank holding companies also disclose non-GAAP measures in Commission filings. For example, they commonly present non-GAAP versions of ROE, return on average equity, and book value per common share using tangible equity[207] instead of shareholders' equity. Another common non-GAAP measure used by bank holding companies is taxable equivalent interest income and the related net interest margin.[208] In addition, banking organizations are subject to a minimum ''leverage ratio'' requirement as part of their regulatory capital requirements. The leverage ratio and its inputs are reported on the Call Report.[209]

Request for Comment

65. Do the return on equity and assets disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

66. Do Commission rules or U.S. GAAP require the same or similar ratios as called for by Guide 3? If so, how are the ratios similar or dissimilar?

67. What improvements to the existing return on equity and assets disclosures should we consider that would be important for investors? For example, should we require other industry-specific ratios, such as nonaccrual loans to total loans, and if so, which ones? In suggesting improvements, please indicate whether BHC registrants would face any challenges in preparing and providing the disclosures.

68. What non-GAAP financial measures do BHC registrants disclose? Which of these measures help make investment decisions and why? Should we require disclosure of any of these measures to enhance the comparability of information for investors?

69. Are there any bank regulatory capital metrics, such as risk-weighted assets or liquidity ratios, that BHC registrants are not already required to disclose under accounting standards or Commission rules that would be important for investors? If so, which ones and how do investors use them?

70. Banking organizations typically are afforded a transition period to comply with new bank regulatory capital metric requirements. For recently issued accounting standards that have not yet been adopted, registrants generally discuss the potential effects of adoption in registration statements and reports filed with the Commission.[210] However, there is no related disclosure guidance for bank capital metrics that have been issued but not yet implemented. Would disclosure of the calculation of a new metric provide important information for investors even before the organization is required to comply with the requirement? What challenges, if any, would BHC registrants face in preparing and providing it?

71. Should we consider requiring that the return on equity and assets disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures should be tagged so that they can be extracted in a structured data format?

72. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

73. Should the return on equity and assets disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

G. Short-Term Borrowings

1. Background

BHC registrants often use short-term borrowings to supplement their deposits and diversify their funding sources. Short-term borrowings may include federal funds transactions,[211] repurchase agreements,[212] commercial paper,[213] traditional loans from other banks, and any other short-term borrowings reflected on the BHC registrant's balance sheet.[214] Federal funds transactions can be an important tool for managing liquidity, while repurchase agreements can provide a cost-effective source of funds and may allow a BHC registrant to leverage its securities portfolio for liquidity and funding needs. Short-term borrowings and the reliance on them for financing are especially important to the liquidity of many of the largest BHC registrants

assets ratios if mandatorily redeemable preferred stock is outstanding. The dual presentation provides the ratios calculated both with and without preferred stock.

[205] In the case of average amounts, current and prior year amounts presented on the balance sheet can be used to calculate the average.

[206] 17 CFR 210.3–01 through 3–20. Rule 3–04 of Regulation S–X requires disclosure of dividends per common share in the changes in stockholders' equity and noncontrolling interests statement or footnote.

[207] Tangible equity is not defined in Commission rules or U.S. GAAP. Generally, tangible common equity is U.S. GAAP shareholders' equity minus any intangible asset (such as deferred costs or goodwill), net of deferred tax liabilities.

[208] Net interest income is adjusted to reflect tax-exempt income on an equivalent before-tax basis with a corresponding increase in income tax expense. *See* Staff Accounting Bulletin Topic 11:G—Tax Equivalent Adjustment in Financial Statements of Bank Holding Companies (SAB Topic 11:G) for additional discussions related to tax equivalent adjustments.

[209] Tier 1 leverage ratio is calculated by dividing Tier 1 capital, as defined by the U.S. banking agencies, by average total consolidated assets. Call Report Schedule RC–R, *Regulatory Capital.*

[210] *See* Staff Accounting Bulletin Topic 11:M—Disclosure Of The Impact That Recently Issued Accounting Standards Will Have On The Financial Statements Of The Registrant When Adopted In A Future Period. (SAB Topic 11:M)

[211] The federal fund rate is the interest rate that banks charge one another for borrowing funds overnight. Federal funds are excess funds that banks deposit with the FRB for lending to other banks.

[212] ASC 860–10 defines a repurchase agreement as an arrangement under which a transferor (repo party) transfers a security to a transferee (repo counterparty or reverse party) in exchange for cash and concurrently agrees to reacquire the security at a future date for an amount equal to the cash exchanged plus a stipulated interest factor.

[213] Commercial paper consists of short-term promissory notes issued primarily by corporations. Maturities range up to 270 days but average about 30 days.

[214] 17 CFR 210.9–03.13(3).

and, industry-wide, may have a global impact on the financial markets and systemic stability. Illiquidity in the markets as a whole can affect short-term borrowings, sometimes severely and rapidly, which can present increased risks for registrants that rely heavily on short-term borrowings as a funding source. Because of these potential risks, banking regulators across the globe have focused on liquidity and funding sources and have adopted new liquidity measures, such as the LCR and NSFR requirements. These new liquidity measures are designed to create incentives for certain large banking organizations to fund their activities with more stable sources of funding, which may cause banking organizations to replace some of their short-term borrowings, like federal funds purchased, with long-term debt. For example, the NSFR generally is calibrated assuming that long-term liabilities are more stable than short-term liabilities.[215]

A BHC registrant's use of short-term borrowings can fluctuate significantly during a reporting period. As a result, the presentation of period-end amounts alone may not accurately reflect a BHC registrant's funding needs or use of short-term borrowings during the period.

The Guide 3 short-term borrowings disclosures provide investors with information beyond the period-end borrowings balance. These disclosures focus on the activity in short-term borrowings and related interest expense throughout the period and may help investors better understand the role of this form of financing and its related risks to BHC registrants.

2. Current Guide 3 Disclosures

Section VII of Guide 3 calls for the following short-term borrowings disclosures by category:

- The period-end amount outstanding;
- the average amount outstanding during the period; and
- the maximum month-end amount outstanding.[216]

Section VII also calls for disclosure, by category of borrowing, of the weighted average interest rates at period-end and during the period, and the general terms of the borrowing. The disclosures in Section VII need not be provided for categories of short-term borrowings for which the average balance outstanding during the period was less than 30% of stockholders' equity at the end of the period.

3. Other Sources of Information

i. Information Available in SEC Filings as Required by Commission Rules and Accounting Standards

Article 9 requires separate disclosure of the period-end balances of federal funds purchased and securities sold under agreements to repurchase, commercial paper and other short-term borrowings on the face of the financial statements or in the footnotes.[217] U.S. GAAP requires disclosure of period-end balances of significant categories of borrowings.[218] U.S. GAAP also requires disclosures about repurchase agreements and securities lending transactions. For example, BHC registrants must reconcile the amount of the gross liability for repurchase agreements and securities lending transactions accounted for as secured borrowings to the net liability amount presented on the balance sheet.[219]

The staff has observed that BHC registrants typically discuss their sources of funding and outstanding borrowings in their liquidity section of MD&A. In 2010, the Commission issued interpretive guidance on liquidity and capital resources disclosures that highlighted important trends and uncertainties related to liquidity for registrants to consider in their MD&A disclosures.[220] The guidance noted as examples of trends and uncertainties the reliance on commercial paper or other short-term financing arrangements for liquidity and intra-period variations in borrowings in circumstances where borrowings during the period are materially different than the period-end amounts. The guidance also specifically indicated that bank holding companies should consider additional MD&A disclosures, including their policies and practices for meeting applicable bank regulatory guidance on funding and liquidity risk management, or any policies and practices that differ from applicable bank regulatory guidance.

Regulation S–K also requires a discussion of off-balance sheet arrangements when the arrangements have or are reasonably likely to have a current or future effect on the registrant's financial condition, results of operations, liquidity, capital expenditures or capital resources that is material to investors.[221] When these disclosures were adopted in 2003, the definition of ''off-balance sheet arrangement'' focused on the means through which registrants typically structure off-balance sheet transactions or otherwise incur risks of loss that are not fully transparent to investors. For example, a registrant sometimes provides financial support as part of its involvement in activities of an unconsolidated entity.[222] Commenters on the Regulation S–K Concept Release expressed differing views about whether the Commission should retain, expand or eliminate this disclosure item. One commenter recommended expanding it to include detailed information about the underlying assets of asset-backed securities.[223] Commenters often cited redundancy with disclosures required by U.S. GAAP as the reason for eliminating the disclosure requirement.[224] We are considering whether there are disclosures about off-balance sheet arrangements specific to BHC registrants that investors find important. Further, we are considering whether disclosures about off-balance sheet arrangements should be considered for other registrants in the financial services industry.

Short-term borrowing levels and deposit levels also factor into the LCR calculation, because it is based on projected cash outflows during a 30-day stress period.[225] Banking organizations subject to the LCR requirement typically disclose whether or not they comply with the rule in their Commission filings. We are considering whether to require additional quantitative and qualitative disclosures about funding and liquidity risks.

[215] *Basel III: the net stable funding ratio* (October 2014), available at *http://www.bis.org/bcbs/publ/d295.pdf.*

[216] Section VII refers to Rule 9–04.11 for categories of short-term borrowings. The correct reference, however, is Rule 9–03.13. Registrants often provide the average short-term borrowings disclosures as part of their average balance sheet disclosures.

[217] 17 CFR 210.9–03.

[218] ASC 942–470–45.

[219] ASC 860–30–50 and ASC 210–20–50 permit offsetting of derivatives, repurchase agreements and securities lending transactions in the financial statements. ASC 860–30–50 requires disclosure of gross and net liabilities related to these transactions.

[220] Commission Guidance on Presentation of Liquidity and Capital Resources Disclosures in Management's Discussion and Analysis, Release No. 33–9144 (Sept. 17, 2010) [75 FR 59894].

[221] 17 CFR 229.303(a)(4).

[222] Disclosure in Management's Discussion and Analysis about Off-Balance Sheet Arrangements and Aggregate Contractual Obligations, Release No. 33–8182 (Jan. 28, 2003) [68 FR 5982] (Off-Balance Sheet and Contractual Obligations Adopting Release).

[223] CFA Institute Letter.

[224] *See, e.g.,* Chamber Letter; SIFMA Letter; KPMG LLP; Davis Polk Letter; and Financial Services Roundtable Letter.

[225] *See* LCR Adopting Release.

ii. Information Available Outside of SEC Filings

Banking organizations must report the year-end balance, quarterly average balances and interest expense on federal funds purchased and securities sold under agreements to repurchase, and other borrowings in their Call Reports.[226] Global systemically important bank holding companies (GSIBs) are subject to a risk-based capital surcharge in excess of their minimum capital requirements.[227] One of the methods for calculating the risk-based surcharge focuses on a GSIB's reliance on short-term wholesale funding because reliance on this type of funding may cause vulnerability to runs and fire sales. Pillar 3 disclosures discuss risks related to borrowings and liquidity and include borrowings as an input to certain disclosure requirements, including the LCR and GSIB risk-based capital surcharge.

Request for Comment

74. Do the short-term borrowings disclosures called for by Guide 3 provide investors with information upon which they base investment and voting decisions? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? Are there any particular issues that BHC registrants face in providing these disclosures or that investors or analysts face in utilizing these disclosures?

75. Do Commission rules or U.S. GAAP require the same or similar short-term borrowing information as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

76. What improvements to the existing short-term borrowings disclosures should we consider? For example, should BHC registrants discuss the degree of reliance on wholesale or short-term funding sources? Should they describe the nature, timing, and extent of volatile short-term funding? In suggesting improvements, please indicate whether BHC registrants would face any challenges in preparing and providing the disclosures.

77. Are there disclosures about off-balance sheet arrangements in the financial services industry that investors find important? If so, which disclosures? Would such information otherwise be provided under Commission rules (*e.g.,* Regulation S–K) or U.S. GAAP? If not, in what manner should these disclosures be provided?

78. Are there quantitative and qualitative disclosures that would add transparency about ongoing liquidity risk exposure for BHC registrants? For example, should BHC registrants describe the liquidity risks arising from their assets, derivatives and off-balance-sheet activities? If so, what disclosures would be important for investors and in what manner should they be provided? For example, should we require these BHC registrants to disclose their compliance with and the calculation of their bank regulatory LCR?

79. What non-GAAP financial measures do BHC registrants provide concerning short-term funding? Should we require BHC registrants to disclose any of these measures to enhance the comparability of information for investors?

80. Do the short-term borrowings disclosures properly balance the benefits to investors and the costs to BHC registrants? If no, why?

81. Should we consider requiring disclosure of a liquidity mismatch index (MMI) [228] or other measure of maturity mismatch for BHC registrants? If so, what measure would be useful for investors in making investment decisions?

82. Should we consider requiring that the short-term borrowings disclosures called for by Guide 3 be presented in a structured data format, such as XBRL, to facilitate investor comparison of data across BHC registrants and usability of the disclosures? Why or why not? If so, what elements of these disclosures should be tagged so that they can be extracted in a structured data format?

83. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

84. Should the categories used for disaggregation of these Guide 3 disclosures be closely aligned with those called for in Call Reports and other U.S. banking agency regulatory filings? If so, which ones and why?

85. Should the short-term borrowings disclosures called for by Guide 3 be extended to other registrants, such as those engaged in the financial services industry? If so, which registrants and which disclosures?

H. Potential New Disclosures

As originally published, Guide 3 focused on eliciting what the Division of Corporation Finance believed at the time to be the most significant statistical disclosures relating to the operations of bank holding companies. Over the intervening four decades, and particularly following the passage of the Gramm-Leach-Bliley Act,[229] which repealed certain provisions of the Glass-Steagall Act,[230] the scope of activities permitted to bank holding companies has expanded significantly. For example, today, some bank holding companies and financial holding companies may engage in operations involving physical commodities, insurance, investment management, asset management and broker-dealer activities that were limited or impermissible at the time of Guide 3's initial publication.

We are considering whether and to what extent refinement of Guide 3 to account for the shifting landscape of the financial industry would yield important information for investors in their evaluation of BHC registrants. Part of this shifting landscape is supervisory or regulatory in nature. For example, in recent years CCAR, DFAST and resolution planning were implemented for certain large banking organizations.[231] Consequently, we are seeking input about the effects of regulation on BHC registrants, including with regard to their operations, capital structures, dividend policies and treatment in bankruptcy.

We also are mindful of how our disclosure regime interacts with the various disclosure requirements of the U.S. banking agencies. In some cases, our disclosure regime and the regimes of the U.S. banking agencies require different types of information or present information in inconsistent ways; in

[226] Year-end balances are required to be reported on Call Report Schedule RC, *Balance Sheet.* Quarterly average balances are required to be reported on Call Report Schedule RC–K, *Averages.* Interest expense is required to be reported on Call Report Schedule RI, *Income Statement.*

[227] Regulatory Capital Rules: Implementation of Risk-Based Capital Surcharges for Global Systemically Important Bank Holding Companies (Aug. 14, 2015) [80 FR 157]. The surcharge became effective on January 1, 2016.

[228] MMI is a liquidity measure proposed by researchers from the National Bureau of Economic Research in 2011 to measure the mismatch between the market liquidity of assets and the funding liquidity of liabilities. *See* Brunnermeier, M.K., G. Gorton, and A. Krishnamurthy, 2011, *Risk Topography, NBER Macroeconomics Annual.,* available at *http://www.nber.org/chapters/c12412.*

[229] Public Law 106–102, 113 Stat. 1338 (1999).

[230] Public Law 73–66, 48 Stat. 162 (1933). The Glass-Steagall Act contained provisions limiting commercial bank securities activities and affiliations with investment banks. The Gramm-Leach-Blilely Act repealed those anti-affiliation provisions and permitted banks to affiliate with companies engaged in a broad range of financial activities.

[231] Banking organizations with $50 billion or more in total consolidated assets are subject to the full scope of CCAR and DFAST. DFAST testing and disclosure requirements are significantly reduced for banking organizations with $10 billion to $50 billion in total consolidated assets.

other cases, the various regimes may overlap with or duplicate one another. Guide 3 was originally intended to conform to the information required in reports to the U.S. banking agencies to the ''fullest extent possible, consistent with the public interest and the protection of investors,'' [232] although gaps between the two regimes have formed over the decades. We are interested in understanding the interrelationships between the securities and banking disclosure regimes, how they differ and whether and how the existing banking disclosures can be leveraged to improve our own disclosure regime. We are cognizant of the fact that securities and banking disclosures serve different purposes in light of the different missions of their respective regulatory regimes. Where our disclosure regime serves our core missions of investor protection, fair, orderly, and efficient markets, and capital formation, the U.S. banking agency regulatory regime is premised largely on ensuring safety and soundness of banking organizations.

Guide 3 disclosures currently focus on interest-earning and interest-bearing activities and do not address other revenues that a BHC registrant may earn. Non-interest income represented more than 35% of total net operating revenue for all FDIC-insured institutions for the first three quarters of 2016.[233] Examples of non-interest income include trading revenue, fee income from deposits and servicing income. Given the significance of non-interest income, it is important for investors to understand the reasons for its fluctuations. Non-interest income, generally, is a material component of net operating revenue for large FDIC-insured institutions. Trading revenues accounted for more than 24% of net operating revenues for FDIC-insured institutions, with more than $250 billion in assets for the first three quarters of 2016, but accounted for approximately 1% of net operating revenues for FDIC-insured institutions with less than $1 billion in total assets.[234] Banking organizations must report disaggregated information about their noninterest income activity in Call Reports.[235] We are considering whether to expand Guide 3 to include disclosures on non-interest income activities.

We also are considering whether or not more prescriptive disclosures not related specifically to the financial statements would be important for investors. An example is risk management disclosure. In May 2012, the Financial Stability Board established the EDTF with the goal of improving risk disclosures in the financial services industry. In October 2012, the EDTF published a report containing a number of recommendations for enhancing risk disclosures.[236] Since 2012, the EDTF has published additional recommendations for enhancing disclosures and status reports on the implementation of the 2012 recommendations.[237] Several of the EDTF's recommended disclosures are already addressed by Commission rules, accounting standards or U.S. banking agency disclosure requirements.[238] Some of the EDTF's recommendations are intended to help investors better compare banking organizations but would require more standardized or detailed disclosures than currently required by either Commission rules or U.S. GAAP.[239] Comparability was a fundamental principle identified by the EDTF for risk disclosures, with a focus on global comparability. We are considering whether industry-specific rules or guidance for these non-financial statement disclosures are needed to elicit more comparability.

Finally, we are considering whether our disclosure regime should better utilize technological advances that have occurred over the years that allow information to be provided in a more accessible manner. For example, interactive data allows users to search disclosure documents and extract specific information and compare it to information from other companies, performance in past years and industry averages. Commission rules require registrants to provide their financial statements, including notes and financial statement schedules, in interactive data format using eXtensible Business Language Reporting (XBRL) by filing them with the Commission and posting them on their corporate Web sites.[240] Commission rules do not require Guide 3 disclosures to be submitted in XBRL format.

Request for Comment

86. Are there activities in which BHC registrants engage that are not covered by Guide 3 about which we should require disclosure? For example, should we require disclosure, in addition to that already required by accounting standards, about commodities, asset management or broker-dealer activities? If so, what information is important for investors and what challenges, if any, would BHC registrants face in preparing and providing it? What thresholds should trigger any disclosure requirements we consider?

87. Are there additional disclosures, either potential new disclosures or disclosures required by other regimes, not already discussed in this request for comment that we should consider for BHC registrants that would be important for investors? If so, what disclosures and how are they similar or dissimilar to the disclosures called for by Guide 3? What challenges, if any, would BHC registrants face in preparing and providing them?

88. Are there other Commission rules or disclosure guidance we should consider as part of this project that are not already discussed in this request for comment?

89. Should we require disclosures about non-interest income and/or non-interest expense for BHC registrants? If so, what disclosures should we require and how should these disclosures be presented? For example, should we require statistical disclosures about trading revenue?

90. Do the current distinctions between Guide 3 disclosures and the Call Reports and other bank regulatory filings enhance investor understanding or contribute to investor confusion? Please indicate which distinctions enhance investor understanding versus contribute to investor confusion and why.

91. The Dodd-Frank Act requires bank holding companies with total consolidated assets of $50 billion or more and nonbank financial companies designated by the Financial Stability Oversight Council for supervision by the FRB to periodically submit resolution plans to the FRB and the FDIC.[241] The plans describe the companies' strategies

[232] Guide 3 Release.

[233] *See* FDIC Quarterly.

[234] *Id.*

[235] Schedule RI–E, RC–P, and RC–T

[236] *Report of the Enhanced Disclosure Task Force to the Financial Stability Board, Enhancing the Risk Disclosures of Banks* (Oct. 29, 2012), available at *http://www.financialstabilityboard.org/publications/r_121029.pdf.*

[237] *See, e.g.,* the EDTF's position on the disclosure of emergency liquidity assistance (Dec. 7, 2015), available at *http://www.fsb.org/2015/12/edtfs-position-on-the-disclosure-of-emergency-liquidity-assistance/.*

[238] *See, e.g.,* Items 305 and 503(c) of Regulation S–K and ASC 815 for disclosures about derivatives and Pillar 3 for disclosures about risk-weighted assets.

[239] For example, the EDTF recommends a quantitative analysis of the components of the liquidity reserve held to meet liquidity needs, ideally by providing averages as well as period-end balances. The description would be complemented by an explanation of possible limitations on the use of the liquidity reserve maintained in any material subsidiary or currency.

[240] Regulation S–K Item 601(b)(101) and Regulation S–T Item 405. 17 CFR 229.601(b)(101) and 17 CFR 232.405.

[241] Dodd-Frank Act § 165(d).

for rapid and orderly resolution in the event of material financial distress or failure.[242] The plans contain a confidential section and a section that the FRB and FDIC make available to the public. Should we require the disclosure in Commission filings of information related to the resolution plans? If so, what types of information should be included and to what extent should BHC registrants describe their plans? What challenges, if any, would BHC registrants face in preparing and providing this information?

92. In recent years, BHC registrants have become subject to many new bank regulatory and capital requirements, including pursuant to the Dodd-Frank Act. Should we specifically require BHC registrants to discuss the effects, when material, of such regulations on their business, financial condition and results of operations? For example, should we require disclosure of the effects of these regulations on their dividend policy or disclosure of an estimate of the costs of such regulations? Why or why not?

93. Should we require disclosure that summarizes the inputs and results of the various stress testing scenarios that bank holding companies perform? For example, should we require disclosures related to DFAST and its results. Why or why not?

94. Should we require any of the disclosures recommended in the EDTF report that are not addressed specifically by Commission rules or U.S. GAAP? If so, which ones? For example, should a reconciliation of risk-weighted assets at the beginning and ending of the period be disclosed?

95. For disclosure areas already addressed by Commission rules or U.S. GAAP, should we consider any EDTF recommendations that could potentially elicit additional or better information? If so, which ones?

96. Should we expand the scope of our XBRL requirements to apply to the Guide 3 statistical tabular disclosures to facilitate investor comparison of data across BHC registrants? Why or why not?

97. If we require the Guide 3 tabular disclosures to be submitted in XBRL, are the current requirements for the format and elements of the tables suitable for tagging? If not, how should they be revised?

98. Should we require disclosure of any of the information provided in Call Reports or other regulatory filings? If so, what information and why? How should the information be presented or included in a Commission filing? Should we require hyperlinks directly to the Call Reports or other regulatory filings that are available on third-party government Web sites? Should it be incorporated by reference?

III. Applicability of Disclosure Requirements

A. Applicability to Registrants Other Than Bank Holding Companies

Some Commission disclosure requirements and guidance, including Guide 3, apply only to bank holding companies.[243] The staff, however, has indicated that such disclosures should also be provided by other registrants with material lending and deposit activities.[244] We are considering whether to expand the applicability of those disclosures and others discussed in this request for comment to other registrants. For example, marketplace lenders generally have material amounts of lending activities and may be exposed to some of the same risks as bank holding companies.[245] Insurance companies and real estate investment trusts are examples of registrants that also may have material activities in the disclosure areas discussed in this request for comment. Typically registrants in those industries have material investment portfolios and in some cases have material amounts of lending activities. Therefore, we are considering whether the disclosures discussed in this request for comment should employ an activity-based scope rather than a narrow industry-based scope. For example, using an activity-based approach, the disclosures called for by Section II and certain aspects of Section I of Guide 3 could be required to the extent that investments are material to a registrant's operations, whether or not the registrant is a bank holding company.

Request for Comment

99. Should the disclosures called for by Guide 3 apply to registrants other than BHC registrants in the financial services industry? Why or why not? If so, which categories of non-BHC registrants should we consider?

100. Should Guide 3 employ an activity-based approach? If so, how should the disclosures be triggered?

101. Some Guide 3 disclosures, such as short-term borrowings, employ bright-line percentages or dollar amount thresholds to trigger disclosures. While the use of thresholds provides BHC registrants with certainty and promotes consistency, it does not allow BHC registrants to apply judgment to all facts and circumstances. Would employing a principles-based approach instead of using specific quantitative thresholds improve the effectiveness of the disclosures? Why or why not? What practical issues might arise if registrants apply judgment?

B. Applicability to Foreign Registrants

Foreign registrants that qualify as foreign private issuers[246] may present their financial statements in accordance with any of the following:

- U.S. GAAP;
- another comprehensive body of accounting with reconciliation to U.S. GAAP; or
- IFRS as issued by the IASB without reconciliation to U.S. GAAP.[247]

Foreign registrants that do not qualify as foreign private issuers must present their financial statements in accordance with U.S. GAAP and must use the same registration and reporting forms as domestic registrants. The staff has observed that most foreign registrants that are banking organizations meet the foreign private issuer definition and file their annual reports on Form 20–F or Form 40–F. As a result, most of the Commission disclosure requirements described in Section II of this request for comment apply to them.[248] Instruction

[242] *See http://www.federalreserve.gov/bankinforeg/resolution-plans.htm* and *https://www.fdic.gov/regulations/reform/resplans/.*

[243] General Instruction 1 to Guide 3 states that the guide applies to bank holding company Securities Act registration statements for which financial statements are required and to bank holding company registration statements on Form 10, proxy and information statements relating to mergers, consolidations, acquisitions and similar matters and reports filed on Form 10–K. Rule 9–01 of Regulation S–X indicates that Article 9 applies to consolidated financial statements filed for bank holding companies and to any financial statements of banks that are included in filings with the Commission.

[244] *See* SAB 11:K.

[245] Areya Aranoff, ''*BankThink Line Between Banks and Marketplace Lenders Thinner than You Think.*'' American Banker, March 11, 2016, *available at http://www.americanbanker.com/bankthink/line-between-banks-and-marketplace-lenders-thinner-than-you-think-1079840–1.html.*

[246] ''Foreign private issuers'' are foreign issuers (other than foreign governments) except issuers meeting the following conditions: (1) More than 50% of their outstanding voting securities are directly or indirectly owned of record by residents of the United States, and (2) any of the following: (a) The majority of their executive officers or directors are U.S. citizens or residents, (b) more than 50% of their assets are located in the United States, or (c) their businesses are administered principally in the United States. Securities Act Rule 405 and Exchange Act Rule 3b–4(c). 17 CFR 230.405 and 17 CFR 240.3b–4(c).

[247] *See* Item 17(c) of Form 20–F.

[248] Instructions to Item 4 of Form 20–F indicate that the information specified in any industry guide that applies to the registrant must be furnished. Form 20–F Items 4, 5 and 11 require disclosures similar to Regulation S–K Items 101 (Description of business), 303 (MD&A) and 305 (Quantitative and qualitative disclosures about market risk). Form 40–F does not have a similar requirement, but the staff has observed that Canadian foreign private issuers

Continued

6 to Guide 3 indicates that the disclosures apply to these registrants to the extent the information is available or can be compiled without unwarranted or undue burden or expense. The staff has observed that foreign registrants that are banking organizations typically provide the Guide 3 disclosures.

Because the categories and classifications specified by Guide 3 are influenced heavily by U.S. banking regulation and U.S. GAAP, some categories and classifications may not be relevant for understanding their operations. In addition, the Commission accepted IFRS without reconciliation to U.S. GAAP, for foreign private issuers, only in the last ten years, and Guide 3 was last substantively updated more than 30 years ago. Therefore, Guide 3 does not address the fact that some of its disclosures are not recognized concepts under IFRS. As a result, the staff has observed diversity in the manner in which foreign registrants that are banking organizations and file IFRS financial statements provide this information. For example, because nonaccrual is not a recognized concept under IFRS, the staff has observed disclosure of total impaired loans or disclosure of all past due loans in lieu of providing the nonaccrual loan disclosures called for by Item III.C.1 of Guide 3. Similarly, because the concept of TDRs is not recognized under IFRS, the staff has observed disclosure of all loan modifications, regardless of whether they were undertaken for credit risk management purposes or for commercial or other reasons.

Further, Guide 3 does not address the differences between U.S. GAAP and IFRS, which are significant. For example, the IASB issued a new accounting standard in July 2014, IFRS 9, that will have a significant impact on the accounting and disclosures for financial instruments. This standard differs from the FASB's two new financial instruments standards, ASU 2016–01 and ASU 2016–13.[249] One main difference is that IFRS 9 will require a 12-month expected credit loss measurement unless there has been a significant increase in credit risk, in which case it is lifetime, whereas U.S. GAAP will require only the lifetime expected credit loss measurement. Another difference is that IFRS 9 will allow a registrant to make an election at initial recognition to present subsequent changes in fair value in other comprehensive income for particular investments in equity instruments that otherwise are measured at fair value through profit or loss. At the same time the IASB issued IFRS 9, it also amended IFRS 7 to increase the financial instruments disclosure requirements when IFRS 9 is effective. For example, after adoption of IFRS 9, the standard will require more disclosures about how registrants measure expected credit losses and assess changes in credit risk. There is still no concept of TDRs, but IFRS 7 will require disclosure about financial assets where contractual cash flows have been modified during the period.[250]

We are considering generally the applicability of the Guide 3 disclosures to foreign registrants that are banking organizations, as well as the accommodation provided to them if the information is not available or cannot be compiled without unwarranted or undue burden or expense. We also are considering whether IFRS accounting and disclosure requirements elicit disclosures that are duplicative of or substantially similar to those called for by Guide 3, or whether the disclosures called for by Guide 3 should be different for foreign registrants that are banking organizations. Since there are significant differences between U.S. GAAP and IFRS, we are considering whether investors in foreign registrants that are banking organizations and that prepare their financial statements in accordance with IFRS would lose any important information if we eliminated all duplicative or overlapping Guide 3 disclosures in favor of those in U.S. GAAP.

Request for Comment

102. Should foreign registrants that are banking organizations provide the disclosures discussed in this request for comment? Why or why not?

103. Is the information called for by Guide 3 generally available to foreign registrants that are banking organizations without unwarranted or undue burden or expense such that an accommodation should no longer be provided to these registrants? Why or why not?

104. Does IFRS require the same or similar information as called for by Guide 3? If so, how is the information similar or dissimilar? Please provide a detailed comparison.

105. What concepts or disclosures called for by Guide 3 are not recognized or contradict with IFRS? Please provide a detailed list.

106. Would investors in foreign registrants that are banking organizations and that prepare their financial statements in accordance with IFRS lose any important information if we were to eliminate all Guide 3 disclosures that are duplicative of or overlap with current U.S. GAAP? If so, which information would be lost?

107. While investors do not have experience with the disclosures that will be required by IFRS 9, is there information about financial instruments under an expected credit loss model that would be useful for investors in making investment and voting decisions? If so, please indicate which and whether registrants would face any challenges in preparing and providing the information?

C. Size Thresholds and Reporting Periods

Guide 3 applies to all bank holding company registrants, regardless of size. However, Guide 3 calls for those registrants with less than $200 million in total assets or less than $10 million of equity to provide scaled disclosures in terms of the number of periods presented.[251] Commission rules also make certain scaled disclosures available to registrants that meet the definition of smaller reporting company and emerging growth company. Because the number of registrants eligible for scaled disclosures under those definitions is larger than the number that are eligible for Guide 3 scaled disclosures, we are considering whether the disclosures called for by Guide 3 should be scaled further.

Guide 3 currently calls for five years of loan portfolio and summary of loan loss experience data and three years of data for all other information.[252] In addition, Guide 3 reporting periods include interim periods only when necessary.[253] Regulation S–X generally requires two years of balance sheets and three years of income statements,[254] except that smaller reporting companies may present only two years of income statements [255] and emerging growth companies may present only two years of financial statements for initial public

typically provide Guide 3 disclosures in their Form 40–F filings.

[249] IFRS 9, *Financial Instruments,* is effective for annual periods beginning on or after January 1, 2018 and permits early application. Both IFRS 9 and ASU 2016–13 eliminate the current incurred loss model, but each standard approaches the expected credit loss model differently.

[250] *Id.*

[251] General Instruction 3 to Guide 3 provides that registrants below the prescribed thresholds may provide disclosures for each of the past two fiscal years instead of each of the past three or five years.

[252] Guide 3 originally called for five years of disclosures for all items, but the reporting periods were generally reduced in 1980. 1980 Guide 3 Amendments Release.

[253] Instruction 3(d) of Guide 3.

[254] 17 CFR 210.3–01 and 3–02.

[255] 17 CFR 210.8–02.

offerings of common equity securities.[256] In some instances, U.S. GAAP and/or Regulation S–X require similar disclosures to those specified in Guide 3, but for different periods. For example, Guide 3, Article 9 and U.S. GAAP all contain categorized investment portfolio disclosures, but Article 9 and U.S. GAAP [257] require disclosures for the balance sheet periods presented, generally two years, while Section II.A of Guide 3 calls for three years.

Guide 3's five-year presentation of loan portfolio and allowance for loan losses data provides a basis for statistical trend analysis and identifies unusual or non-recurring events which may have affected the loan portfolio and its related provision for loan losses.[258] Similarly, the selected financial data requirement in Item 301 of Regulation S–K [259] that generally requires five years of information [260] was designed to highlight historical trends in significant data relating to financial condition and results of operations over a five-year period.[261] We are considering whether the Guide 3 reporting periods, which generally are greater than most Commission disclosure requirements except for interim periods, facilitates trend analysis that investors rely upon or if the periods should be modified to be consistent with the requirements of Regulation S–X for both annual and interim reporting.

Request for Comment

108. Should the reporting periods called for by Guide 3 be modified, and if so, how? For example, should the Guide 3 reporting periods be reduced to match the Regulation S–X requirements and the scaled disclosure requirements for smaller reporting companies and emerging growth companies?

109. Should the Guide 3 reporting periods explicitly include interim periods so investors receive the information more frequently than once a year?

110. Should we eliminate the reporting period size threshold in Guide 3? Why or why not?

111. What is the minimum number of periods an investor needs to analyze and comprehend changes in trends? Do investors need five years of information to analyze and comprehend fully changes in trends in asset quality and loan losses?

112. If the reporting periods are reduced, should BHC registrants without reporting histories or publicly available financial information provide additional years of disclosures?

IV. Closing

This request for comment is not intended to limit the scope of comments, views, issues or approaches to be considered. In addition to investors and registrants, the Commission welcomes comment from other market participants and particularly welcomes statistical, empirical and other data from commenters that may support their views and/or support or refute the views or issues raised.

By the Commission.

Dated: March 1, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–04329 Filed 3–6–17; 8:45 am]

BILLING CODE 8011–01–P

[256] Securities Act § 7(a)(2)(A).

[257] ASC 320–10–45.

[258] Information about nonperforming loans was originally proposed to cover a three-year period but was increased to five years because the staff believed the data would show trends indicative of management policies concerning non-performing loans. Guide 3 Release.

[259] 17 CFR 229.301.

[260] Smaller reporting companies are not required to present selected financial data. *See* Item 301(c) of Regulation S–K. Emerging growth companies are not required to present selected financial data for any period earlier than the earliest audited period presented in connection with their initial public offerings. *See* Securities Act § 7(a)(2)(A) and Exchange Act § 13(a).

[261] *See* Staff Report on Review of Disclosure Requirements in Regulation S–K (Dec. 2013) available at *http://www.sec.gov/news/studies/2013/reg-sk-disclosure-requirements-review.pdf. See also* Amendments to Annual Report Form, Related Forms, Rules, Regulations and Guides; Integration of Securities Acts Disclosure Systems, Release No. 33–6231 (Sept. 2, 1980) [45 FR 63630] (stating that ''the Commission believes that five-year information is relevant primarily where it can be related to trends in the registrant's continuing operations'').

Notices

Federal Register

Vol. 82, No. 43

Tuesday, March 7, 2017

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

DEPARTMENT OF AGRICULTURE

Office of Advocacy and Outreach

Advisory Committee on Beginning Farmers and Ranchers; Request for Nominations

AGENCY: Office of Advocacy and Outreach, USDA.

ACTION: Notice of request for nominations.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Secretary of Agriculture is soliciting nominations for membership to fill six positions on the Advisory Committee on Beginning Farmers and Ranchers (the ''Committee'').

DATES: Consideration will be given to nominations received on or before March 31, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Kenya Nicholas, Designated Federal Official, USDA Office of Advocacy and Outreach, 1400 Independence Avenue SW., Washington, DC 20250–0170; (202) 720–6350; email: *acbfr@osec.usda.gov.*

ADDRESSES: Nomination packages may be sent by postal mail or commercial delivery to: Office of the Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Mail Stop 0601, Washington, DC 20250, Attn: Advisory Committee on Beginning Farmers and Ranchers. Nomination packages may also be faxed to (202) 720–7704.

SUPPLEMENTARY INFORMATION: The Committee advises the Secretary of Agriculture on matters broadly affecting new farmers and ranchers including strategies, policies, and programs that will enhance opportunities and create new farming and ranching operations. The Committee will consider Department goals and objectives necessary to implement prior recommendations. The Committee will develop and recommend an overall framework and strategies to encompass principles that leverage and maximize existing programs, and create and test new program opportunities.

In this notice, we are soliciting nominations from interested organizations and individuals from among ranching and farming producers (industry), related government, State, and Tribal agricultural agencies, academic institutions, commercial banking entities, trade associations, and related nonprofit enterprises. An organization may nominate individuals from within or outside its membership; alternatively, an individual may nominate herself or himself. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's background and experience. Nomination forms are available on the Internet at *https://www.ocio.usda.gov/document/ad-755* or may be obtained from the person listed under

The Secretary will select up to six members from among those organizations and individuals solicited in order to obtain the broadest possible representation on the Committee, pursuant to Section 5 of the Agricultural Credit Improvement Act of 1992 (Pub. L. 102–554), in accordance with the FACA and U.S. Department of Agriculture (USDA) Regulation 1041–1. Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Done in Washington, DC, this 1st day of March 2017.

Christian Obineme,

Associate Director, Office of Advocacy and Outreach.

[FR Doc. 2017–04392 Filed 3–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Office of Advocacy and Outreach (OAO)

Advisory Committee on Minority Farmers; Notice of Solicitation for Membership

AGENCY: Office of Advocacy and Outreach, USDA.

ACTION: Notice of Solicitation for Membership.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Secretary of Agriculture is soliciting nominations for membership for the Advisory Committee on Minority Farmers (the ''Committee'') to serve a term of up to 2 years.

DATES: Consideration will be given to nominations received on or before March 31, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Kenya Nicholas, Designated Federal Official, USDA Office of Advocacy and Outreach, 1400 Independence Avenue SW., Washington, DC 20250–0170; (202) 720–6350; email: *acmf@osec.usda.gov.*

ADDRESSES: Nomination packages may be sent by postal mail or commercial delivery to: Office of the Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Mail Stop 0601, Washington, DC 20250, Attn: Advisory Committee on Minority Farmers. Nomination packages may also be faxed to (202) 720–7704.

SUPPLEMENTARY INFORMATION: The Advisory Committee for Minority Farmers (ACMF) will advise the Secretary of Agriculture on strategies to heighten participation of historically socially disadvantaged farmers and ranchers in the USDA's assistance programs. The ACMF will also advise the Secretary on outreach and administration of competitive grants programs and how the USDA may enhance its efforts to build an inclusive future for this targeted group of minority farmers. The ACMF may also look at the civil rights activities of USDA and how they affect USDA programs in general.

We are soliciting nominations from socially disadvantaged farming and ranching producers; civil rights professionals; private nonprofit organizations that support socially disadvantaged producers; and higher

education institutions that work with socially disadvantaged producers. The membership term shall not exceed 2 years from the date of appointment. The Secretary may also appoint others as deemed necessary and appropriate to fulfill the ACMF charter.

An organization may nominate individuals from within or outside its membership; alternatively, an individual may nominate herself or himself. Current members may likewise apply for reappointment. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's background and experience. Nomination forms are available on the Internet at: *http://www.ocio.usda.gov/forms/doc/AD-755.pdf.* The Secretary will select up to 20 members to obtain the broadest possible representation on the Committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App.2) and U.S. Department of Agriculture (USDA) Regulation 1041–1. Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Office	Initials & date	Office	Initials & date

Signed in Washington, DC, this 1 day of March 2017.

Christian Obineme,

Associate Director, Office of Advocacy and Outreach.

[FR Doc. 2017–04395 Filed 3–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–TM–17–0017]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for an extension without change of a currently approved information collection titled Data Collection for Container Availability.

DATES: Comments on this notice must be received by May 8, 2017 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: April Taylor, Transportation Services Division, Transportation and Marketing Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave SW.—Room 4523 South, Stop 0266, Washington, DC, 20250, telephone 202–295–7374, fax 202–690–2451.

SUPPLEMENTARY INFORMATION:

Title: Data Collection for Container Availability.

OMB Number: 0581–0276.

Expiration Date of Approval: September 30, 2017.

Type of Request: Extension without change of a currently approved information collection.

Abstract: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) directs and authorizes the collection and dissemination of marketing information including adequate outlook information, on a market area basis, for the purpose of anticipating and meeting consumer requirements aiding in the maintenance of farm income and to bring about a balance between production and utilization.

As part of the Agricultural Marketing Service, the Transportation Services Division (TSD) provides insightful agricultural transportation information and analysis to help move agricultural products to market. TSD informs, represents, and assists agricultural shippers and government policymakers through: Market reports, representation, analysis, assistance, and responses to inquiries. TSD collects data for its analysis from public resources as well as unique data sources to help the agricultural exporters make the most out of the transportation options available.

The Data Collection for Container Availability provides U.S. agricultural exporters with weekly data detailing the availability of containers at 18 select locations around the country. AMS collects these data on a voluntary basis from ocean container carriers and then provides these up-to-date data in an aggregate report on its Web site. The goal of the report is to provide more transparency in the market for the location and availability of marine shipping containers for U.S. exporters. Exporters use this tool to make more knowledgeable decisions about which locations provide the best chance for finding available containers to move their products overseas.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.61 hours per response.

Respondents: Ocean Container/Liner Carriers and the Transpacific Stabilization Agreement.

Estimated Number of Respondents: 21.

Estimated Total Annual Responses: 1,092.

Estimated Number of Responses per Respondent: 52.

Estimated Total Annual Burden on Respondents: 1,759.26.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to April Taylor, Transportation Services Division, Transportation and Marketing Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence, Ave SW.—Rm 4523 South, Stop 0266, Washington, DC, 20250, telephone 202–295–7374, fax 202–690–2451. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: March 2, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–04463 Filed 3–6–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0006]

Codex Alimentarius Commission: Codex Committee on Pesticide Residues (CCPR)

AGENCY: Office of Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of Food Safety, U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), and the U.S. Environmental Protection Agency (EPA) are sponsoring a public meeting on April 4, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 49th Session of the Codex Committee on Pesticide Residues (CCPR) of the Codex Alimentarius Commission (Codex), taking place in Beijing, China April 24–29, 2017. The Administrator and Acting Deputy Under Secretary, Office of Food Safety and the EPA recognize the importance of providing interested parties the opportunity to obtain background information on the 49th Session of the CCPR and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, April 4, 2017, from 1:30 p.m.–3:30 p.m.

ADDRESSES: The public meeting will take place at the United States Environmental Protection Agency, Room S–7100, One Potomac Yard South, 2777 South Crystal Drive, Arlington, VA, 22202.

Documents related to the 49th Session of the CCPR are accessible via Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Captain David Miller, U.S. Delegate to the 49th Session of the CCPR, and the EPA and the U.S. Department of Agriculture, invite interested U.S. parties to submit their comments electronically to the following email address: *Miller.Davidj@epa.gov.*

Call-In-Number: If you wish to participate in the public meeting for the 49th Session of the CCPR by conference call, please use the call-in-number and participant listed below:

Call-in-Number: 1–888–844–9904.

Participant Code: 5125092.

FOR FURTHER INFORMATION ABOUT THE 49TH SESSION OF THE CCPR CONTACT: Captain David Miller, Chief, Chemistry & Exposure Branch and Acting Chief, Toxicology & Epidemiology Branch, Health Effects Division, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Telephone: (703) 305–5352, Fax: (703) 305–5147; Email: *Miller.Davidj@epa.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Marie Maratos, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, Washington, DC 20250, Telephone: (202) 205–7760, Fax: (202) 720–3157, Email: *Marie.Maratos@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, the Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The CCPR is responsible for establishing maximum limits for pesticide residues in specific food items or in groups of food; establishing maximum limits for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health; preparing priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR); considering methods of sampling and analysis for the determination of pesticide residues in food and feed; considering other matters in relation to the safety of food and feed containing pesticide residues; and establishing maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides, in specific food items or groups of food.

The CCPR is hosted by China, The United States attends this committee as a member country of the Codex Alimentarius.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 49th Session of the CCPR will be discussed during the public meeting:

- Matters referred to the Committee Codex or other subsidiary bodies;
- Matters of interest arising from the FAO and WHO;
- Matters of interest arising from other international organizations;
- Report on items of general consideration by the 2016 JMPR;
- Report on 2016 JMPR responses to specific concerns raised by CCPR;
- Draft and proposed draft maximum residue limits for pesticides in food and feed at steps 7 and 4;
- Draft and proposed revision of the Classification of Food and Feed at Steps 7 and 4: Vegetable commodity groups;
- Draft revision of the Classification of Food and Feed at Step 7: Selected commodity groups Group 020—Grasses of cereal grains);
- Proposed draft revision of the Classification of Food and Feed at Step 4: Selected commodity groups (Group 021—Grasses for sugars or syrup production);
- Proposed draft revision of the Classification of Food and Feed at Step 4: Selected commodity groups (Group 024—Seeds for beverages and sweets);
- Proposed draft Tables—Examples of selection of representative commodities (vegetable and other commodity groups) (for inclusion in the Principles and guidance for the selection of representative commodities for the extrapolation of maximum residue limits for pesticides to commodity groups) at Step 4;
- Draft Guidelines on performance criteria for methods of analysis for the determination of pesticide residues in food at Step 7;
- Discussion paper on the possible revision of the International Estimated Short Term Intake equations;
- Establishment of Codex Schedules and Priority Lists of Pesticides; and
- Other Business and Future Work.

Each issue listed will be fully described in documents distributed, or

to be distributed, by the Secretariat before to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the April 4, 2017 public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Captain David Miller, U.S. Delegate for the 49th Session of the CCPR. (see **ADDRESSES**). Written comments should state that they relate to activities of the 49th Session of the CCPR.

Additional Public Notification

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

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

USDA Non-Discrimination Statement

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

How To File a Complaint of Discrimination

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

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

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

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

Done at Washington, DC, on: March 2, 2017.

Paulo Almeida,

Acting U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–04451 Filed 3–6–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0009]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS)

AGENCY: Office of Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of Food Safety, U.S. Department of Agriculture (USDA), Food Safety and Inspection Service FSIS), is sponsoring a public meeting on April 6, 2017. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 23rd Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) of the Codex Alimentarius Commission (Codex), taking place in Australia between May 1 and 5, 2017. The Administrator and Acting Deputy Under Secretary, Office of Food Safety recognizes the importance of providing interested parties the opportunity to obtain background information on the 23rd Session of the CCFICS and to address items on the agenda.

DATES: The public meeting is scheduled for Thursday, April 6, 2017, from 1:00 p.m.–3:00 p.m.

ADDRESSES: The public meeting will take place at the United States Department of Agriculture (USDA), Jamie L. Whitten Building, 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250. Documents related to the 23rd Session of the CCFICS will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en*

Mary Stanley, U.S. Delegate to the 23rd Session of the CCFICS invites U.S. interested parties to submit their comments electronically to the following email address: *Mary.Stanley@fsis.usda.gov.*

Call-In-Number: If you wish to participate in the public meeting for the 23rd Session of the CCFICS by conference call, please use the call-in-number and participant code listed below:

Call-In-Number: 1–888–844–9904.

The participant code will be posted on the Web page below: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings*.

REGISTRATION: Attendees may register to attend the public meeting by emailing *Kenneth.Lowery@fsis.usda.gov* by April 4, 2017. Early registration is encouraged because it will expedite entry into the building. The meeting will take place in a Federal building. Attendees should bring photo identification and plan for adequate time to pass through the security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone, as discussed above.

FOR FURTHER INFORMATION ABOUT THE 23RD SESSION OF THE CCFICS CONTACT: Mary Stanley, Director, Office of International Coordination, Food Safety and Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 2925, South Agriculture Building, Washington, DC 20250, Phone: (202) 720–0287, Fax: (202) 720–4929, Email: *Mary.Stanley@fsis.usda.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Kenneth Lowery, U.S. Codex Office, 1400 Independence Avenue SW., Room 4861, South Agriculture Building, Washington, DC 20250 Phone: (202) 690–4042, Fax: (202) 720–3157, Email: *Kenneth.Lowery@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFICS is responsible for:

(a) Developing principles and guidelines for food import and export inspection and certification systems, with a view to harmonizing methods and procedures that protect the health of consumers, ensure fair trading practices, and facilitate international trade in foodstuffs;

(b) Developing principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance, where necessary, that foodstuffs comply with requirements, especially statutory health requirements;

(c) Developing guidelines for the utilization, as and when appropriate, of quality assurance systems to ensure that foodstuffs conform with requirements and to promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries;

(d) Developing guidelines and criteria with respect to format, declarations and language of such official certificates as countries may require with a view towards international harmonization;

(e) Making recommendations for information exchange in relation to food import/export control;

(f) Consulting as necessary with other international groups working on matters related to food inspection and certification systems; and

(g) Considering other matters assigned to it by the Commission in relation to food inspection and certification systems.

The CCFICS is hosted by Australia. The U.S. attends CCFICS as a member country to the Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 23rd Session of the CCFICS will be discussed during the public meeting:

- Discussion paper on system comparability/equivalence;
- Discussion paper on the use of electronic certificates by competent authorities and migration to paperless certification;
- Discussion paper on third party certification (with broad parameters);
- Discussion paper on consideration of emerging issues and future directions for the work of CCFICS;
- Discussion paper on food integrity/food authenticity as emerging issues; and
- Other business and future work.

Each issue listed will be fully described in documents distributed, or to be distributed by the Secretariat before to the Committee Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the April 6, 2017, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Mary Stanley, U.S. Delegate for the 23rd Session of the CCFICS (see **ADDRESSES**). Written comments should state that they relate to activities of the 23rd Session of the CCFICS.

Additional Public Notification

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

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

USDA Non-Discrimination Statement

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

How To File a Complaint of Discrimination

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

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

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

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

Done at Washington, DC on March 2, 2017.

Paulo Almeida,

Acting U.S. Manager for Codex Alimentarius.

[FR Doc. 2017–04453 Filed 3–6–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

Office of Policy and Strategic Planning

[Docket Number: 170302221–7221–01]

Impact of Federal Regulations on Domestic Manufacturing

AGENCY: Office of Policy and Strategic Planning, Department of Commerce.

ACTION: Notice; request for information (RFI).

SUMMARY: The Department of Commerce is seeking information on the impact of Federal permitting requirements on the construction and expansion of domestic manufacturing facilities and on regulations that adversely impact domestic manufacturers. As directed by President Trump's Memorandum of January 24, 2017, ''Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing,'' the Secretary of Commerce, in coordination with the Secretaries of Agriculture and Energy, the Administrator of the Environmental

Protection Agency, the Director of the Office of Management and Budget, the Administrator of the Small Business Administration, and other appropriate agency heads, is conducting outreach to stakeholders concerning the impact of Federal regulations on domestic manufacturing, and is soliciting comments from the public concerning Federal actions to streamline permitting for the construction and expansion of domestic manufacturing facilities and to reduce regulatory burdens for domestic manufacturers. Responses to this RFI—which will be posted at *http://www.regulations.gov*—will inform the report of the Secretary of Commerce to the President, required under the Presidential Memorandum, setting forth a plan to streamline Federal permitting processes for domestic manufacturing and to reduce regulatory burdens affecting domestic manufacturers.

DATES: Comments must be received by 5 p.m. Eastern time on March 31, 2017.

ADDRESSES: The preferred method for submission of comments is via *http://www.regulations.gov* (at the home page, enter DOC–2017–0001 in the ''Search'' box, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments). Alternatively, comments may be sent: Via mail carrier to The Office of Policy and Strategic Planning, Department of Commerce, H.C. Hoover Building Rm. 5863, 1401 Constitution Ave. NW., Washington, DC. 20230. All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information. *Do not submit confidential business information, or otherwise sensitive or protected information.* Attachments to electronic comments will be accepted in Microsoft Word or Excel, or Adobe PDF formats only. Please do not submit additional materials. Comments containing references, studies, research, and other empirical data that are not widely published should include electronic copies of the referenced materials. All comments received in response to this RFI will be made available publicly at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions about this notice, contact: Carter Halfman, U.S. Department of Commerce, Office of Policy and Strategic Planning, at 202–482–7466. Please direct media inquiries to the Department of Commerce Office of Public Affairs at 202–482–4883, or *publicaffairs@doc.gov.*

SUPPLEMENTARY INFORMATION: President Trump's Memorandum of January 24, 2017, ''Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing'' (82 FR 8667) directs the Secretary of Commerce to conduct outreach to stakeholders concerning the impact of Federal regulations on domestic manufacturing. The Department of Commerce is soliciting comments from the public concerning Federal actions to streamline permitting and reduce regulatory burdens for domestic manufacturers. For the purposes of this effort, ''domestic manufacturers'' refers to private businesses located in the United States (and its territories) engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, consistent with the 2017 North American Industry Classification System (NAICS) definition of Sector 31–33: Manufacturing.

Responses to this RFI will inform the Secretary's report to the President which will set forth guidelines for Federal permitting and regulatory agencies to streamline Federal permitting processes for domestic manufacturing and reduce regulatory burdens affecting domestic manufacturers. The plan will be coordinated with related activities under existing laws (*e.g.,* FAST–41 [1]) and executive actions (*e.g.,* Executive Order 13771 on ''Reducing Regulation and Controlling Regulatory Costs,'' (82 FR 9339, Jan. 30, 2017)).

Request for Information

Given the nature and importance of the Presidential Memorandum, the Secretary requests information from stakeholders about how the construction, operation, and expansion of domestic manufacturing facilities are affected by (1) the process of acquiring Federal permits required for the construction, expansion, or operation of such facilities and (2) the burdens of complying with Federal regulations for manufacturing facility construction, expansion, or operation.

Through this RFI, the Department is seeking information from stakeholders (such as manufacturers, trade associations, and other interested parties) about the Federal permitting process and regulatory burdens affecting domestic manufacturing. The Secretary seeks information that will assist the Department in developing a proposal to reduce regulatory burdens and streamline or otherwise improve the permitting process by understanding the cumulative burden of federal regulations and permits and by improving efficiency, transparency, and certainty in the process.

You may respond to any, all or none of the following questions/requests for information, and may address related topics. Please identify the questions or topic areas each of your comments addresses. These questions are directed towards domestic manufacturers and their stakeholders. Responses may include estimates. Please indicate where the response is an estimate. Respondents may organize their submissions in response to this RFI in any manner, and all responses that comply with the requirements listed in the **DATES** and **ADDRESSES** sections of this notice will be considered.

General Information:

a. NAICS code(s)
b. What do you manufacture?
c. Where are your facilities located?
d. How many employees?
e. Approximate sales revenue?

Manufacturing Permitting Process

1. How many permits from a Federal agency are required to build, expand or operate your manufacturing facilities? Which Federal agencies require permits and how long does it take to obtain them?

2. Do any of the Federal permits overlap with (or duplicate) other federal permits or those required by State or local agencies? If the answer is yes, how many permits? From which Federal agencies?

3. Briefly describe the most onerous part of your permitting process.

4. If you could make one change to the Federal permitting process applicable to your manufacturing business or facilities, what would it be? How could the permitting process be modified to better suit your needs?

5. Are there Federal, State, or local agencies that you have worked with on permitting whose practices should be widely implemented? What is it you like about those practices?

Regulatory Burden/Compliance:

1. Please list the top four regulations that you believe are most burdensome for your manufacturing business. Please identify the agency that issues each one. Specific citation of codes from the Code of Federal Regulations would be appreciated.

2. How could regulatory compliance be simplified within your industry or sector?

[1] 42 U.S.C. 4370m *et seq.*

3. Please provide any other specific recommendations, not addressed by the questions above, that you believe would help reduce unnecessary Federal agency regulation of your business.

Dated: March 2, 2017.

Earl Comstock,

Director of Policy and Strategic Planning.

[FR Doc. 2017–04516 Filed 3–3–17; 11:15 am]

BILLING CODE 3510–17–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–28–2017]

Foreign-Trade Zone 163—Ponce, Puerto Rico; Application for Subzone; Caribe Rx Services, Inc.; Caguas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by CODEZOL, C.D., grantee of FTZ 163, requesting subzone status for the facility of Caribe Rx Services, Inc., located in Caguas, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on March 1, 2017.

The proposed subzone (2.1 acres) is located at Road #1 Km. 39.9, Bo. Turabo, Caguas, Puerto Rico. The proposed subzone would be subject to the existing activation limit of FTZ 163. No authorization for production activity has been requested at this time. The proposed subzone encompasses the boundaries of FTZ 163—Site 14 which expires May 31, 2017.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 17, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 1, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 2, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04443 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–29–2017]

Foreign-Trade Zone 163—Ponce, Puerto Rico; Application for Subzone; R.Ortiz Auto Distributors, Inc.; Caguas, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by CODEZOL, C.D., grantee of FTZ 163, requesting subzone status for the facility of R.Ortiz Auto Distributors, Inc., located in Caguas, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR 400). It was formally docketed on March 1, 2017.

The proposed subzone (1.8 acres) is located at Road #189 Km. 2.0, Caguax Industrial Park, Caguas, Puerto Rico. The proposed subzone would be subject to the existing activation limit of FTZ 163. No authorization for production activity has been requested at this time. The proposed subzone encompasses the boundaries of FTZ 163—Site 15 which expires May 31, 2017.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 17, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 1, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 2, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04437 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–15–2017]

Foreign-Trade Zone (FTZ) 265—Conroe, Texas; Notification of Proposed Production Activity; Bauer Manufacturing LLC dba NEORig (Stationary Oil/Gas Drilling Rigs); Conroe, Texas

The City of Conroe, Texas, grantee of FTZ 265, submitted a notification of proposed production activity to the FTZ Board on behalf of Bauer Manufacturing LLC dba NEORig (Bauer), located in Conroe, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 24, 2017.

Bauer already has authority to produce pile drivers and leads, boring machinery, foundation construction equipment, foundation casings and related parts and sub-assemblies, tools and accessories for pile drivers, and stationary oil/gas drilling rigs and related subassemblies within Site 1 of FTZ 265. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Bauer from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, Bauer would be able to choose the duty rates during customs entry procedures that apply to the company's finished products previously approved by the FTZ Board (duty rate ranges from duty-free to 5%) for the foreign-status materials/components noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: V-belts (without

textiles); V-belts (with textiles); steel structures for rigs; deadline anchors; filters for internal combustion engines; utility winches; hand winches; copper, iron and steel non-return check valves; safety/relief valves; blowout preventer stacks; tapered roller bearings; spherical roller bearings; cylindrical roller bearings; combined ball/roller bearings; combined ball and spherical roller bearings; combined ball and needle roller bearings; combined ball and cylindrical roller beatings; transformers with a capacity not exceeding 1KVA; telephones; CCTV systems; potentionmeters; fluorescent discharge lamps; optical fiber cables; and, hydraulic power units (duty rate ranges from duty-free to 6.6%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 17, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: March 2, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04441 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–30–2017]

Foreign-Trade Zone 163—Ponce, Puerto Rico; Application for Subzone; Destilería Serrallés, Inc.; Ponce, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by CODEZOL, C.D., grantee of FTZ 163, requesting subzone status for the facilities of Destilería Serrallés, Inc., located in Ponce, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on March 1, 2017.

The proposed subzone (5.8 acres) is located at Calle B Lots 5 and 6, Bo. Canas, Playa de Ponce, Ponce, Puerto Rico. The proposed subzone would be subject to the existing activation limit of FTZ 163. No authorization for production activity has been requested at this time. The proposed subzone encompasses the boundaries of FTZ 163—Site 16 which expires May 31, 2017.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 17, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 1, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 2, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04436 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–169–2016]

Approval of Subzone Status; Brake Parts Inc.; Hazleton, Pennsylvania

On December 1, 2016, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Eastern Distribution Center, Inc., grantee of FTZ 24, requesting subzone status subject to the existing activation limit of FTZ 24, on behalf of Brake Parts Inc., in Hazleton, Pennsylvania.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (81 FR 88213, December 7, 2016). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 24E is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 24's 2,000-acre activation limit.

Dated: March 2, 2016.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–04442 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on April 18, 2017, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than April 11, 2017.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or

after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 12, 2017 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Dated: March 2, 2017.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–04461 Filed 3–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations And Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet March 30, 2017, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Presentation of papers or comments by the Public
4. Export Enforcement update
5. Regulations update
6. Working group reports
7. Automated Export System update

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than March 23, 2017.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2017, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: March 2, 2017.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–04462 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Technical Advisory Committees; Notice of Recruitment of Private-Sector Members

SUMMARY: Seven Technical Advisory Committees (TACs) advise the Department of Commerce on the technical parameters for export controls applicable to dual-use commodities and technology and on the administration of those controls. The TACs are composed of representatives from industry representatives, academic leaders and U.S. Government representing diverse points of view on the concerns of the exporting community. Industry representatives are selected from firms producing a broad range of goods, technologies, and software presently controlled for national security, non-proliferation, foreign policy, and short supply reasons or that are proposed for such controls, balanced to the extent possible among large and small firms.

TAC members are appointed by the Secretary of Commerce and serve terms of not more than four consecutive years. The membership reflects the Department's commitment to attaining balance and diversity. TAC members must obtain secret-level clearances prior to appointment. These clearances are necessary so that members may be permitted access to the classified information needed to formulate recommendations to the Department of Commerce. Each TAC meets approximately four times per year. Members of the Committees will not be compensated for their services.

The seven TACs are responsible for advising the Department of Commerce on the technical parameters for export controls and the administration of those controls within the following areas: Information Systems TAC: Control List Categories 3 (electronics), 4 (computers), and 5 (telecommunications and information security); Materials TAC: Control List Category 1 (materials, chemicals, microorganisms, and toxins); Materials Processing Equipment TAC: Control List Category 2 (materials processing); Regulations and Procedures TAC: The Export Administration Regulations (EAR) and Procedures for implementing the EAR; Sensors and Instrumentation TAC: Control List Category 6 (sensors and lasers); Transportation and Related Equipment TAC: Control List Categories 7 (navigation and avionics), 8 (marine), and 9 (propulsion systems, space vehicles, and related equipment) and the Emerging Technology and Research Advisory Committee: (1) The identification of emerging technologies and research and development activities that may be of interest from a dual-use perspective; (2) the prioritization of new and existing controls to determine which are of greatest consequence to national security; (3) the potential impact of dual-use export control requirements on research activities; and (4) the threat to national security posed by the unauthorized exports of technologies.

To respond to this recruitment notice, please send a copy of your resume to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov.*

Deadline: This Notice of Recruitment will be open for one year from its date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Yvette Springer on (202) 482–2813.

Dated: March 2, 2017.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–04459 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology and Research Advisory Committee; Notice of Partially Closed Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on March 23–24, 2017, 8:30 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

Agenda

Open Session

1. Welcome Remarks & Update of ETRAC activities
2. Update on Export Control Issues
3. Review: Emerging Technologies in the News:
   - Regulatory uncertainty and the associated business risk for emerging technologies'' by Robert A. Hoerr Springer Science and Business Media B.V.
   - ''Denied Access'' Pentagon Betting on New Technologies to Foil Future Adversaries
   - ''China's $9 billion effort to beat the U.S. in genetic testing'' Washington Post December 30, 2016
   - Tech Connect World Innovation Conference and Expo—May 14–17, 2017—Washington DC
   - ''Encourage governments to need scientific advice'' by ETRAC member William Colglazier *Nature* September 29, 2016
   - 3D Graphene'' TechConnect interviews
   - ''Airborne Optics and Photonics' photonics.com
4. Discussion of recent export control and emerging technologies activities
   - Council on Government Relations—Research Compliance and Administration
   - Committee
   - Association of University Technology Managers- Global Issues session at AUTM Annual Meeting in March, 2017
   - Advanced Design and Production Technologies at Sandia National Laboratories
   - JASON—: Scientific group that advises government on matters of science, technology and national security
   - The National Academies of Sciences, Engineering, Medicine—Dual Use Research of Concern: Options for Future Management—January 4, 2017
5. Discussion on Industry Sectors being reviewed by the ETRAC
   Electronics & Graphene Circuits
   Graphene metamaterials
   Robotics and Big Data
   Optoelectronics & Photonics
   Additive Manufacturing
   Advanced materials
   Autonomous Technology
   Hypersonics
6. Comments from the Public
7. Industry presentations

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and l0(a)(3).

The open sessions will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than, March 16, 2017.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 22, 2017, pursuant to Section l0(d) of the Federal Advisory Committee Act, as amended, that the portion of the meeting dealing with matters the of which would be likely to frustrate significantly implementation of a proposed agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)1 and 10(a) (3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: March 2, 2017.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–04460 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–829]

Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016.

DATES: Effective March 7, 2017.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Alexander Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2371 or (202) 482–4956, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on October 18, 2016.[1] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[2] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty

[1] *See Steel Concrete Reinforcing Bar From Japan, Taiwan and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations,* 81 FR 71697 (October 18, 2016) (*Initiation Notice*).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of steel concrete reinforcing bar from the Republic of Turkey'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

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

Scope Comments

In accordance with the preamble to the Department's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* However, because the instant investigation pertains to the less-than-fair-value investigation of rebar from Turkey, the Department preliminarily modified the scope language as it appeared in the *Initiation Notice* to remove the language pertaining to the countervailing duty investigation of rebar from Turkey. *See* the scope in Appendix I to this notice.

Methodology

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

All-Others Rate

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

In this investigation, the Department calculated estimated weighted-average dumping margins for Habas Sinai ve Tibbi Gazlar Istihsal Endustrisis A.S. (Habas) and Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas) that are not zero, *de minimis,* or based entirely on facts otherwise available. The Department calculated the all-others' rate using a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[5]

Preliminary Determination

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

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S	5.29	5.15
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S	7.07	6.90
All-Others	6.20	6.03

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

The Department normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where the Department preliminarily made an affirmative determination for countervailable export subsidies, the Department has offset the estimated weighted-average dumping margin by the appropriate CVD rate.[6] Any such

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

[4] *See Initiation Notice.*

[5] With two respondents under examination, the Department normally calculates (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. The Department then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data was available, the Department based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, please *see* the All-Others' Rate Calculation Memorandum.

[6] See Memorandum to the File, ''Antidumping Duty Investigation of Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Determinatio Calculation Memorandum for Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.,'' dated concurrently with this Notice; *See also* Memorandum to the File, ''Antidumping Duty Investigation of Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary

adjusted cash deposit rate may be found in the Preliminary Determination section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, the Department will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

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

Verification

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

Public Comment

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

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

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that the Department will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, the Department will make its final determination no later than 75 days after the signature date of this preliminary determination.

International Trade Commission Notification

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

Notification to Interested Parties

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

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

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

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

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

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

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

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of the Investigation
V. Discussion of the Methodology
  A. Determination of the Comparison Method
  B. Results of the Differential Pricing Analysis
VI. Date of Sale
VII. Product Comparisons
VIII. Export Price and Constructed Export Price
IX. Normal Value
  A. Home Market Viability
  B. Level of Trade
  C. Cost of Production (COP) Analysis
  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
  D. Calculation of NV Based on Comparison Market Price
X. Adjustment to Cash Deposit Rate for Export Subsidies
XI. Currency Conversion
XII. Conclusion

[FR Doc. 2017–04416 Filed 3–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–010]

Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2014–2016

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

Determination Margin Calculation for Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.,'' dated concurrently with this Notice; *See also* Memorandum to the File, ''Antidumping Duty Investigation of Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Determination Calculation for the 'All Others' Rate,'' dated concurrently with this Notice.

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

SUMMARY: The Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on crystalline silicon photovoltaic products (''solar products'') from the People's Republic of China (''PRC''). The period of review (''POR'') is July 31, 2014 through January 31, 2016. The administrative review covers one mandatory respondent, Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd. (''Trina''), which we have preliminarily determined to treat as a single entity with the additional affiliated companies identified below. The Department preliminarily finds that Trina sold subject merchandise in the United States at prices below normal value (''NV'') during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Effective March 7, 2017.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2769.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order is modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.[1] Merchandise covered by the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this investigation is dispositive.

Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection (''CBP'') information, and comments provided by Shanghai JA Solar Technology Co., Ltd. (''JA Solar''), the Department preliminarily determines that JA Solar had no shipments during the POR. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with an announced refinement to its assessment practice in non-market economy (''NME'') cases, the Department is not rescinding this review, in part, but intends to complete the review with respect to the companies for which it has preliminarily found no shipments and issue appropriate instructions to CBP based on the final results of the review.[2]

Preliminary Affiliation and Single Entity Determination

Based on record evidence, the Department preliminarily finds that the mandatory respondent Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science & Technology Co., Ltd. is affiliated with the following four companies pursuant to section 771(33)(F) of the Act: (1) Yancheng Trina Solar Energy Technology Co., Ltd.; (2) Changzhou Trina Solar Yabang Energy Co., Ltd.; (3) Turpan Trina Solar Energy Co., Ltd.; and (4) Hubei Trina Solar Energy Co., Ltd. In addition, based on the information presented in this review, we preliminarily find that these six companies should be treated as a single entity pursuant to 19 CFR 351.401(f). For additional information, *see* the Preliminary Decision Memorandum and Trina Collapsing Memorandum.[3]

Use of Partial Facts Available (''FA'')

Section 776(a) of the Act provides that the Department shall apply FA if (1) necessary information is not on the record, or (2) an interested party or any other person (A) withholds information that has been requested, (B) fails to provide information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified as provided by section 782(i) of the Act. Trina was unable to obtain FOPs from tollers of two inputs. Because this information is necessary and not available on the record, the Department is applying FA with respect to the FOPs in accordance with section 776(a)(1) of the Act.

Separate Rates

The Department preliminarily determines that information placed on the record by the mandatory respondent Trina, as well as by seven other separate rate applicants, demonstrates that these companies are entitled to separate rate status. For additional information, see the Preliminary Decision Memorandum.

Rate for Separate-Rate Companies Not Individually Examined

The statute and the Department's regulations do not address the establishment of a rate to be applied to respondents not selected for individual examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2)(B) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for respondents which we did not individually examine in an administrative review. Section 735(c)(5)(A) of the Act articulates a preference that we not calculate an all-others rate using rates which are zero, *de minimis* or based entirely on facts available. Accordingly, the Department's practice has been to average the weighted-average dumping margins for the examined companies, excluding rates that are zero, *de minimis,* or based entirely on facts available.[4] In these preliminary results, the Department has calculated a rate for the sole mandatory respondent, Trina that is not zero, *de minimis,* or based entirely on facts available. Accordingly, we assigned the weighted-average dumping margin for Trina to the non-individually examined companies to which we granted separate rates status. The separate rate companies are listed in the ''Preliminary Results of Review'' section of this notice. For additional information, *see* the Preliminary Decision Memorandum.

Methodology

The Department conducted this administrative review in accordance with section 751(a)(1)(B) of the Act. The

[1] For a complete description of the scope of the order, *see* ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China; 2014–2016'' from James Maeder, Senior Director, Office I for Antidumping and Countervailing Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Enforcement and Compliance, issued concurrently with and hereby adopted by this notice (''Preliminary Decision Memorandum'').

[2] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[3] *See* the December 18, 2015 Memoranda from Jeff Pedersen to Abdelali Elouaradia concerning ''Affiliation and Single Entity Status'' (''Trina Collapsing Memorandum'').

[4] *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part,* 73 FR 52823, 52824 (September 11, 2008), and accompanying Issues and Decision Memorandum at Comment 16.

Department calculated constructed export prices in accordance with section 772 of the Act. Given that the PRC is a NME country, within the meaning of section 771(18) of the Act, the Department calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

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

Exporter	Weighted-average dumping margin (percent)
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd	14.70
BYD (Shangluo) Industrial Co., Ltd	14.70
Chint Solar (Zhejiang) Co., Ltd	14.70
Hefei JA Solar Technology Co., Ltd	14.70
Perlight Solar Co., Ltd	14.70
Shenzhen Sungold Solar Co., Ltd	14.70
Sunny Apex Development Ltd	14.70
Wuxi Suntech Power Co., Ltd	14.70

Disclosure and Public Comment

The Department intends to disclose to parties the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[5] Rebuttal briefs may be filed no later than five days after case briefs are due and may respond only to arguments raised in the case briefs.[6] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to the Department. The summary should be limited to five pages total, including footnotes.[7]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.[8] Requests should contain the party's name, address, and telephone number, the number of participants in the hearing, and a list of the issues to be discussed at the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.[9] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date of the hearing.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[10] An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time (''ET'') on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[11]

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[12] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.,* less than 0.5 percent), the Department intends to calculate importer-specific assessment rates, in accordance with 19 CFR 351.212(b)(1).[13] Where the respondent reported reliable entered values, the Department intends to calculate importer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer and dividing this amount by the total entered value of the sales to the importer.[14] Where the importer did not report entered values, the Department calculates an importer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer- by the total sales quantity associated with those

[5] *See* 19 CFR 351.309(c)(ii).

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.309(c)(2), (d)(2).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310(d).

[10] *See generally* 19 CFR 351.303.

[11] *See* 19 CFR 351.303 (for general filing requirements); *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[12] *See* 19 CFR 351.212(b)(1).

[13] *See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (''*Final Modification*'').

[14] *See* 19 CFR 351.212(b)(1).

transactions. In addition, the Department will calculate an estimated *ad valorem* importer-specific assessment rate to determine whether this rate is *de minimis,* however, the Department will direct CBP to assess importer-specific assessment rates based on the resulting per-unit rates.[15] Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis,* the Department will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[16]

Pursuant to Departmental practice, for entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, the Department will instruct CBP to liquidate such entries at the rate for the PRC-wide entity.[17] Because no party requested a review of the PRC-wide entity, the entity is not under review and the entity's rate (*i.e.,* 165.04 percent) is not subject to change.[18] Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's CBP case number will be liquidated at the rate for the PRC-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The Department will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which the normal value exceeds U.S. price. The following cash deposit requirements will be effective for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis* (*i.e.,* less than 0.5 percent), then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity (*i.e.,* 165.04 percent)[19] and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties and/or countervailing duties has occurred, and the subsequent assessment of double antidumping duties and/or increase the amount of antidumping duties by the amount of the countervailing duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Period of Review
4. Extension of Preliminary Results
5. Scope of the Order
6. Preliminary Determination of No Shipments
7. Selection of Respondents
8. Single Entity Treatment
9. Discussion of the Methodology
   a. Non-Market Economy Country
   b. Separate Rates
   c. Rate for Non-Examined, Separate Rate Respondents
   d. Application of Facts Available
   e. Surrogate Country Selection
   f. Date of Sale
   g. Fair Value Comparisons
   h. U.S. Price
   i. Normal Value
   j. Adjustments for Countervailable Subsidies
   k. Currency Conversion
10. Recommendation

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[15] *Id.*

[16] *See Final Modification,* 77 FR at 8103.

[17] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

[18] *See Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 79 FR 76970 (December 23, 2014).

[19] *See Final Determination* at 76973.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–876]

Steel Concrete Reinforcing Bar From Japan: Preliminary Affirmative Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that steel concrete reinforcing bar (rebar) from Japan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016. The estimated dumping margins of sales at LTFV are listed in the ''Preliminary Determination'' section of this notice. Interested parties are invited to comment on this preliminary determination.

DATES: Effective March 7, 2017.

FOR FURTHER INFORMATION CONTACT: David Lindgren, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3870.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on October 18, 2016.[1] For a complete

[1] *See Steel Concrete Reinforcing Bar From Japan, Taiwan and the Republic of Turkey: Initiation of*

description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum, dated concurrently with this determination and hereby adopted by this notice.[2] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

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

Scope Comments

In accordance with the preamble to the Department's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* However, because the investigation pertains to rebar from Japan, the Department preliminarily modified the scope language as it appeared in the *Initiation Notice* to remove the language pertaining to the scope of the countervailing duty investigation of rebar from Turkey. *See* the scope in Appendix I to this notice.

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. Both mandatory respondents, Jonan Steel Corporation (Jonan) and Kyoei Steel Ltd. (Kyoei), failed to participate in this investigation by not responding to the Deparment's initial questionnaire.[5] As a result, pursuant to section 776(a) and (b) of the Act and 19 CFR 351.308, the Department has preliminarily relied upon facts otherwise available, with adverse inferences, to assign an estimated weighted-average dumping margin to the Jonan and Kyoei. For a full description of the methodology underlying our preliminary conclusions, *see* the Preliminary Decision Memorandum.

All-Others Rate

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

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely under section 776 of the Act, the Department may use any reasonable method to establish the estimated dumping margin for all other producers or exporters.

As noted above, we determined the dumping margin for the individually examined companies Jonan and Kyoei under section 776 of the Act. Consequently, the only available dumping margins for this preliminary determination are found in the petition and are margins upon which we initiated this investigation. Pursuant to section 735(c)(5)(B) of the Act, the Department's practice under these circumstances has been to calculate the ''all-others''' rate as a simple average of these margins from the petition.[6] For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

Preliminary Determination

The Department preliminarily determines that rebar from Japan is being, or is likely to be, sold in the United States at LTFV, pursuant to section 733 of the Act, and that the following weighted-average dumping margins exist:

Exporter/producer	Weighted-average dumping margin (percent)
Jonan Steel Corporation	209.46
Kyoei Steel Ltd	209.46
All-Others	206.43

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of subject merchandise as described in the ''scope of the investigation'' section of this notice entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below.[7] Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the dumping margins, as indicated in the chart above, as follows: (1) The rate for the mandatory respondents listed above will be the respondent-specific rates we determined in this preliminary determination; (2) if the exporter is not a mandatory respondent identified above, but the producer is, the rate will be the specific rate established for the producer of the subject merchandise; and (3) the rate for all other producers or exporters will be the ''all-others'' rate. This suspension of liquidation instruction will remain in effect until further notice.[8]

Disclosure

Normally, the Department discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its public announcement or, if

Less-Than-Fair Value Investigations, 81 FR 71697 (October 18, 2016) (*Initiation Notice*).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar From Japan'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[4] *See Initiation Notice.*

[5] *See* Preliminary Decision Memorandum.

[6] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite From the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite From the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2; see also *Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets From Taiwan,* 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod From Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod From Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014).

[7] *See* Appendix I.

[8] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because the Department preliminarily applied AFA to both Jonan and Kyoei, in accordance with section 776 of the Act, there are no calculations to disclose.

Verification

Because the mandatory respondents in this investigation did not provide information requested by the Department and the Department preliminarily determines each of the mandatory respondents to have been uncooperative, verification will not be conducted.

Public Comment

Interested parties are invited to comment on this preliminary determination. Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All documents must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time on the date the document is due.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.[10] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230,[11] at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Final Determination

In accordance with Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), we will make the final determination no later than 75 days after the signature date of this preliminary determination.

International Trade Commission Notification

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

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

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

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

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

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

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

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

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope of the Investigation
V. Use of Facts Available with Adverse Inferences
  A. Application of Facts Available
  B. Use of Adverse Inferences
  C. Selection and Corroboration of the AFA Rate
VI. All-Others Rate
VII. Verification
VIII. Conclusion

[FR Doc. 2017–04415 Filed 3–6–17; 8:45 am]

BILLING CODE 3510–DS–P

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

[10] *See* 19 CFR 351.310(c).

[11] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–810 and A–583–815]

Welded ASTM A–312 Stainless Steel Pipe From South Korea and Taiwan: Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders

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

DATES: Effective March 7, 2017.

SUMMARY: As a result of these sunset reviews, the Department of Commerce (the Department) finds that revocation of the antidumping duty orders on welded ASTM A–312 stainless steel pipe from South Korea and Taiwan would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margins likely to prevail is indicated in the ''Final Results of Sunset Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty orders on welded ASTM A–312 stainless steel pipe from South Korea and Taiwan were published on December 30, 1992.[1] On

[1] *See Antidumping Duty Order and Clarification of Final Determination: Certain Welded Stainless*

November 1, 2016, the Department published the notice of initiation of the sunset reviews of the antidumping duty orders on certain welded ASTM A–312 stainless steel pipe from South Korea and Taiwan pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

In accordance with 19 CFR 351.218(d)(1)(i) and (ii), the Department received a notice of intent to participate in these sunset reviews from Bristol Metals LLC,[3] Felker Brothers Corporation, Marcegaglia USA, and Outokumpu Stainless Pipe, Inc. (Domestic Interested Parties), within 15 days after the date of publication of the *Sunset Initiation.* Petitioners claimed interested party status under section 771(9)(C) of the Act, as domestic producers of the domestic like product.

On December 1, 2016, the Department received complete substantive responses to the notices of initiation from Domestic Interested Parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive response from any respondent interested parties. As a result, the Department conducted an expedited, *i.e.,* 120-day, sunset review of this order pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). On January 17, 2017, Domestic Interested Parties submitted a letter clarifying which U.S. Harmonized Tariff Schedule (HTSUS) numbers were included in the import data provided in Exhibit 1 of its substantive responses.[4]

Scope of the Orders

South Korea

The products covered by the order are shipments of welded austenitic stainless steel pipe (WSSP) from Korea that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A–312. WSSP is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for WSSP include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines and paper process machines.

Imports of these products are currently classifiable under the following HTSUS subheadings: 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5065 and 7306.40.5085. Although the HTSUS subheadings include both pipes and tubes, the scope of the order is limited to welded austenitic stainless steel pipes. The HTSUS subheadings are provided for convenience and customs purposes. The written description remains dispositive.

Taiwan

The merchandise subject to the order is welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A–312. The merchandise covered by the scope of the order also includes austenitic welded stainless steel pipes made according to standards of other nations, which are comparable to ASTM A–312.

WSSP is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for WSSP include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines and paper process machines. Imports of these products are currently classifiable under the following HTSUS subheadings: 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5065 and 7306.40.5085. Although the HTSUS subheadings include both pipes and tubes, the scope of the order is limited to welded austenitic stainless steel pipes. The HTSUS subheadings are provided for convenience and customs purposes. The written description remains dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the Issues and Decision Memorandum,[5] including the likelihood of continuation or recurrence of dumping in the event of revocation, and the magnitude of dumping margins likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in the Issues and Decision Memorandum, which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit in room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement/.* The signed and electronic versions of the Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on Welded ASTM A–312 Stainless Steel Pipe from South Korea and the antidumping duty order on Welded ASTM A–312 Stainless Steel Pipe Taiwan would be likely to lead to continuation or recurrence of dumping up to the following weighted-average margins:

Country	Weighted-average margin (percent)
South Korea	17.14
Taiwan	31.90

Notification to Interested Parties

This notice serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the destruction of APO materials or conversion to judicial

Steel Pipes From Korea, 57 FR 62301 (December 30, 1992) and *Notice of Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From the Republic of Korea,* 60 FR 10064 (February 23, 1995); *see also Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From Taiwan,* 57 FR 62300 (December 30, 1992).

[2] *See Initiation of Five-Year ('Sunset') Reviews,* 81 FR 75808 (November 1, 2016) (*Sunset Initiation*).

[3] Bristol Metals was the petitioner during the Less Than Fair Value Investigation. *See* ''Letter from Schagrin Associates to the Honorable Penny Pritzker, Secretary to Commerce, Welded ASTM A–312 stainless steel pipes from Korea, Fourth Sunset Review: Substantive Response to Notice of Initiation,'' dated December 1, 2016 at 2. *See also* ''Letter from Schagrin Associates to the Honorable Penny Pritzker, Secretary to Commerce, Welded ASTM A–312 stainless steel pipes from Taiwan Fourth Sunset Review: Substantive Response to Notice of Initiation,'' dated November 8, 2016 at 2.

[4] *See* Letter from Schagrin Associates to the Honorable Penny Pritzker, ''Welded ASTM A–312 stainless steel pipes from Korea and Taiwan, Fourth Sunset Review: Clarification of Substantive Response to Notice of Initiation,'' dated January 17, 2017.

[5] *See* ''Issues and Decision Memorandum: Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders on Welded ASTM A–312 Stainless Steel Pipe From South Korea and Taiwan, dated concurrently with this **Federal Register** notice.

protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary For Enforcement & Compliance.

[FR Doc. 2017–04421 Filed 3–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–859]

Steel Concrete Reinforcing Bar From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that steel concrete reinforcing bar (rebar) from Taiwan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2015, through June 30, 2016.

DATES: Effective March 7, 2017.

FOR FURTHER INFORMATION CONTACT: Jun Jack Zhao or Kathryn Wallace, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1396 or (202) 482–6251, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on October 18, 2016.[1] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[2] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

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

Scope Comments

In accordance with the preamble to the Department's regulations,[3] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[4] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* However, because the investigation pertains to rebar from Taiwan, the Department preliminarily modified the scope language as it appeared in the *Initiation Notice* to remove the language pertaining to the scope of the countervailing duty investigation of rebar from Turkey. *See* the scope in Appendix I to this notice.

Methodology

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

All-Others Rate

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

In this investigation, the Department calculated estimated weighted-average dumping margins for Power Steel Co., Ltd. (Power Steel) and Lo-Toun Steel and Iron Works Co., Ltd. (Lo-Toun) that are not zero, *de minimis,* or based entirely on facts otherwise available. The Department calculated the all-others' rate using a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[5] For further discussion of this calculation, *see* the memorandum entitled ''Steel Concrete Reinforcing Bar From Taiwan: Calculation of the Preliminary Margin for All Other Companies,'' dated concurrently with this notice.

Preliminary Determination

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

[1] *See Steel Concrete Reinforcing Bar From Japan, Taiwan, and the Republic of Turkey: Initiation of Less-Than Fair Value Investigations,* 81 FR 71697 (October 18, 2016) (*Initiation Notice*).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Steel Concrete Reinforcing Bar From Taiwan'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

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

[4] *See Initiation Notice.*

[5] With two respondents under examination, the Department normally calculates (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. The Department then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data was available, the Department based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, please *see* the All-Others' Rate Calculation Memorandum.

Exporter/manufacturer	Estimated weighted-average dumping margin (percent)
Power Steel Co., Ltd	3.48
Lo-Toun Steel and Iron Works Co., Ltd	29.47
All Others	5.49

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Disclosure

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

Verification

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

Public Comment

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

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

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until no later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of the Department's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On February 16, 2017, and February 21, 2017, pursuant to 19 CFR 351.210(e), Power Steel and Lo-Toun requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[7] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, the Department is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, the Department will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

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

Notification to Interested Parties

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

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

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

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

Specifically excluded are plain rounds (*i.e.,* nondeformed or smooth rebar). Also excluded from the scope is deformed steel wire meeting ASTM A1064/A1064M with no bar markings (*e.g.,* mill mark, size, or grade)

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

[7] *See* Letter from Power Steel, ''Re: Steel Concrete Reinforcing Bar from Taiwan: DOC Preliminary Determination Extension,'' dated February 16, 2017; *see also* Letter from Lo-Toun, ''Steel Concrete Reinforcing Bar From Taiwan: Lo-Toun's Request to Postpone the Final Determination'' (February 21, 2017).

and without being subject to an elongation test.

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

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

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Postponement of Final Determination and Extension of Provisional Measures
V. Scope of the Investigation
VI. Discussion of the Methodology
  A. Determination of the Comparison Method
  B. Results of the Differential Pricing Analysis
VII. Date of Sale
VIII. Product Comparisons
IX. Export Price
X. Normal Value
  A. Home Market Viability
  B. Level of Trade
  C. Cost of Production (COP) Analysis
  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
  D. Calculation of NV Based on Comparison Market Prices
XI. Currency Conversion
XII. Conclusion

[FR Doc. 2017–04414 Filed 3–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–853]

Certain Crystalline Silicon Photovoltaic Products From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescisssion of Antidumping Duty Administrative Review; 2014–2016

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

SUMMARY: The Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on certain crystalline silicon photovoltaic products (solar products) from Taiwan. The period of review (''POR'') is July 31, 2014, through January 31, 2016. This administrative review covers 14 exporters of the subject merchandise, including two mandatory respondents, Motech Industries, Inc. (''Motech'') and Sino-American Silicon Products Inc. (''SAS''). The Department preliminarily determines SAS and Motech made sales of subject merchandise at less than normal value during the POR. Additionally, we are rescinding this administrative review with respect to 18 companies that timely withdrew their request for administrative review. Interested parties are invited to comment on these preliminary results.

DATES: Effective March 7, 2017.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or Thomas Martin, 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) 482–4162 or (202) 482–3936, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2016, the Department notified interested parties of the opportunity to request an administrative review of orders, findings, or suspended investigations with anniversaries in February 2016, including the antidumping duty (''AD'') order on solar products from Taiwan.[1] On February 29, 2016, SolarWorld Americas Inc. (''Petitioner''), as well as various exporters and exporters requested that the Department conduct an administrative review of certain exporters covering the POR. On April 7, 2016, the Department published a notice initiating an AD administrative review of solar products from the Taiwan covering 32 companies/company groupings for the POR.[2]

In the *Initiation Notice,* the Department stated that if it limited the number of respondents for individual examination, then it intended to select respondents based on volume data contained in responses to its quantity and value (''Q&V'') questionnaire.[3] On April 12, 2016, the Department issued Q&V questionnaires to all 32 companies.[4] We received Q&V questionnaire responses from 14 companies[5] named in the *Initiation Notice.* The remaining 18 companies[6] withdrew their requests for administrative review, pursuant to 19 CFR 351.213(d)(1). Because these 18 companies timely withdrew their requests for administrative review pursuant to 19 CFR 351.213(d)(1), and no other party requested a review of these companies, we are rescinding the administrative review with respect to these companies.

On May 18, 2016, the Department selected Motech and SAS as mandatory respondents.[7]

From May 20, 2016, through February 23, 2017, the Department issued questionnaires to, and received timely responses from from the two mandatory respondents.[8] Petitioner commented on these responses between July 8, 2016, and December 5, 2016.

On October 12, 2016, the Department extended the deadline for issuing the

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[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 81 FR 5712 (February 3, 2016).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 20324 (April 7, 2016) (*Initiation Notice*).

[3] *Id.* at 20324.

[4] The Department explained in the *Initiation Notice* that the units used to measure the imported quantities of solar cells and solar modules in the CBP data are reported in ''piece'' units and it would not be meaningful to sum the number of imported solar cells and the number of imported solar modules in attempting to determine the largest Taiwan exporters of subject merchandise by volume. *Id.* Therefore, the Department stated that it would issue Q&V questionnaires to determine the volume of subject merchandise shipped to the United States by Taiwanese exporters/producers. *Id.*

[5] AU Optronics Corporation, EEPV CORP., E–TON Solar Tech. Co., Ltd., Gintech Energy Corporation, Inventec Energy Corporation, Inventec Solar Energy Corporation, Kyocera Mexicana S.A. de C.V., Motech Industries, Inc., Sino-American Silicon Products Inc., Solartech Energy Corporation, Sunengine Corporation Ltd., Sunrise Global Solar Energy, TSEC Corporation, and Win Win Precision Technology Co., Ltd.

[6] Baoding Jiasheng Photovoltaic Technology Co. Ltd., Baoding Tianwei Yingli New Energy Resources Co., Ltd., Beijing Tianneng Yingli New Energy Resources Co. Ltd., Boviet Solar Technology Co., Ltd., Canadian Solar Inc., Canadian Solar International, Ltd., Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., Canadian Solar Solution Inc., Hainan Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Lixian Yingli New Energy Resources Co., Ltd., Shenzhen Yingli New Energy Resources Co., Ltd., Tianjin Yingli New Energy Resources Co., Ltd., Vina Solar Technology Co., Ltd., Yingli Energy (China) Co., Ltd., Yingli Green Energy Holding Company Limited, and Yingli Green Energy International Trading Company Limited.

[7] *See* memorandum from Thomas Martin, Senior International Trade Compliance Analyst, Office IV, AD/CVD Operations, Enforcement and Compliance to Abdelali Elouaradia, Director, Office IV, AD/CVD Operations, Enforcement and Compliance regarding ''2014–2016 Antidumping Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Products from Taiwan: Respondent Selection,'' dated May 18, 2016 at 4–5.

[8] *See* Letters from Motech to the Department dated June 21, July 11, July 15, August 12, September 19, September 23, October 24, November 15, 2016; January 18, 2017, February 14, 2017 and February 23, 2017; Letters from SAS and Solartech to the Department dated June 20, July 12, July 18, October 25, and November 8, 2016; January 9, January 12, January 24, and February 10, 2017.

preliminary results of this administrative review to February 28, 2017.[9]

On December 12, 2016, we determined that SAS and Solartech Energy Corp. (''Solartech''), an affiliated entity involved in the production, sales and distribution of the products covered by this administrative review, are affiliated, pursuant to section 771(33)(E) of the Act.[10] In addition, based on the evidence provided in SAS' and Solartech's questionnaire responses and 19 CFR 351.401(f), we preliminarily determined that SAS and Solartech (hereinafter ''SAS-Solartech'') should be collapsed and treated as a single entity in this administrative review.[11] This finding was based in part on the determination that Solartech has production facilities for similar or identical products that would not require substantial retooling in order to restructure manufacturing priorities, pursuant to 19 CFR 351.401(f)(1). Additionally, our finding was based on the determination that the level of common ownership, management overlap, and intertwined operations between SAS and Solartech may result in a significant potential for manipulation of price or production of subject merchandise, pursuant to 19 CFR 351.401(f)(2).[12]

SAS-Solartech and Petitioner submitted comments in response to the Department's January 18, 2017, request for comments for consideration in these preliminary results of review on February 9, 2017, and February 10, 2017, respectively.[13]

Partial Rescission of Administrative Review

On February 29, 2016, the Department received multiple timely requests for an administrative review of the AD order on solar products from Taiwan. In response to timely-filed withdrawal requests, we are rescinding this administrative review with respect to 18 companies[14] pursuant to 19 CFR 351.213(d)(1).[15] Accordingly, the companies subject to the instant review are: AU Optronics Corporation, EEPV CORP., E–TON Solar Tech. Co., Ltd., Gintech Energy Corporation, Inventec Energy Corporation, Inventec Solar Energy Corporation, Kyocera Mexicana S.A. de C.V., Motech, SAS, Solartech, Sunengine Corporation Ltd., Sunrise Global Solar Energy, TSEC Corporation, and Win Win Precision Technology Co., Ltd., of which the Department has selected Motech and SAS-Solartech as the mandatory respondents.

Scope of the Order

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.[16] Merchandise covered by this order is currently classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope is dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (''the Act''). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.[17] A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 31, 2014 through January 31, 2016:

Manufacturer/exporter	Weighted-average margin (percent)
Sino-American Silicon Products Inc./Solartech Energy Corp	3.50
Motech Industries, Inc	4.20
AU Optronics Corporation	4.09
EEPV CORP	4.09
E–TON Solar Tech. Co., Ltd	4.09
Gintech Energy Corporation	4.09
Inventec Energy Corporation	4.09
Inventec Solar Energy Corporation	4.09
Kyocera Mexicana S.A. de C.V.	4.09
Sunengine Corporation Ltd	4.09
Sunrise Global Solar Energy	4.09
TSEC Corporation	4.09
Win Win Precision Technology Co., Ltd	4.09

For the rate for non-selected respondents in an administrative review, generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation. Under section

[9] *See* Memorandum from Magd Zalok, International Trade Compliance Analyst, Office IV, Antidumping and Countervailing Duty Operations through Abdelali Elouaradia, Director, Office IV, Antidumping and Countervailing Duty Operations, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, regarding ''Crystalline Silicon Photovoltaic Products from Taiwan: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated October 12, 2016.

[10] *See,* Memorandum To Abdelali Elouaradia, Director, Office IV, Enforcement and Compliance, From Magd Zalok, International Trade Analyst, Office IV, Through Robert Bolling, Program Manager, Office IV—Antidumping Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Products from Taiwan: Sin-American Silicon Products Inc. Preliminary Affiliation and Collapsing Memorandum, dated December 12, 2016 (the ''Collapsing Entity Memorandum'').

[11] *Id.*

[12] *Id.*

[13] *See* Letter from SAS-Solartech to Acting Secretary of Commerce, ''Re: Certain Crystalline Silicon Phtovoltaic Products from Taiwan: Resubmission of Comments Regarding the Department's Upcoming Preliminary Results,'' dated February 9, 2017; Letter from Petitioner to Acting Secretary of Commerce, ''Re: Certain Crystalline Silicon Phtovoltaic Products from Taiwan: Resubmission of Petitioner's Pre-Preliminary Comments,'' dated February 10, 2017.

[14] Baoding Jiasheng Photovoltaic Technology Co. Ltd., Baoding Tianwei Yingli New Energy Resources Co., Ltd., Beijing Tianneng Yingli New Energy Resources Co. Ltd., Boviet Solar Technology Co., Ltd., Canadian Solar Inc., Canadian Solar International, Ltd., Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., Canadian Solar Solution Inc., Hainan Yingli New Energy Resources Co., Ltd., Hengshui Yingli New Energy Resources Co., Ltd., Lixian Yingli New Energy Resources Co., Ltd., Shenzhen Yingli New Energy Resources Co., Ltd., Tianjin Yingli New Energy Resources Co., Ltd., Vina Solar Technology Co., Ltd., Yingli Energy (China) Co., Ltd., Yingli Green Energy Holding Company Limited, and Yingli Green Energy International Trading Company Limited.

[15] *See* footnote 6 above.

[16] For a complete description of the scope of the products under review, *see* Memorandum from James Maeder, Senior Director, Office I, Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of the 2014–2016 Antidumping Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Products from Taiwan,'' dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum). The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

[17] *See* Preliminary Decision Memorandum.

735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' With two respondents, we normally calculate (A) a weighted-average of the dumping margins calculated for the mandatory respondents; (B) a simple average of the dumping margins calculated for the mandatory respondents; and (C) a weighted-average of the dumping margins calculated for the mandatory respondents using each company's publicly-ranged values for the merchandise under consideration. We compare (B) and (C) to (A) and select the rate closest to (A) as the most appropriate rate for all other companies.[18] Accordingly, we have applied a rate of 4.09 percent to the non-selected companies, as set forth in the chart above.[19]

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[20] For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction.[21] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of solar products from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segmet of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.50 percent *ad valorem,* the all-others rate established in the less-than-fair-value investigation.[22] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

The Department intends to disclose the calculations used in our analysis to interested parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties are invited to comment on the preliminary results of this review. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[23] Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[24] Executive summaries should be limited to five pages total, including footnotes.[25] Case and rebuttal briefs should be filed using ACCESS.[26]

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. If a hearing is requested, the Department will notify interested parties of the hearing schedule. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[27]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review

[18] *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010).

[19] *See* Memorandum from Thomas Martin to the File, ''Calculation of the Rate for Non-Selected Respondents,'' dated February 28, 2017.

[20] In these preliminary results, the Department applied the assessment rate calculation methodology adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[21] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[22] *See Certain Crystalline Silicon Photovoltaic Products: Final Determination of Sales at Less Than Fair Value,* 79 FR 76966 (December 23, 2014).

[23] *See* 19 CFR 351.309(d)(1).

[24] *See* 19 CFR 351.309(c)(2) and (d)(2).

[25] *Id.*

[26] *See* 19 CFR 351.303.

[27] *See* section 751(a)(3)(A) of the Act.

period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: February 28, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Selection of Respondents
5. Affiliation and Collapsing of Affiliates
6. Unexamined Respondents
7. Discussion of Methodology
8. Product Comparisons
9. Date of Sale
10. Export Price/Constructed Export Price
11. Normal Value
12. Revisions to SAS-Solartech's Reported Home Market Sales
13. Cost of Production Analysis
14. Calculation of NV Based on Comparison-Market Prices
15. Currency Conversions
16. Conclusion

[FR Doc. 2017–04413 Filed 3–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822, A–583–820]

Certain Helical Spring Lock Washers From the People's Republic of China and Taiwan: Final Results of the Expedited Fourth Five-Year Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: As a result of these reviews, the Department of Commerce (the Department) finds that revocation of the antidumping duty orders on certain helical spring lock washers (lock washers) from the People's Republic of China (PRC) and Taiwan would likely lead to a continuation or recurrence of dumping at the margins identified in the ''Final Results of Review'' section of this notice.

DATES: Effective March 7, 2017.

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

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2016, the Department published the notice of initiation of the fourth sunset review of the antidumping duty orders on lock washers from Taiwan and the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] On November 4, 2016, the Department received a notice of intent to participate in both of these reviews from Shakeproof Assembly Components Division of Illinois Tool Works Inc. (the petitioner), within the deadline specified in 19 CFR 351.218(d)(1)(i). The petitioner claimed interested party status for both of these reviews under section 771(9)(C) of the Act, as a producer of the domestic like product.

On December 1, 2016, the Department received a complete substantive response from the petitioner for both reviews, within the deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from any respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of these antidumping duty orders.

Scope of the Orders

The products covered by the orders are lock washers of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non-heat-treated, plated or non-plated, with ends that are off-line. Lock washers subject to the orders are currently classifiable under subheadings 7318.21.0000, 7318.21.0030, and 7318.21.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.[2]

[1] *See Initiation of Five-Year (Sunset) Reviews,* 81 FR 75808 (November 1, 2016).

[2] A full description of the scope of the order is contained in the Memorandum from Senior Director, Office I, James Maeder to Acting Assistant Secretary Ronald K. Lorentzen, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders on Certain Helical Spring Lock Washers From the People's Republic of China (PRC) and Taiwan,'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

Analysis of Comments Received

All issues raised in these reviews, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the orders were revoked, are addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1) and 752(c)(1), (2), and (3) of the Act, we determine that revocation of the antidumping duty orders on lock washers from the PRC and Taiwan would be likely to lead to continuation or recurrence of dumping up to the weighted-average margin percentages:

Country	Weighted-average margins (percent)
PRC	189.81
Taiwan	31.93

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–04419 Filed 3–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC667

Endangered Species; File No. 17304

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

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Kristen Hart, Ph.D., U.S. Geological Survey, 3205 College Ave., Davie, Florida 33314, has requested a modification to scientific research Permit No. 17302–02.

DATES: Written, telefaxed, or email comments must be received on or before April 6, 2017.

ADDRESSES: The modification request and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 17304 mod 4 from the list of available applications. These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 17304–02, issued on September 20, 2013 (78 FR 59657) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 17304–02 authorizes the permit holder to capture by hand, strike nets, dip net, tangle net, or trawl up to 100 green (*Chelonia mydas*), 20 hawksbill (*Eretmochely imbricata*), 300 Kemp's ridley (*Lepidochelys kempii*), and 300 loggerhead (*Caretta caretta*) sea turtles annually in the Gulf of Mexico from the Florida/Alabama border to the Louisiana/Texas border to determine the distribution, seasonal movements, vital rates and habitat use of sea turtles. Each turtle may be biologically sampled, marked, and/or tagged prior to release. The permit holder requests authorization to: (1) Expand the research area to include waters from the Louisiana/Texas border to the Texas/Mexico border; and (2) increase the number of green sea turtles taken from 100 to 200 animals annually. The permit is valid through September 30, 2018.

Dated: March 1, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–04390 Filed 3–6–17; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–390–001.
Applicants: Questar Overthrust Pipeline, LLC.
Description: Questar Overthrust Pipeline, LLC submits tariff filing per 154.205(b): Statement of Negotiated Rates Version 7.1.0 to be effective 3/1/2017 under RP17–390 Filing Type: 600.
Filed Date: 02/21/2017.
Accession Number: 20170221–5280.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 06, 2017.

Docket Numbers: RP17–409–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.204: Discount-Type Adjustments for Negotiated Rate Agreements to be effective 3/23/2017 under RP17–409 Filing Type: 570.
Filed Date: 02/21/2017.
Accession Number: 20170221–5151.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 06, 2017.

Docket Numbers: RP17–410–000.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits tariff filing per 154.203: Filing to Comply with Order in Docket Nos. CP15–18–000, 001 to be effective 3/1/2017 under RP17–410 Filing Type: 580.
Filed Date: 02/21/2017.
Accession Number: 20170221–5160.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 06, 2017.

Docket Numbers: RP17–411–000.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Tallgrass Interstate Gas Transmission, LLC submits tariff filing per 154.204: NRA Rate 2017/2/28 Green Plains to be effective 3/1/2017 under RP17–411 Filing Type: 570.
Filed Date: 02/21/2017.
Accession Number: 20170221–5276.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 06, 2017.

Docket Numbers: RP16–1173–001.
Applicants: First ECA Midstream LLC.
Description: First ECA Midstream LLC submits tariff filing per 154.203: Compliance to 103 to be effective 3/23/2017 under RP16–1173 Filing Type: 580.
Filed Date: 02/22/2017.
Accession Number: 20170222–5108.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 06, 2017.

Docket Numbers: RP17–363–001.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits tariff filing per 154.203: Correction of Metadata to be effective 3/1/2017 under RP17–363 Filing Type: 580.
Filed Date: 02/23/2017.
Accession Number: 20170223–5151.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 07, 2017.

Docket Numbers: RP17–413–000.
Applicants: UGI Sunbury, LLC.
Description: Request for Waiver of Annual Retainage Adjustment Filing of UGI Sunbury, LLC under RP17–413.
Filed Date: 02/23/2017.
Accession Number: 20170223–5084.
Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 07, 2017.

Docket Numbers: RP17–414–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—Boston Gas to BBPC—793199 & 793201 to be

effective 3/1/2017 under RP17–414 Filing Type: 570.

Filed Date: 02/23/2017.

Accession Number: 20170223–5127.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 07, 2017.

Docket Numbers: RP17–415–000.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Negotiated Rate—Chevron release to ConocoPhillips—8945011 to be effective 3/1/2017 under RP17–415 Filing Type: 570.

Filed Date: 02/23/2017.

Accession Number: 20170223–5128.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, March 07, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 28, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04411 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ID–7646–002]

Balfour, Scott C.; Notice of Filing

Take notice that on February 28, 2017, Scott C. Balfour, submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 USCS 825d(b) (2016) and section 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8 (2016).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 21, 2017.

Dated: March 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04417 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14800–000]

Lock 9 Hydro Partners; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments and Motions To Intervene

On September 1, 2016, Lock 9 Hydro Partners filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Valley View Hydroelectric Station Project (project) to be located at the Kentucky River Authority's Lock and Dam 9 on the Kentucky River in Jessamine and Madison Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) The existing 242-foot-long, 35-foot-high concrete lock and dam; (2) the existing 343-acre reservoir having a storage capacity of 6,550-acre-feet; (3) twelve proposed 50-foot-long, 63-inch-diameter siphoning penstocks encased in concrete; (4) six submersible generating units, each fed by two penstocks, located within the auxiliary section of the dam with a total combined capacity of 3.36 megawatts; (5) a proposed 30-foot-long, 48-foot-wide on-shore building to house project controls; and (6) a proposed 2,000-foot-long, 12.47 kilovolt transmission line. The estimated annual generation of the project would be 12.9 gigawatt-hours.

Applicant Contact: Mr. David Brown Kinloch, Lock 9 Hydro Partners, 414 S. Wenzel Street, Louisville, KY 40204; phone: (502) 589–0975.

FERC Contact: Navreet Deo; phone: (202) 502–6304.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14800–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary''

link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14800–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04378 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1940–029]

Wisconsin Public Service Corporation; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major New License.

b. *Project No.:* 1940–029.

c. *Date filed:* March 28, 2016.

d. *Applicant:* Wisconsin Public Service Corporation.

e. *Name of Project:* Tomahawk Hydroelectric Project.

f. *Location:* The existing project is located on the Wisconsin River in Lincoln County, Wisconsin. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Todd Jastremski, Asset Manager Hydro Operations, We Energies, 800 Industrial Park Drive, Iron Mountain, MI 49801, Telephone (906) 779–4099.

i. *FERC Contact:* Lee Emery, Telephone (202) 502–8379, and email *lee.emery@ferc.gov*.

j. Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–1940–029.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The existing Tomahawk Hydroelectric Project consists of: (1) A 27-foot-high and 2,968-foot-long reinforced concrete and embankment dam that includes a: (a) 400-foot-long saddle dike, (b) 1,400-foot-long detached embankment, (c) 400-foot-long earthen embankment, (d) 125-foot-long concrete non-overflow slab and buttress section, (e) 267-foot-long concrete gated spillway section, (f) 9-foot-long concrete sluice gate section, (g) 300-foot-long right embankment, and (h) 67-foot-long concrete and brick masonry powerhouse housing two generating units with a total installed capacity of 2.6 megawatts; (2) a 67.5-foot-wide, 18 foot-high intake and ten 6-foot-wide sections of steel trashracks with clear bar spacing of 2.5 inches that is integral with the powerhouse; (3) Lake Mohawksin, the project reservoir with a surface area of 2,773 acres and 1,367 acre-feet of usable storage at the maximum full pool elevation of 1,435.5 feet National Geodetic Vertical Datum; (4) two 27.25-foot-long, 31.75-foot-wide, 9.25-foot-high draft tubes that discharges into a 34-foot-long, 60-foot-wide tailrace; (5) a 100-foot-long, 24.9 kilovolt transmission power line; and (6) appurtenant facilities. The project is estimated to generate an average of 9,836 megawatt-hours annually.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. Procedural Schedule: The application will be processed according to the following revised Hydro

Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	April, 2017.
Commission issues EA	September, 2017.
Comments on EA	October, 2017.
Modified terms and conditions	December, 2017.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04375 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1966–054]

Wisconsin Public Service Corporation; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major New License.

b. *Project No.:* 1966–054.

c. *Date filed:* March 28, 2016.

d. *Applicant:* Wisconsin Public Service Corporation.

e. *Name of Project:* Grandfather Falls Hydroelectric Project.

f. *Location:* The existing project is located on the Wisconsin River in Lincoln County, Wisconsin. The project does affect federal lands. There are non-reservation federal lands within the Project Boundary. One Bureau of Land Management (BLM)-owned island (0.1 acres) is located in the tailrace of the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Todd Jastremski, Asset Manager Hydro Operations, We Energies, 800 Industrial Park Drive, Iron Mountain, MI 49801, Telephone (906) 779–4099.

i. *FERC Contact:* Lee Emery, Telephone (202) 502–8379, and email *lee.emery@ferc.gov*.

j. Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*. (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–1966–054.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The existing Grandfather Falls Hydroelectric Project consists of: (1) A 36-foot-high and 762-foot-long reinforced concrete dam consisting of a 52-foot-long masonry retaining wall, a 263-foot-long concrete spillway section, a 147-foot-long non-overflow masonry dam, and a 300-foot-long rockfill embankment; (2) a 108-foot-long, 12-foot-wide timber (concrete pier supported) canal bridge that crosses the upstream end of the canal, three intake canal embankments totaling 3,400 feet in length, a 4,000-foot-long, 300-foot-wide intake canal, and a 55.5-foot-wide intake structure; (3) an existing 340-acre reservoir at elevation 1,397.1 National Geodetic Vertical Datum (NGVD) and a gross storage capacity of 2,200 acre-feet with the pool elevation maintained between 1,396.1 and 1,397.1 feet NGVD; (4) two 55.5-foot-wide, 30.5-foot-high trashracks with clear bar spacing of 2.5 inches; (5) an 11-foot-diameter, 1,317-foot-long wood-stave penstock that transitions into a 30-foot-long steel penstock and a 13.5-foot-diameter 1,310-foot-long wood-stave penstock that transitions into a 30-foot-long steel penstock; (6) a 51-foot-diameter surge tank with a 37.87-foot-high internal riser and a 39-foot-diameter surge tank with a 33.43-foot-high internal riser that are connected to the steel portion of the penstocks; (7) a 67-foot-wide, 53-foot-long, 46-foot-high concrete and masonry powerhouse containing two generating units with a total installed capacity of 17.24 megawatts (MW); (8) a 50-foot-long, 60-foot-wide bedrock excavated tailrace; (9) a 300-foot-long, 46 kilovolt overhead transmission power line; and (10) appurtenant facilities. The project is estimated to generate an average of 72,031.72 megawatt-hours annually.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. Procedural Schedule: The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	April, 2017.
Commission issues EA	September, 2017.
Comments on EA or EIS	October, 2017.
Modified terms and conditions	December, 2017.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04376 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1959–006; ER15–2014–003; ER15–2013–005; ER15–2020–004; ER15–2018–003; ER15–2022–003; ER15–2026–003; ER17–105–002; ER17–104–002; ER17–556–001; ER10–2432–012; ER10–2435–012; ER10–2440–010; ER10–71–004; ER10–2444–012; ER10–2446–010; ER10–2449–010; ER13–2308–005; ER12–2510–007; ER12–2512–007; ER12–2513–007; ER10–3286–011; ER10–3299–010; ER10–3310–012; ER11–2489–009; ER12–726–007; ER12–2639–007; ER11–3620–010; ER12–1431–008; ER12–1434–008; ER12–1432–008; ER12–1435–008; ER13–2102–006; ER14–1439–006; ER15–1019–005; ER10–2628–005; ER11–3959–007.

Applicants: Lower Mount Bethel Energy, LLC, Brunner Island, LLC, Talen Energy Marketing, LLC, Talen Montana, LLC, Martins Creek, LLC, Montour, LLC, Susquehanna Nuclear, LLC, Broadview Energy JN, LLC, Broadview Energy KW, LLC, Grady Wind Energy Center, LLC, Bayonne Plant Holding, L.L.C., Camden Plant Holding, L.L.C., Dartmouth Power Associates Limited Partnership, Elmwood Park Power, LLC, Newark Bay Cogeneration Partnership, L.P., Pedricktown Cogeneration Company LP, York Generation Company LLC, Sapphire Power Marketing LLC, Brandon Shores LLC, H.A. Wagner LLC, Raven Power Marketing LLC, Millennium Power Partners, LP, New Athens Generating Company, LLC, New Harquahala Generating Company, LLC, Hatchet Ridge Wind, LLC, Spring Valley Wind LLC, Ocotillo Express LLC, Lyonsdale Biomass, LLC, ReEnergy Ashland LLC, ReEnergy Fort Fairfield LLC, ReEnergy Livermore Falls LLC, ReEnergy Stratton LLC, ReEnergy Black River LLC, TrailStone Power, LLC, Fowler Ridge IV Wind Farm LLC, Lost Creek Wind, LLC, Post Rock Wind Power Project, LLC.

Description: Notice of Non-Material Change in Status of the Riverstone MBR Entities.

Filed Date: 2/27/17.

Accession Number: 20170227–5242.

Comments Due: 5 p.m. ET 3/20/17.

Docket Numbers: ER16–2100–001; ER16–2101–001.

Applicants: Gila River Power LLC.

Description: Second Supplement to June 30, 2016 and October 3, 2016 Updated Market Power Analysis for Southwest Region of Gila River Power LLC, et. al.

Filed Date: 2/28/17.

Accession Number: 20170228–5360.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–468–002.

Applicants: Ohio Valley Electric Corporation.

Description: Compliance filing: Errata to December 1 Amendment Filing to be effective 10/14/2016.

Filed Date: 2/28/17.

Accession Number: 20170228–5246.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1057–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OA Sched 1, sec 7.9 and OATT Att K-Appx, sect 7.9 RE Residual ARR to be effective 5/1/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5235.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1060–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: PSCo-TSGT–JM Shafer IA 114 0.1.0 to be effective 2/28/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5248.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1061–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–02–28_Submittal of pro forma Pseudo-Tie Agreement & assoc. tariff revisions to be effective 3/15/2017.

Filed Date: 2/28/17.

Accession Number: 20170228–5287.

Comments Due: 5 p.m. ET 3/21/17.

Docket Numbers: ER17–1063–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Queue Position AB2–057, Original Service Agreement No. 4648 to be effective 1/31/2017.

Filed Date: 3/1/17.

Accession Number: 20170301–5087.

Comments Due: 5 p.m. ET 3/22/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04409 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–62–000]

Gulf South Pipeline Company, LP; Notice of Intent To Prepare a Supplemental Environmental Assessment for the Amended Coastal Bend Header Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the amendment to the Coastal Bend Header Project (Project) involving construction and operation of facilities by Gulf South Pipeline Company, LP (Gulf South) in southeastern Texas. The Commission will use this EA in its decision-making process to determine whether the amendment to the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input during the scoping process will help the Commission staff determine what issues need to be evaluated in the EA. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Please note that the scoping period will close on March 31, 2017.

Further details on how to submit written comments are in the Public Participation section of this notice. If you sent comments on this project to the Commission before the opening of this docket on November 5, 2014, you will need to file those comments in Docket No. CP17–62–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this Project and includes landowners affected by the amended Project. State and local government officials are asked to notify their constituents of this planned Project and encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need to Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or minimize environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so the Commission receives them in Washington, DC on or before March 31, 2017.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (CP17–62–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

1. You can file your comments electronically using the eComment feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for interested persons to submit brief, text-only comments on a project;

2. You can file your comments electronically using the eFiling feature located on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

3. You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Planned Project and Proposed Amendment

On June 12, 2015, Gulf South Pipeline Company, LP (Gulf South) filed an application with the FERC for the Coastal Bend Header Project (Project), pursuant to Section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations for a Certificate of Public Convenience and Necessity (Certificate) in Docket No. CP15–517–000. The EA for the Project

was placed into the public record on January 29, 2016. On June 20, 2016, the Commission issued an Order Issuing Certificate (Order) to Gulf South authorizing the Project, and Gulf South accepted the Order on June 21, 2016 pursuant to Section 157.20(a) of the Commission's Regulations.

Gulf South has been authorized to construct 64 miles of 36-inch diameter pipeline in Wharton and Brazoria Counties, Texas, a new compressor station in Wharton County along the new pipeline, and two new compressor stations and upgrades at two compressor stations along Gulf South's existing Index 129 pipeline in Fort Bend, Harris, Polk, and Sabine Counties, Texas. The new pipeline would enable delivery of 1.54 billion cubic feet per day (bcf/d) of natural gas to the proposed Freeport Liquefied Natural Gas (LNG) Export Terminal near Freeport, Texas. Gulf South's planned in-service date for Project facilities is spring 2018.

On September 25, 2015, Gulf South filed a Stipulation and Agreement of Settlement in its recent rate case, in Docket No. RP15–65–000 (Settlement), which was approved by the Commission on December 18, 2015. In order to accommodate volumes associated with the Project and volumes associated with contractual modifications by Gulf South's existing shipper, CenterPoint Energy Resources Corporation, in the Settlement that occurred after the filing of the Project, Gulf South was required to increase the size of the currently certificated gas-fired turbine compressor unit at its Magasco Compressor Station in Sabine County, Texas.

On February 22, Gulf South filed a Section 7(c) application to amend its Order issued by the Commission on June 20, 2016. In this amendment, Gulf South now seeks Commission authorization to incorporate a modification to the compressor unit to be installed at the Magasco Compressor Station, which is located along Gulf South's Index 129 legacy system. Gulf South is proposing to install a Solar Titan 130 compressor unit, rather than a Solar Mars 100 compressor unit as proposed in the June 2015 FERC application and approved in the June 20, 2016 Order. The Solar Titan 130 compressor unit is capable of generating approximately 20,482 brake-horsepower (bhp) of compression, which is an increase of approximately 4,734 bhp compared to the previously authorized Solar Mars 100 compressor unit. Gulf South also proposes to modify the emergency generator from an 800 bhp unit to a 691 bhp unit.

The location of the Magasco Compressor Station and the approved pipeline facilities are depicted in the figures in Appendix 1.[1]

Land Requirements for Construction

Gulf South does not propose any additional modifications to the station yard piping and ancillary equipment that would be installed along with the compressor unit. Therefore, there would be no change in land requirements for the Project.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- water resources;
- wetlands and vegetation;
- fish and wildlife including migratory birds;
- threatened and endangered species;
- land use, recreation, and visual resources;
- air quality and noise;
- cultural resources;
- reliability and safety; and
- cumulative environmental impacts.

We will also evaluate reasonable alternatives to the proposed Project modification including the no action alternative, and make recommendations on how to minimize or avoid impacts on affected resources.

The supplemental EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Texas Historical Commission which has been given the role of the State Historic Preservation Officer (SHPO) for Texas, and to solicit the SHPO's view and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects in consultation with the SHPO as the Project is further developed. Our environmental document for the Project will document our findings of the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

The proposed increase of 4,734 bhp in compression at Magasco Compressor Station would have a potential impact on air quality and noise emissions.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''Us,'' ''we,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all identified landowners who own homes within one-half-mile of the Magasco Compressor Station, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project.

When an EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version, or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 2).

Becoming an Intervenor

In addition to involvement in the supplemental EA scoping process, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP17–62). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, Gulf South has established a Web site for the Project at *http://www.gulfsouthpl.com/Expansion Projects.aspx?id=4294967425.* The Web site includes a description of the Project, permitting schedules and calendars, frequently asked questions and responses, and links to related press releases and news articles. You can also request additional information directly from Gulf South at (844) 211–6282 or by clicking on the following link on the Gulf South Web site that will take you to an online submittal form: *http://www.gulfsouthpl.com/Expansion Projects.aspx?ekfrm=4294967452.*

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04379 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–496–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Schedule for Environmental Review of the Lone Star Project

On August 19, 2016, Tennessee Gas Pipeline Company, L.L.C. (Tennessee) filed an application in Docket No. CP16–496–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Lone Star Project (Project), and would allow Tennessee to provide firm incremental transportation service of up to 300 million cubic feet per day to the Corpus Christi Liquefaction, LLC facility currently under construction in San Patricio County, Texas.

On September 1, 2016 the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—May 26, 2017
90-day Federal Authorization Decision Deadline—August 24, 2017

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Tennessee proposes to construct and operate the following facilities as part of the Project: (1) A new 10,915 horsepower compressor station (CS 3A) in San Patricio County, Texas; and (2) a new 20,500 horsepower compressor station (CS 11A) in Jackson County, Texas. The proposed facilities would be on Tennessee's existing Line 100. Tennessee proposes to begin construction of the Project by January 2018 and to place the facilities in service by January 1, 2019.

Background

On October 12, 2016, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Lone Star Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from local residents and the U.S. Environmental Protection Agency. The primary issues raised by commenters are impacts associated with the proposed CS 11A site location and alternative site locations, air quality and noise impacts, nighttime lighting, surface water and groundwater impacts, industrialization and impacts on property values, environmental justice, and pipeline safety.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP16–496), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04373 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–62–000]

Gulf South Pipeline Company, LP; Notice of Application

Take notice that on February 22, 2017, Gulf South Pipeline Company, LP (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) requesting authorization to amend its certificate of public convenience and necessity issued by the Commission, in Docket No. CP15–517–000 for the Coastal Bend Header Project.

Specifically, Gulf South requests to amend its certificate to (i) install a gas-fired Solar Titan 130 turbine compressor unit in place of the currently certificated gas-fired Solar Mars 100 turbine compressor unit at the Magasco Compressor Station, located in Sabine County, Texas, increasing the horsepower from 15,748 hp to 20,482 hp and (ii) modify the emergency generator from an 800 brake-horsepower (bhp) unit to a 691 bhp unit. This amendment will not require any additional workspace or land disturbance beyond what has been approved by the Commission. The estimated cost of the amendment is approximately $3 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application may be directed to Kathy D. Fort, Manager, Certificates & Tariffs, Gulf South Pipeline Company, LP, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by telephone at (713) 479–8252, or by email to *kathy.fort@bwpmlp.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on March 22, 2017.

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04374 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–416–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Rate Service Agreement—BP Energy Company to be effective 4/1/2017.
Filed Date: 02/24/2017.
Accession Number: 20170224–5006.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–417–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Updated Initial Retainage Rate 3–1–2017 to be effective 3/1/2017.
Filed Date: 02/24/2017.
Accession Number: 20170224–5009.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–418–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–02–24 ConocoPhillips to be effective 2/24/2017.
Filed Date: 02/24/2017.
Accession Number: 20170224–5067.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–419–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Negotiated Rate Agreement Update (Pioneer Mar 2017) to be effective 3/1/2017.
Filed Date: 02/24/2017.
Accession Number: 20170224–5085.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–420–000.
Applicants: TransColorado Gas Transmission Company L.
Description: TransColorado Gas Transmission Company LLC submits tariff filing per 154.601: Negotiated Rate Agreement Update (Conoco 2017) to be effective 3/1/2017.
Filed Date: 02/24/2017.
Accession Number: 20170224–5086.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–421–000.
Applicants: Dominion Carolina Gas Transmission, LLC.
Description: Dominion Carolina Gas Transmission, LLC submits tariff filing per 154.203: DCGT—2016 Annual Peak Day Capacity Report.
Filed Date: 02/24/2017.
Accession Number: 20170224–5112.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–422–000.
Applicants: Rockies Express Pipeline LLC.
Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–02–24 BP for 2–25 to be effective 2/25/2017.
Filed Date: 02/24/2017.
Accession Number: 20170224–5161.
Comment Date: 5:00 p.m. Eastern Time on Wednesday, March 08, 2017.

Docket Numbers: RP17–423–000.
Applicants: EQT Energy, LLC, EQT Production Company, Stone Energy Corporation.
Description: Joint Petition of EQT Energy, LLC, et. al. for Limited Waivers and Request for Expedited Action.
Filed Date: 02/24/2017.
Accession Number: 20170224–5190.
Comment Date: 5:00 p.m. Eastern Time on Friday, March 03, 2017.

Docket Numbers: RP17–424–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.204: 2017 Daggett Surcharge to be effective 4/1/2017.
Filed Date: 02/27/2017.
Accession Number: 20170227–5092.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–425–000.
Applicants: Equitrans, L.P.
Description: Equitrans, L.P. submits tariff filing per 154.204: Assignment of Stone Energy to EQT Energy to be effective 2/27/2017.
Filed Date: 02/27/2017.
Accession Number: 20170227–5109.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–426–000.
Applicants: LA Storage, LLC.
Description: LA Storage, LLC submits tariff filing per 154.203: LA Storage Annual Adjustment of Fuel Retainage Percentage to be effective 3/1/2017.
Filed Date: 02/27/2017.
Accession Number: 20170227–5122.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–427–000.
Applicants: Golden Pass Pipeline LLC.
Description: Golden Pass Pipeline LLC submits tariff filing per 154.203: Golden Pass Pipeline 2016 Annual Operational Purchases and Sales Report.
Filed Date: 02/27/2017.
Accession Number: 20170227–5147.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–428–000.
Applicants: Tallgrass Interstate Gas Transmission, L.
Description: Tallgrass Interstate Gas Transmission, LLC submits tariff filing per 154.204: FL&U Percentage and Electric Power Charge Periodic Rate Adjustment to be effective 4/1/2017.
Filed Date: 02/27/2017.
Accession Number: 20170227–5166.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

Docket Numbers: RP17–429–000.
Applicants: Golden Pass Pipeline LLC.
Description: Golden Pass Pipeline LLC submits tariff filing per 154.203: Golden Pass Pipeline 2017 Annual Retainage Report to be effective 4/1/2017.
Filed Date: 02/27/2017.
Accession Number: 20170227–5185.
Comment Date: 5:00 p.m. Eastern Time on Monday, March 13, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04412 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ17–10–000]

City of Dover, Delaware; Notice of Filing

Take notice that on February 17, 2017, the City of Dover, Delaware submitted its tariff filing: City of Dover, Delaware Revised Rate Schedule to be effective June 1, 2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 10, 2017.

Dated: March 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04418 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–49–000.
Applicants: GridLiance West Transco LLC.
Description: Response to February 10, 2017 Deficiency Letter of GridLiance West Transco LLC.
Filed Date: 2/21/17.
Accession Number: 20170221–5185.
Comments Due: 5 p.m. ET 3/14/17.

Docket Numbers: EC17–71–000.
Applicants: Broadview Energy JN, LLC, Broadview Energy KW, LLC.
Description: Supplement to January 27, 2017 Application for Authorization for Disposition of Jurisdictional Facilities of Broadview Energy JN, LLC, et al.
Filed Date: 2/28/17.
Accession Number: 20170228–5367.
Comments Due: 5 p.m. ET 3/10/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2395–000.
Applicants: Westar Energy, Inc.
Description: Report Filing: Westar TFR Refund Report in Compliance with DAA Audit Report to be effective N/A.
Filed Date: 3/1/17.
Accession Number: 20170301–5149.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1066–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 2267, Queue No. U2–059 re: Assignment to EPP to be effective 7/31/2009.
Filed Date: 3/1/17.
Accession Number: 20170301–5145.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1067–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: PSCo–TSGT–E&P–405–0.1.0–NOC to be effective 3/2/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5165.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1068–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendments to 10 Service Agreements re: MAIT Assignments to be effective 11/4/2003.
Filed Date: 3/1/17.
Accession Number: 20170301–5167.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1069–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT and Penelec submit Operating and Interconnection Agreement SA No. 4578 to be effective 2/1/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5177.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1070–000.
Applicants: Monument Valley Solar Lessee, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 3/30/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5182.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1071–000.
Applicants: Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: DEP-Amended RS No. 199 Wholesale Depreciation Rates to be effective 11/26/2015.
Filed Date: 3/1/17.
Accession Number: 20170301–5187.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1072–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: MAIT and Met-Ed submit Operating and Interconnection Agreement SA No. 4577 to be effective 2/1/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5207.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1073–000.
Applicants: ISO New England Inc.
Description: Eleventh Forward Capacity Auction Results of ISO New England Inc.
Filed Date: 2/28/17.
Accession Number: 20170228–5371.
Comments Due: 5 p.m. ET 4/14/17.

Docket Numbers: ER17–1074–000.
Applicants: Luning Energy LLC.
Description: Compliance filing: Compliance 2017 to be effective 1/2/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5244.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1075–000.
Applicants: Portland General Electric Company.
Description: § 205(d) Rate Filing: EIM OATT Filing to be effective 5/1/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5250.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1076–000.

Applicants: Duke Energy Carolinas, LLC, Duke Energy Florida, LLC, Duke Energy Progress, LLC.
Description: § 205(d) Rate Filing: OATT Attachment C–1 and C–3 Amendment to be effective 5/1/2017.
Filed Date: 3/1/17.
Accession Number: 20170301–5262.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1077–000.
Applicants: Wisconsin Public Service Corporation.
Description: § 205(d) Rate Filing: Revised Market Based Rate Tariff to be effective 2/25/2016.
Filed Date: 3/1/17.
Accession Number: 20170301–5267.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1078–000.
Applicants: Wisconsin River Power Company.
Description: § 205(d) Rate Filing: Revised Market Based Rate Tariff to be effective 2/25/2016.
Filed Date: 3/1/17.
Accession Number: 20170301–5277.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1079–000.
Applicants: Wisconsin Electric Power Company.
Description: § 205(d) Rate Filing: Wisconsin Electric Market Based Rate Tariff O819 Filing to be effective 2/25/2016.
Filed Date: 3/1/17.
Accession Number: 20170301–5280.
Comments Due: 5 p.m. ET 3/22/17.

Docket Numbers: ER17–1080–000.
Applicants: Combined Locks Energy Center, LLC.
Description: § 205(d) Rate Filing: Revised Market Based Rate Tariff to be effective 2/25/2016.
Filed Date: 3/1/17.
Accession Number: 20170301–5281.
Comments Due: 5 p.m. ET 3/22/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–04410 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13318–003]

Swan Lake North Pumped Storage Project; Notice of Meeting

Commission staff will meet with representatives of the Klamath Tribes (Tribes) regarding the proposed Swan Lake North Pumped Storage Project (Project No. 13318–003). The meeting will be held at the location and time listed below:

Klamath Tribes, Tribal Administration Building, 501 Chiloquin Blvd., Chiloquin, OR 97624, Phone: (541) 783–2219, Thursday, March 30, 2017, 1:00 p.m. PDT

Members of the public, intervenors, agencies, and the applicant, in the referenced proceeding may attend this meeting; however, participation will be limited to only tribal representatives and Commission staff. If the Tribes decide to disclose information about a specific location which could create a risk or harm to an archeological site or Native American cultural resource, the public will be excused for that portion of the meeting.[1] If you plan to attend this meeting, please contact Dr. Frank Winchell at the Federal Energy Regulatory Commission. He can be reached at (202) 502–6104.

Dated: March 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04377 Filed 3–6–17; 8:45 am]

BILLING CODE 6717–01–P

[1] Protection from public disclosure involving this kind of specific information is based upon 18 CFR 4.32(b)(3)(ii) of the Commission's regulations implementing the Federal Power Act.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9959–96–OAR]

Notice Regarding Withdrawal of Obligation To Submit Information

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that it is withdrawing its requests that owners and operators in the oil and natural gas industry provide information on equipment and emissions at existing oil and gas operations.

FOR FURTHER INFORMATION CONTACT: Peter Tsirigotis, Director, Sector Policies & Programs Division, Office of Air Quality Planning & Standards, Office of Air & Radiation, Mail code D205–01, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; 1–888–372–8696; *icr@epa.gov.*

SUPPLEMENTARY INFORMATION: In 2016, EPA sent letters to more than 15,000 owners and operators in the oil and gas industry, requiring them to provide information. The information request comprised two parts: An ''operator survey'' that asked for basic information on the numbers and types of equipment at onshore oil and gas production facilities in the United States, and a ''facility survey'' asking for more detailed information on sources of methane emissions and emissions control devices or practices in use by a representative sampling of facilities in several segments of the oil and gas industry. EPA is withdrawing both parts of the information request.

The withdrawal is occurring because EPA would like to assess the need for the information that the agency was collecting through these requests, and reduce burdens on businesses while the Agency assesses such need. This also comes after the Agency received a letter on March 1, 2017 from nine state Attorneys General and the Governors of Mississippi and Kentucky, expressing concern with the burdens on businesses imposed by the pending requests. EPA takes these concerns seriously and is committed to strengthening its partnership with the states.

The withdrawal was effective upon announcement on March 2, 2017. As such, owners and operators—including those who have received an extension to their due dates for providing the information—are no longer required to respond.

Dated: March 2, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–04458 Filed 3–2–17; 4:15 pm]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 17–181]

Disability Advisory Committee; Announcement of Members and Date of First Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the meeting date, time and agenda of the first meeting of the second term of its Disability Advisory Committee (''DAC'' or ''Committee''). The meeting is open to the public. During this meeting, members of the Committee will discuss: The roles and responsibilities of the Committee and its members; issues that the Committee will address; recommended subcommittees, subcommittee membership and meeting schedule, and the tasks for which each subcommittee will be responsible; and any other topics related to the DAC's work that may arise.

DATES: The Committee's next meeting will take place on Tuesday, March 21, 2017, 9:00 a.m. to 1:30 p.m. (EST), at the headquarters of the Federal Communications Commission (FCC).

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Elaine Gardner, Consumer and Governmental Affairs Bureau, (202) 418–0581 (voice) email: *Elaine.Gardner@fcc.gov.*

SUPPLEMENTARY INFORMATION: On December 2, 2014, in document DA 14–1737, published at 79 FR 73309, December 10, 2014, the FCC announced the establishment and process for appointment of members of the DAC, an advisory committee, to provide advice and recommendations to the FCC on a wide array of disability matters. The DAC's first term expired on December 29, 2016. On September 6, 2016, the FCC's Consumer and Governmental Affairs Bureau in document DA 16–1011, published at 81 FR 66020, September 26, 2016, announced the anticipated renewal of the DAC and solicited applications for membership for the DAC's second term, which runs from December 30, 2016, through December 29, 2018. On January 5, 2017, in document DA 17–19, announcement of the members selected for the renewed second term of the DAC was made. As authorized by Federal Advisory Committee Act, the Committee has established subcommittees, and the Commission has invited additional individuals and organizations who are not members of the full Committee to participate on these subcommittees. For the second term of the DAC, subcommittees are established to focus on emergency communications, relay/equipment distribution, technology transitions, and video programming.

The March 21, 2017 meeting will be led by the new DAC co-chairs: Lise Hamlin, Director of Public Policy of the Hearing Loss Association of America, and Sam Joehl, Principal Technical Consultant of the SSB BART Group. In addition, initial subcommittee meetings may be held following the meeting of the full DAC.

A reserved amount of time will be available on the agenda for comments and inquiries from the public. The public may comment or ask questions of presenters via the email address *livequestions@fcc.gov*, and may view the meeting through and webcast with open captioning at *www.fcc.gov/live.* These comments or questions may be addressed during the public comment period.

During its first meeting, members of the Committee will clarify the Committee's roles and responsibilities and begin to define, clarify, and prioritize issues that the Committee and its subcommittees will address.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. If making a request for an accommodation, please include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible by sending an email to *fcc504@fcc.gov* or calling the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY). Last minute requests will be accepted, but may be impossible to fill. The meeting will be webcast with open captioning, at: *www.fcc.gov/live.*

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

Federal Communications Commission.

D'wana Terry,

Acting Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2017–04408 Filed 3–6–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

March 3, 2017.

TIME AND DATE: 10:00 a.m., Thursday, March 16, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Bussen Quarries, Inc.,* Docket No. CENT 2015–385. (Issues include whether the Judge erred in concluding that the operator had violated the mandatory standard governing the requirement to use fall protection.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD, Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1–(866) 867–4769, Passcode: 129–339.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–04572 Filed 3–3–17; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies

owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 29, 2017.

A. *Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Busey Corporation,* Champaign, Illinois; to acquire 100 percent of First Community Financial Partners, Inc., Joliet, Illinois, and thereby indirectly acquire First Community Financial Bank, Plainfield, Illinois.

B. *Federal Reserve Bank of St. Louis* (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Miles Bancshares, Inc.,* Advance, Missouri; to acquire up to 5.31 percent of the voting shares of UBT Bancshares, Inc., Marysville, Kansas, and thereby indirectly acquire United Bank & Trust, Marysville, Kansas.

Board of Governors of the Federal Reserve System, March 1, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–04314 Filed 3–6–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 20, 2017.

Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Alerus Financial Employee Stock Ownership Plan,* Grand Forks, North Dakota; to acquire additional shares of Alerus Financial Corporation, Grand Forks, North Dakota, and indirectly acquire additional shares of Alerus Financial, National Association, Grand Forks, North Dakota.

Board of Governors of the Federal Reserve System, March 2, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–04449 Filed 3–6–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2017–0015, NIOSH–295]

Health Risks to Workers Associated With Occupational Exposures to Peracetic Acid; Request for Information

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention intends to evaluate the scientific and technical data on occupational exposures to peracetic acid (CAS #79–21–0, also known as peroxyacetic acid and PAA). NIOSH is requesting information on the following: (1) Workplace exposure data for peracetic acid, (2) possible health effects observed in workers exposed to peracetic acid, (3) workplaces and products in which peracetic acid may be found, (4) description of work tasks and scenarios with a potential for exposure to peracetic acid, (5) reports and findings from in vitro and in vivo toxicity studies with peracetic acid, (6) data applicable to the quantitative risk assessment of health effects associated with acute, subchronic and chronic workplace exposures to peracetic acid, (7) sampling and analytical methods for peracetic acid, and (8) control measures, including engineering controls, work practices, and personal protective equipment (PPE), that are being used in workplaces where there is potential for exposure to peracetic acid.

DATES: Electronic or written comments must be received by June 5, 2017.

ADDRESSES: You may submit comments, identified by CDC–2017–0015 and docket number NIOSH–295, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC–2017–0015; NIOSH–295]. All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: G. Scott Dotson, NIOSH, Education and Information Division, Robert A. Taft Laboratories, 1090 Tusculum Avenue, Cincinnati, OH 45226, (513) 533–8540 (not a toll free number).

SUPPLEMENTARY INFORMATION: Peracetic acid is a peroxide-based molecule used extensively as an antimicrobial agent in many commercial applications. It is routinely used as a sterilant during the cleaning of endoscopes and other medical devices, as a disinfectant in food processing, as a bleaching agent, and in the synthesis of other chemicals [NAS 2010; Pechacek et al. 2015]. The chemical and physical properties of peracetic acid make the molecule highly reactive, unstable, and volatile. Peracetic acid has a pungent, vinegar-like odor [NAS 2010].

Peracetic acid is formed from a sulfuric acid-catalyzed chemical reaction between acetic acid and hydrogen peroxide [NAS 2010]. Peracetic acid solutions typically consist of a mixture of peracetic acid,

acetic acid, and hydrogen peroxide in various concentrations. NAS [2010] reported that technical or commercial peracetic acid products contain peracetic acid, acetic acid, and hydrogen peroxide in solution. Concentrations of peracetic acid in these products vary, but do not exceed 40%. Peracetic acid products containing more than 15% peracetic acid demonstrate excessive reactivity, instability, and some degree of explosiveness [Pechacek et al. 2015].

Acute exposure to peracetic acid is irritating to the eyes, respiratory tract, and skin. Peracetic acid is a strong sensory irritant considered to be more potent than acetic acid or hydrogen peroxide [NAS 2010]. Cristofari-Margquand et al. [2007] indicated that healthcare workers experienced asthma associated with workplace exposures to peracetic acid. No data on human lethality due to exposure to peracetic acid were identified. Lethal exposures in animals caused hemorrhage, edema, and pulmonary consolidation [NAS 2010].

NIOSH does not have a recommended exposure limit (REL) for peracetic acid. The Occupational Safety and Health Administration (OSHA) has not established a permissible exposure limit (PEL). The California Division of Occupational Safety and Health (CalOSHA) has not established a PEL for peracetic acid. The American Conference of Governmental Industrial Hygienists (ACGIH®) has established a threshold limit value (TLV®)—short term exposure limit (STEL) of 1.24 mg/m^3 (0.4 ppm) to protect workers against irritation of eyes, skin, and the upper respiratory tract [ACGIH® 2016]. The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) has established AEGL values for peracetic acid [NAS 2010]. AEGL values are threshold exposure limits for the general public and are applicable to emergency exposure periods ranging from 10 minutes to 8 hours [NAS 2001]. AEGL–1 represents an airborne concentration above which exposures could cause notable discomfort, irritation, or certain asymptomatic non-sensory effects. AEGL–2 represents an airborne concentration above which exposures could cause irreversible or other serious, long lasting adverse effects or an impaired ability to escape. AEGL–3 represents an airborne concentration above which exposures could cause life-threatening effects or death. Table 1 summarizes the AEGL values for peracetic acid.

TABLE 1—AEGL VALUES FOR PERACETIC ACID *

	10 minute	30 minute	60 minute	4 hour	8 hour
AEGL–1	0.52 mg/m^3 (0.17 ppm)	0.52 mg/m^3 (0.17 ppm)	0.52 mg/m^3 (0.17 ppm)	0.52 mg/m^3 (0.17 ppm)	0.52 mg/m^3 (0.17 ppm).
AEGL–2	1.6 mg/m^3 (0.5 ppm)	1.6 mg/m^3 (0.5 ppm)	1.6 mg/m^3 (0.5 ppm)	1.6 mg/m^3 (0.5 ppm)	1.6 mg/m^3 (0.5 ppm).
AEGL–3	60 mg/m^3 (19 ppm)	30 mg/m^3 (9.6 ppm)	15 mg/m^3 (4.8 ppm)	6.3 mg/m^3 (2 ppm)	4.1 mg/m^3 (1.3 ppm).

* NAS [2010].

In May 2015, NIOSH published a notice in the **Federal Register** [80 FR 24930] announcing the availability of and a request for comments for the draft immediately dangerous to life or health (IDLH) values and support technical documents, entitled *Immediately Dangerous to Life or Health (IDLH) Value Profiles,* for 14 chemicals including peracetic acid. The proposed IDLH value for peracetic acid was 1.7 mg/m^3 (0.55 ppm) [draft NIOSH 2015]. The proposed recommendation was based on sensory irritation in human volunteers reported in Fraser and Thorbinson [1986]. Due to subsequent requests from the public, a supplemental notice was published in the **Federal Register** [81 FR 53147] announcing that NIOSH was seeking further comments on the draft IDLH Value Profile for peracetic acid. The public comments indicated that (1) the proposed IDLH value was overprotective, (2) the data available for peracetic acid are of low quality, and (3) issues exist with the sampling and analysis of air samples for peracetic acid in the workplace. Based on these comments, NIOSH is re-evaluating the proposed IDLH value for peracetic acid.

Research efforts are needed to characterize the acute and chronic health effects of occupational exposures to peracetic acid. These efforts include: (1) Epidemiological and field studies designed to assess workplace exposures to peracetic acid, (2) in vivo and in vitro studies designed to characterize the acute, sub-chronic, and chronic effects of peracetic acid, (3) quantitative risk assessment(s) intended to characterize the increased risks associated with workplace exposures to peracetic acid, (4) evaluation of workplace controls, including engineering controls, administrative controls, and PPE, (5) development of analytical methods to accurately collect and analyze air samples of peracetic acid under various conditions (*e.g.,* task-based monitoring, full-shift monitoring, real-time monitoring).

Background: The purpose of the RFI is to seek information relevant to assessing the risk of occupational exposures to peracetic acid.

Information Needs: Additional data and information are needed to assist NIOSH in characterizing and assessing the health risk of occupational exposures to peracetic acid. Information is needed on: (1) Workplace exposure data for peracetic acid, (2) possible health effects observed in workers exposed to peracetic acid, (3) workplaces and products in which peracetic acid may be found, (4) description of work tasks and scenarios with a potential for exposure to peracetic acid, (5) reports and findings from in vitro and in vivo toxicity studies with peracetic acid, (6) data applicable to the quantitative risk assessment of health effects associated with acute, subchronic and chronic workplace exposures to peracetic acid, (7) sampling and analytical methods for peracetic acid, and (8) control measures, including engineering controls, work practices, and personal protective equipment (PPE), that are being used in workplaces where there is potential for exposure to peracetic acid.

References

ACGIH® (American Conference of Governmental Industrial Hygienists) [2016]. Annual TLVs® (Threshold Limit 4 Values) and BEIs® (Biological Exposure Indices) booklet. Cincinnati, OH: ACGIH® Signature Publications.

Cristofari-Marquand E, Kacel M, Milhe F, Magnan A, Lehucher-Michel MP [2007]. Asthma caused by peracetic acid-hydrogen peroxide mixture. J Occup Health 49(2):155–158.

Fraser JAL, Thorbinson A [1986]. Fogging trials with Tenneco Organics Limited (30th June, 1986) at Collards Farm. Solvay Interox. Warington, United Kingdom.

NAS (National Academies of Science) [2001]. Standing operating procedures for developing acute exposure guidelines levels for hazardous chemicals. Washington, DC: National Academy Press. [*https://www.epa.gov/sites/production/files/2015-09/documents/sop_final_standing_operating_procedures_2001.pdf*].

NAS [2010]. Chapter 7: peracetic acid-acute exposure guideline levels. In: acute exposure guideline levels for selected airborne chemicals: volume 8. [*http://www.epa.gov/opptintr/aegl/pubs/peracetic_acid_final_volume8_2010.pdf*].

NIOSH (National Institute for Occupational Safety and Health) [draft 2015]. Immediately dangerous to life or health (IDLH) value profile for peracetic acid. External review draft (Dated: March 2015). [*https://www.cdc.gov/niosh/docket/review/docket156a/pdfs/g1-013-peracetic-acid-cas-79-21-0.pdf*].

Pechacek N, Osorio M, Caudill J, Peterson B [2015]. Evaluation of the toxicity data for peracetic acid in deriving occupational exposure limits: A minireview. Toxicology Letters 233: 45–57.

Dated: March 1, 2017.

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017–04319 Filed 3–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) DP15–0020301SUPP17, Supplement to Enhance Laboratory and Statistical Support of the Population Registry of Diabetes in Youth.

TIME AND DATE: 11:00 a.m.–2:00 p.m., EDT, March 29, 2017 (Closed).

PLACE: Teleconference.

STATUS: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

MATTERS FOR DISCUSSION: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Supplement to Enhance Laboratory and Statistical Support of the Population Registry of Diabetes in Youth'', FOA DP15–0020301SUPP17.

CONTACT PERSON FOR MORE INFORMATION: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov* delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

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

[FR Doc. 2017–04354 Filed 3–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Closed Meeting

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

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

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; NIH Health Care Systems Research Collaboratory—Coordinating Center (U24).

Date: April 6, 2017.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Viatcheslav A. Soldatenkov, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, 301–451–3849, *sOLDATENKOVV@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Integrative Health, National Institutes of Health, HHS)

Dated: March 1, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04325 Filed 3–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

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

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

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (Parent R13).

Date: March 20–22, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5045, *sundstromj@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04326 Filed 3–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

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

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

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Biobehavioral and Behavioral Sciences Subcommittee.

Date: June 14, 2017.

Time: 7:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

Contact Person: Marita R. Hopmann, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6710B Bethesda Drive, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 1, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04324 Filed 3–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2017–0033]

Waterway Suitability Assessment for Construction of a Liquefied Natural Gas Facility; Jacksonville, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Coast Guard Sector Jacksonville received a Letter of Intent (LOI) and Waterways Suitability Assessment (WSA) for a Liquefied Natural Gas (LNG) facility construction project in Jacksonville, Florida. The LOI and WSA for Eagle LNG were submitted by Rodino, Inc. The Coast Guard requests comments on the proposed construction of this LNG facility, as defined by 33 CFR 127.005.

DATES: Comments and related material must be received by the Coast Guard on or before April 6, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0033 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document: call or email Lieutenant Allan Storm, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone (904) 714–7616, email *Allan.H.Storm@uscg.mil.*

I. Background and Purpose

Under 33 CFR 127.007(a), an owner or operator intending to build a new facility handling LNG, or an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling LNG, where the construction, expansion, or modification would result in an increase in the size and/or frequency of LNG marine traffic on the waterway associated with a proposed facility or modification to an existing facility, must submit an LOI to the Captain of the Port (COTP) of the zone in which the facility is or will be located. Eagle LNG submitted an LOI and WSA on November 25, 2014, and a Follow-on WSA on November 10, 2016.

Under 33 CFR 127.009, after receiving an LOI, the COTP issues a Letter of Recommendation (LOR) as to the suitability of the waterway for LNG marine traffic to the appropriate jurisdictional authorities. The LOR is based on a series of factors outlined in 33 CFR 127.009 that relate to the physical nature of the affected waterway and issues of safety and security associated with LNG marine traffic on the affected waterway.

The purpose of this notice is to solicit public comments on the proposed construction project as submitted by Rodino, Inc. on behalf of Eagle LNG. Input from the public may be useful to the COTP with respect to developing the LOR. The Coast Guard requests comments to help assess the suitability of the associated waterway for increased LNG marine traffic as it relates to navigation, safety, and security.

On January 24, 2011, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 01–2011, ''Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities.'' NVIC 01–2011 provides guidance for owners and operators seeking approval to construct and operate LNG facilities. The Coast Guard will refer to NVIC 01–2011 for process information and guidance in evaluating the project included in the LOIs and WSAs submitted by Rodino, Inc. A copy of NVIC 01–2011 is available on the Coast Guard's Web site at *http://www.uscg.mil/hq/cg5/nvic/2010s.asp.*

This notice is issued under authority of 33 U.S.C. 1223–1225, Department of Homeland Security Delegation Number 0170.1(70), 33 CFR 127.009, and 33 CFR 103.205.

II. Public Participation and Request for Comments

We encourage you to submit comments on this notice for the waterway suitability assessment for the construction of this LNG facility. We will consider all submissions and may adjust our final action based on your comments. If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. More information regarding this project can be found on the following Web site: *http://eaglelng.com/projects/jacksonville-fl.*

Please submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov*, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

We accept anonymous comments. All comments received will be posted without change to *http://*

www.regulations.gov and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Dated: February 28, 2017.

J.F. Dixon,

Captain, U.S. Coast Guard, Captain of the Port Jacksonville.

[FR Doc. 2017–04380 Filed 3–6–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2016–0032; OMB No. 1660–0107]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Federal Emergency Management Agency Public Assistance Customer Satisfaction Surveys

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: 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 Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This information collection previously published in the **Federal Register** on December 8, 2016 at 81 FR 88696 with a 60 day public comment period. One positive comment was received supporting FEMA's effort to survey their customers and FEMA's commitment to continually improving the service provided to citizens during times of crisis. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: FEMA Public Assistance Customer Satisfaction Surveys.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0107.

Form Titles and Numbers: FEMA Form 519–0–32, Public Assistance Initial Customer Satisfaction Survey (Telephone); FEMA Form 519–0–33, Public Assistance Initial Customer Satisfaction Survey (Internet); FEMA Form 519–0–34, Public Assistance Assessment Customer Satisfaction Survey (Telephone); FEMA Form 519–0–35, Public Assistance Assessment Customer Satisfaction Survey (Internet).

Abstract: Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with those services. FEMA managers use the survey results to measure performance against standards for performance and customer service, measure achievement of strategic planning objectives, and generally gauge and make improvements to disaster service that increase customer satisfaction.

Affected Public: Not-for-profit institutions, State, Local, or Tribal government.

Estimated Number of Respondents: 7,804.

Estimated Total Annual Burden Hours: 2,293 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $150,116.19. There are no annual costs to respondents' operations and maintenance costs for technical services. The annual cost to respondents for Non-Labor Cost (expenditures on training, travel and other resources) is $11,664.00. There are no annual start-up or capital costs. The cost to the Federal Government is $697,526.37.

Dated: March 1, 2017.

Tammi Hines,

Records Management Program Chief (Acting), Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–04445 Filed 3–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0009; OMB No. 1660–0062]

Agency Information Collection Activities: Proposed Collection; Comment Request; State/Local/Tribal Hazard Mitigation Plans

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning information collection activities related to Hazard Mitigation Plans.

DATES: Comments must be submitted on or before May 8, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0009. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Smith, Chief, Planning and Safety Branch; Planning, Safety and Building Science Division; Risk Management Directorate; Federal Insurance and Mitigation Administration; FEMA (202) 646–4372. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5165, as amended by the Disaster Mitigation Act of 2000 (DMA 2000), Public Law 106–390, provides the framework for linking pre-and post-disaster mitigation planning and initiatives with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. Regulations found at 44 CFR part 201 provide the mitigation planning requirements for State, local, and Indian Tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide-range of resources.

Collection of Information

Title: State/Local/Tribal Hazard Mitigation Plans.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0062.

FEMA Forms: Not applicable.

Abstract: In order to be eligible for certain types of Federal Emergency Management Agency (FEMA) non-emergency assistance, State, local, and Indian Tribal governments are required to have a current FEMA-approved hazard mitigation plan that meets the criteria established in 44 CFR part 201.

Affected Public: State, local or Tribal government.

Number of Respondents: 56.

Number of Responses: 1,579.

Estimated Total Annual Burden Hours: 227,366 hours.

Estimated Cost: The estimated annual cost to respondents is $31,198,090. The estimated annual cost to the Federal Government is $1,705,242.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Dated: March 1, 2017.

Tammi Hines,

Acting Records Management Branch Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–04434 Filed 3–6–17; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0005; OMB No. 1660–0023]

Agency Information Collection Activities: Proposed Collection; Comment Request; Effectiveness of a Community's Implementation of the NFIP Community Assistance Program CAC and CAV Reports

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the effectiveness of a community's implementation of the NFIP Community Assistance Program Community Assistance Contact (CAC) and Community Assistance Visit (CAV) Reports.

DATES: Comments must be submitted on or before May 8, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0005. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bret Gates, Senior Program Specialist, Mitigation Directorate, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, (202) 646–4133. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Department of Homeland Security's Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) (codified at 42 U.S.C. 4001, *et seq.*), and a major objective of the NFIP is to assure that participating communities are achieving the flood loss reduction objectives through implementation and enforcement of adequate land use and control measures. FEMA's authority to collect information that will allow for the evaluation of how well communities are implementing their floodplain management programs is found at 42 U.S.C. 4022 and 42 U.S.C. 4102. Title 44 CFR 59.22 directs the respondent to submit evidence of the corrective and preventive measures taken to meet the flood loss reduction objectives.

Collection of Information

Title: Effectiveness of a Community's Implementation of the NFIP Community Assistance Program CAC and CAV Reports.

OMB Number: 1660–0023.

Type of Information Collection: Extension, without change, of a currently approved information collection.

Abstract: Through the use of a Community Assistance Contact (CAC) or Community Assistance Visit (CAV), FEMA can make a comprehensive assessment of a community's floodplain management program. Through this assessment, FEMA can assist the community to understand the NFIP's requirements, and implement effective flood loss reductions measures. Communities can achieve cost savings through flood mitigation actions by way of insurance premium discounts and reduced property damage.

Affected Public: State, local and Tribal Government.

Number of Respondents: 3000.

Number of Responses: 3000.

Estimated Total Annual Burden Hours: 4000.

Estimated Cost: There are no annual costs to respondents operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $9,123,637.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Dated: March 1, 2017.

Richard W. Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–04444 Filed 3–6–17; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5858–N–05]

Announcement of the Housing Counseling Federal Advisory Committee Notice of Public Meeting

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Housing Counseling Federal Advisory Committee (HCFAC) Public Meeting.

SUMMARY: This gives notice of a Housing Counseling Federal Advisory Committee (HCFAC) meeting and sets forth the proposed agenda. The Committee meeting will be held on Tuesday, March 14, 2017. The meeting is open to the public and is accessible to individuals with disabilities. Pursuant to 41 CFR 102–3.150, notice for the March 14, 2017, meeting is being published fewer than 15 calendar days prior to the meeting as exceptional circumstances exist. It is imperative that the Committee hold its March 14, 2017, meeting to accommodate the scheduling priorities of key participants so that they may begin the work of the Committee. Given HUD's need for the Committee's advice, and the scheduling difficulties of selecting an alternative date, the agency deems it important for the advisory committee to meet on March 14, 2017, despite the late notice.

DATES: The meeting will be held on Tuesday, March 14, 2017 from 8:30 a.m. to 5:30 p.m. Eastern Daylight Time (EDT) at HUD Headquarters, 451 7th Street SW., Washington, DC 20410 and via conference phone.

FOR FURTHER INFORMATION CONTACT: Marjorie George, Housing Program Technical Specialist, Office of Housing Counseling, U.S. Department of Housing and Urban Development, 200 Jefferson Avenue, Suite 300, Memphis, TN 38103; telephone number (901) 544–4228 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339 (toll-free number). Individuals may also email *HCFACCommittee@hud.gov.*

SUPPLEMENTARY INFORMATION: HUD is convening the meeting of the HCFAC on Tuesday, March 14, 2017 from 8:30 a.m. to 5:30 p.m. EDT. The meeting will be held at HUD Headquarters, 451 7th Street SW., Washington, DC 20410 and via conference phone. This meeting notice is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2).

Draft Agenda—Housing Counseling Federal Advisory Committee Meeting—March 14, 2017

I. Welcome
II. Panel Discussions—Expanding Access to and Sustainability of HUD Housing Counseling
III. Public Comment
IV. HCFAC Discussion
V. Next Steps
VI. Adjourn

Registration

The public is invited to attend this one-day meeting in-person or by phone. Advance registration is required to participate. To register to attend, please visit the following link: *https://pavr.wufoo.com/forms/hcfac-meeting-registration/.*

After completing the pre-registration process at the above link, in-person attendees will receive details about the meeting location and how to access the building. The meeting is also open to the public with limited phone lines available on a first-come, first-served basis. Phone attendees can call-in to the one-day meeting by using the following number in the United States: (800) 230–1096 (toll-free number). An operator will ask callers to provide their names and their organizational affiliations (if applicable) prior to placing callers into the conference line to ensure they are part of the pre-registration list. Callers can expect to incur charges for calls they initiate over wireless lines and HUD will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number. Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS): (800) 977–8339 (toll-free number) and providing the FRS operator with the conference call number: (800) 230–1096.

Comments

With advance registration, members of the public will have an opportunity to provide oral and written comments relative to the four agenda topics for the Committee's consideration. To provide oral comments, please be sure to indicate this on the registration link. The total amount of time for oral comments will be 15 minutes with each commenter limited to two minutes to ensure pertinent Committee business is completed. Written comments must be provided no later than March 7, 2017 to *HCFACCommittee@hud.gov.* Please note, written statements submitted will

not be read during the meeting. The Committee will not respond to individual written or oral statements; but, will take all public comments into account in its deliberations.

Meeting Records

Records and documents discussed during the meeting, as well as other information about the work of this Committee, will be available for public viewing as they become available at: *http://www.facadatabase.gov/committee/committee.aspx?cid=2492&aid=77* by clicking on the ''Committee Meetings'' link.

Dated: February 22, 2017.

Genger Charles,

General Deputy Assistant, Secretary for Housing.

[FR Doc. 2017–04562 Filed 3–6–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22872; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Denver Museum of Nature & Science, Denver, CO. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Denver Museum of Nature & Science, Denver, CO at the address in this notice by April 6, 2017.

ADDRESSES: Chip Colwell, Senior Curator of Anthropology and NAGPRA Officer, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370–6378, email *Chip.Colwell@dmns.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Denver, CO, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

Around 1925, one cultural item was removed from an unknown wooded location. It had been given or sold to a local collector before Karen Petersen obtained it in 1975. Petersen sold it to Mary and Francis Crane on February 19, 1976, and the Cranes donated it to the Denver Museum of Nature & Science on May 27, 1983. In the 1950s, Karen Petersen and her husband Sydney Petersen spent their summers visiting Anishinaabe communities, camping out and buying crafts from tribal members. When she was able to sell items, she sold them through churches in St. Paul, MN. She also collected Anishinaabe objects for the Science Museum of Minnesota as a staff member from 1958 to 1964. The one cultural item (AC.11537) is a water drum. It had been left in the woods for religious reasons. The drum has broken into six pieces but is still ceremonially significant today because of the etchings on the wood that contain a song or story.

Museum accession, catalogue, and documentary records, as well as consultation with a representative of the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota, indicate that the one cultural item is Ojibwe and is from the Grand Portage Indian Reservation in northern Minnesota.

Determinations Made by the Denver Museum of Nature & Science

Officials of the Denver Museum of Nature & Science have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Chip Colwell, Senior Curator of Anthropology and NAGPRA Officer, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370–6378, email *Chip.Colwell@dmns.org,* by April 6, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred object to the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota may proceed.

The Denver Museum of Nature & Science is responsible for notifying the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota that this notice has been published.

Dated: February 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04405 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22847; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: St. Joseph Museums, Inc., St. Joseph, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The St. Joseph Museums, Inc., has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written

request to the St. Joseph Museums, Inc. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the St. Joseph Museums, Inc., at the address in this notice by April 6, 2017.

ADDRESSES: Trevor Tutt, St. Joseph Museums, Inc., P.O. Box 8096, St. Joseph, MO 64508, telephone (816) 232–8471, email *trevor@stjosephmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the St. Joseph Museums, Inc. The human remains and associated funerary objects were removed from multiple counties in the state of Missouri.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the St. Joseph Museums, Inc., professional staff in consultation with representatives of Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; and The Osage Nation (previously listed as the Osage Tribe).

History and Description of the Remains

In 1975, human remains representing, at minimum, one individual were removed from site 23AT21 near Rock Creek in Atchison County, MO. The site was discovered during the construction of Highway I–29. When the site was discovered, construction ceased and Missouri Highway geologist Bill Herndon and state archeologists Don Reynolds and Mike Fisher excavated the site. The human remains were donated to the St. Joseph Museums, Inc., and accessioned in 1992. No known individual was identified. There are, at minimum, 800 individual bone fragments from the site. The seven associated funerary objects are 1 chert; 4 containers of charcoal and bone; and 2 bison horns.

In 1961, human remains representing, at minimum, one individual were removed from the Big Ditch site (23AT15) in Atchison County, MO. The site was excavated and the human remains and funerary objects were donated to the St. Joseph Museums, Inc., at an unknown date. No known individual was identified. The 32 associated funerary objects are 22 sherds; 3 projectile points; 1 bison horn; 1 scraper; 4 lime nodules; and 1 stone.

From the early 1900s through 1989, human remains representing, at minimum, seven individuals were removed from The King Hill site (23BN1) in Buchanan County, MO. The King Hill site (23BN1) is identified as a burial mound within the city of St. Joseph, MO and is a frequent site of archeological investigation. No known individuals were identified. The 623 associated funerary objects are 1 piece of wood, 66 stones and rock samples, 16 shells, 1 screw, 5 scrapers, 28 rimsherds, 1 projectile point, 457 potsherds, 2 ornaments, 3 concretion, 1 hearthstone, 1 pot handle, 1 fossil, 29 chert, 3 coal, 1 bullet casing, 4 brick and mortar, and 3 botanical remains.

In 1982, human remains representing, at minimum, three individuals were removed from Enterprise Hill in Buchanan County, MO. The human remains were donated to the St. Joseph Museums, Inc., at an unknown date by Whipple S. Newell. No known individuals were identified. The 42 associated funerary objects are 1 sherd; 6 shells; 13 pendants; 1 flake; 8 charcoal; and 13 beads.

In 1981, human remains representing, at minimum, one individual were removed from Benton High School in Buchanan County, MO. No known individual was identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, one individual were removed from site 23AN35 in Andrew County, MO and donated to the St. Joseph Museums, Inc., by Kenneth Lawrie at an unknown date. No known individual was identified. The 41 associated funerary objects are 1 stone; 35 sherds; 4 pieces of clay; and 1 daub.

In the mid to late 1900s, human remains representing at minimum, one individual were removed from site 23JA24 in Jackson County, MO by J. Mett Shippee. These human remains were donated to the St. Joseph Museums, Inc., in 1992. No known individual was identified. No associated funerary objects are present.

All the sites listed in this notice are affiliated with the Iowa, Omaha, Osage, Otoe-Missouria, and Sac & Fox tribes.

Determinations Made by the St. Joseph Museums, Inc.

Officials of the St. Joseph Museums, Inc., have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 745 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to: Trevor Tutt, St. Joseph Museums, Inc., P.O. Box 8096, St. Joseph, MO 64508, telephone (816) 232–8471, email *trevor@stjosephmuseum.org*, by April 6, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe) may proceed.

The St. Joseph Museums, Inc., is responsible for notifying Iowa Tribe of Kansas and Nebraska; Iowa Tribe of

Oklahoma; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe) that this notice has been published.

Dated: February 1, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04402 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22870; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Denver Museum of Nature & Science. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Denver Museum of Nature & Science at the address in this notice by April 6, 2017.

ADDRESSES: Chip Colwell, Senior Curator of Anthropology and NAGPRA Officer, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370–6378, email *Chip.Colwell@dmns.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Denver Museum of Nature & Science, Denver, CO that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

At an unknown date, six cultural items were removed from multiple unknown locations. In the 1950s, Karen Petersen and her husband Sydney Petersen spent their summers visiting Anishinaabe communities, camping out, and buying crafts from tribal members. When she was able to sell items, she sold them through churches in St. Paul, MN. She also collected Anishinaabe objects for the Science Museum of Minnesota as a staff member from 1958 to 1964. The six cultural items were purchased by Petersen in 1975 from unknown collectors who obtained or purchased them from tribal members at the White Earth Indian Reservation in northwestern Minnesota. The baton (AC.11531) was obtained by an unknown collector from Annie Fineday of the White Earth Indian Reservation in 1941, and, in turn, was obtained by Petersen in 1975. It was purchased by Francis and Mary Crane on February 5, 1976. The Cranes donated the baton to the Denver Museum of Nature & Science (DMNS) in December of 1976. The bird carving (AC.11532) was purchased by an unknown collector from Mrs. John Basswood in Ponsford, which is part of the White Earth Indian Reservation, in 1949. It was obtained by Petersen in 1975 and was purchased by the Cranes on February 5, 1976. The Cranes donated the bird carving to the DMNS in December of 1976. The rattle (AC.11534) was sold to an unknown collector by Jack Saylor at the White Earth Indian Reservation, and, in turn, was purchased by Petersen in 1975, and by the Cranes on February 5, 1976. The Cranes donated the rattle to the DMNS in December of 1976. The medicine bag (AC.11535H) was obtained from Mrs. Moose Jonas from an unknown collector in the 1930s, and, in turn, was obtained by Petersen in 1975. It was purchased by the Cranes on February 5, 1976. The Cranes donated the medicine bag to the DMNS in December of 1976. The second bird figure (AC.11540) was obtained from Annie Fineday by an unknown collector in 1941, and, in turn, was obtained by Petersen in 1975. It was purchased by the Cranes on February 5, 1976. The Cranes donated the bird figure to the DMNS in December of 1976. The Midewiwin Post (AC.11543) was purchased from Mrs. John Basswood in Ponsford in 1949, and, in turn, was obtained by Petersen in 1975. It was purchased by the Cranes on February 5, 1976. The Cranes then donated the Midewiwin Post to the DMNS in December of 1976. The six cultural items are one Midewiwin baton (AC.11531), two Midewiwin bird figures (AC.11532 and AC.11540), one Midewiwin rattle (AC.11534), one Midewiwin medicine bag (AC.11534H), and one Midewiwin post (AC.11534). The cultural items are identified in museum records as being from the White Earth Indian Reservation in northwestern Minnesota. Bird figures and their posts are used to mark Mide lodges and to signify a family or society affiliation. Similarly, rattles, medicine bags, and batons have an integral role in Midewiwin's current ceremonial practices.

Museum accession, catalogue, and documentary records, as well as consultation with representatives of the White Earth Band of the Minnesota Chippewa Tribe, Minnesota, indicate that the six cultural items are Ojibwe and are from the White Earth Indian Reservation, Minnesota. The six cultural items, AC.11531, AC.11532, AC.11534, AC.11535H, AC.11540, and AC.11543, relate to the Grand Medicine Society or Midewiwin, a ritual society.

Determinations Made by the Denver Museum of Nature & Science

Officials of the Denver Museum of Nature & Science have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the six cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the cultural items and the White Earth Band of the Minnesota Chippewa Tribe, Minnesota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Chip Colwell, Senior Curator of Anthropology and NAGPRA Officer,

Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370–6378, email *Chip.Colwell@dmns.org* by April 6, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to the White Earth Band of the Minnesota Chippewa Tribe, Minnesota may proceed.

The Denver Museum of Nature & Science is responsible for notifying the White Earth Band of the Minnesota Chippewa Tribe, Minnesota that this notice has been published.

Dated: February 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04403 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22874; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Murray State University Archaeology Laboratory, Murray, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Murray State University Archaeology Laboratory has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Murray State University Archaeology Laboratory. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Director of the Murray State University Archaeology Laboratory at the address in this notice by April 6, 2017.

ADDRESSES: Dr. Anthony Ortmann, Director, Murray State University Archaeology Laboratory, Blackburn Science Building 334, Murray State University, Murray, KY 42071, telephone (270) 809–6755, email *aortmann@murraystate.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Murray State University Archaeology Laboratory, Murray, KY. The human remains were removed from various counties in Kentucky and one county in Tennessee.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Murray State University Archaeology Laboratory professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Oklahoma, Eastern Band of Cherokee, Eastern Shawnee Tribe of Oklahoma, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Shawnee Tribe, The Chickasaw Nation, and The Quapaw Tribe of Oklahoma. The following tribes were invited to consult but did not participate: Cherokee Nation and United Keetoowah Band of Cherokee Indians in Oklahoma in Oklahoma.

History and Description of the Remains

On an unknown date in the 1980s, human remains representing, at minimum, three individuals were removed from the Twin Mounds site (15Ba2) in Ballard County, KY. Archeological research at the Twin Mounds site (15Ba2) was undertaken by the University of Illinois as part of their Western Kentucky Project. The human remains from the Twin Mounds site (15Ba2) were transferred to the Murray State University Archaeology Laboratory sometime between 2001 and 2005. The human remains consist of 27 fragments of human bone, all of indeterminate age and sex. The Twin Mounds site (15Ba2) likely dates to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, three individuals were removed from site 15Ba42 in Ballard County, KY, during surface collections by unknown individuals. These human remains consist of 100 specimens including skull fragments, mandible fragments, vertebral fragments, and possible ulna, radius, fibula, humerus, femur, and/or tibia fragments, all of indeterminate age and sex. These human remains were discovered in the collections maintained by the Murray State University Archaeology Laboratory. The date of the site associated with the human remains is unknown. No known individuals were identified. No associated funerary objects are present.

On an unknown date in 1981, human remains representing, at minimum, one individual were removed from the Backusburg site (15Cw65) in Calloway County, KY. These human remains consist of 1 small, unidentifiable specimen that was collected from the back dirt pile of a looter's pit by Dr. Kenneth Carstens. The Backusburg site (15Cw65) likely dates to the Mississippi Period (A.D. 1000–1600). Neither age nor sex could be determined for this skeletal element. No known individual was identified. No associated funerary objects are present.

On an unknown date in the early 1970s, human remains representing, at minimum, four individuals were removed from the Backusburg site (15Cw65) in Calloway County, KY. These human remains consist of 60 specimens that were recovered by an amateur archeologist and donated to the Murray State University Archaeology Laboratory in 2003. The specimens consist of fragments of a human femur, fibula, tibia, humerus, and ulna, as well as skull, mandible, scapula, vertebral, and sacrum fragments. Age and sex could not be determined for any of these specimens. The Backusburg site (15Cw65) likely dates to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. No associated funerary objects are present.

On an unknown date in the 1970s, human remains representing, at minimum, one individual were removed from an unnamed and unnumbered site near the town of Hardin in Calloway County, KY. These human remains consist of 100 fragments of human bone that were recovered by an amateur archeologist and donated to the Murray State University Archaeology Laboratory in 2003. Skeletal elements include skull fragments, rib fragments, sacrum fragments, vertebral fragments, and one unidentified long bone fragment. Neither age nor sex could be determined for any of the specimens. The age of the site is unknown. No known individual

was identified. No associated funerary objects are present.

On an unknown date in the 1980s, human remains representing, at minimum, 12 individuals were removed from the Turk site (15Ce6) in Carlisle County, KY. Archeological research at the Turk site was undertaken by the University of Illinois as part of their Western Kentucky Project. These human remains were transferred to the Murray State University Archaeology Laboratory sometime between 2001 and 2005. These human remains consist of 848 specimens including at least nine infants or children and at least three adults. The sex of the individuals could not be determined. The Turk site (15Ce6) likely dates to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. No associated funerary objects are present.

On an unknown date in the 1980s, human remains representing, at minimum, ten individuals were removed from the Adams site (15Fu4) in Fulton County, KY. Archeological research at the Adams site was undertaken by the University of Illinois as part of their Western Kentucky Project. These human remains were transferred to the Murray State University Archaeology Laboratory sometime between 2001 and 2005. These human remains consist of 463 specimens including at least three children or infants. No other age of sex characteristics could be determined. The Adams site (15Fu4) likely dates to the Mississippi Period (A.D. 1000–1600). No known individuals were identified. No associated funerary objects are present.

On an unknown date in the 1980s, human remains representing, at minimum, one individual were removed from the Sassafras Ridge site (15Fu3) in Fulton County, KY. Archeological research at the Sassafras Ridge site was undertaken by the University of Illinois as part of their Western Kentucky Project. These human remains were transferred to the Murray State University Archaeology Laboratory sometime between 2001 and 2005. The Sassafras Ridge site (15Fu3) likely dates to the Mississippi Period (A.D. 1000–1600). These human remains consist of 15 fragments of human bone. Age and sex could not be determined for any of the specimens. No known individual was identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, one individual were removed from the Stahr Hill site (15Fu45) in Fulton County, KY. These human remains were obtained during surface collection. There is no record regarding who collected the human remains or how they got into the Murray State University Archaeology Laboratory collections. The Stahr Hill site (15Fu45) is of unknown age. The human remains consist of a single tooth. Age and sex could not be determined for this specimen. No known individual was identified. No associated funerary objects are present.

On an unknown date in the 1970s, human remains representing, at minimum, one individual were removed from the Jonathan Creek site (15Ml4) in Marshall County, KY. These human remains were removed by an amateur archeologist and were subsequently donated to the Murray State University Archaeology Laboratory in 2003. The Jonathan Creek site (15Ml4) likely dates to the Mississippi Period (A.D. 1000–1600). The human remains consist of 40 fragments including cranial elements, vertebral elements, and one fragment of a radius. Age and sex could not be determined for any of the specimens. No known individual was identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, two individuals were removed from the Hardin site (15Ml82) in Marshall County, KY. These human remains were obtained during surface collection, but there is no record regarding who collected the human remains or how they got into the Murray State University Archaeology Laboratory collections. The Hardin site (15Ml82) is of unknown age. The human remains consist of nine fragmentary bones including cranial elements and possibly unidentified long bone elements. Age and sex could not be determined for any of these specimens. No known individuals were identified. No associated funerary objects are present.

On an unknown date in 1981, human remains representing, at minimum, one individual were removed from the Reed site (15McN51) in McCracken County, KY. These human remains were removed during excavation by field school students at Murray State University and subsequently curated in the collections of the Murray State University Archaeology Laboratory. The Reed site (15McN51) likely dates to the Mississippi Period (A.D. 1000–1600). The human remains consist of eight fragments including two skull fragments, one navicular fragment, and five unidentified fragments. Age and sex could not be determined for any of the specimens. No known individual was identified. No associated funerary objects are present.

On an unknown date in the 1980s, human remains representing, at minimum, two individuals were removed from the Crawford Lake site (15McN18) in McCracken County, KY. These human remains were removed during archaeological investigations by the University of Illinois as part of their Western Kentucky Project and transferred to the Murray State University Archaeology Laboratory sometime between 2001 and 2005. The Crawford Lake site (15McN18) likely dates to the Mississippi Period (A.D. 1000–1600). The human remains consist of 24 specimens recovered from disturbed contexts. Age and sex have not been determined for any of the specimens. No known individuals were identified. No associated funerary objects are present.

The land in Ballard, Calloway, Carlisle, Fulton, Marshall, and McCracken counties, KY, from which the Native American human remains were removed, is the aboriginal land of The Chickasaw Nation.

On an unknown date, human remains representing, at minimum, 25 individuals were removed from the Savage Cave site (15Lo11) in Logan County, KY. Some of these human remains consist of out-of-context human remains that were donated to the Murray State University Archaeology Laboratory by the site's previous owner, Genevieve Savage. Other human remains from the Savage Cave site were recovered from back dirt piles associated with looter's pits during visits by Murray State University archeologists in 1991, 1994, and 1997. Some of the human remains from the Savage Cave site were recovered during excavations by the Carnegie Institute during the late 1960s. The Savage Cave site had a long history of occupation and use throughout the prehistoric period. The human remains from the Savage Cave site include a total of 260 specimens including both whole and fragmentary human remains. Some skeletal elements of children and infants are present in the collection, otherwise no age or sex determinations were possible. No known individuals were identified. No associated funerary objects are present.

The land in Logan County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma.

On an unknown date in the 1960s, human remains representing, at minimum, one individual were removed from site 15Tr7 in Trigg County, KY. These human remains were removed by a graduate student from the University

of Illinois and housed there until 2006 when they were transferred to the Murray State University Archaeology Laboratory. The age of site 15Tr7 is unknown. The human remains from site 15Tr7 consist of 86 specimens including cranial and long bone fragments. Age and sex could not be determined for any of these specimens. No known individual was identified. No associated funerary objects are present.

On an unknown date in the 1970s, human remains representing, at minimum, one individual were removed from an unnamed and unnumbered site in Stewart County, TN. These human remains were recovered by an amateur archaeologist and subsequently donated to the Murray State University Archaeology Laboratory in 2003. The age of the site is unknown. The human remains from the site consist of 137 specimens including cranial, mandible, rib, scapula, and vertebral fragments. Age and sex could not be determined for any of these specimens. No known individual was identified. No associated funerary objects are present.

On an unknown date in the 1970s, human remains representing, at minimum, two individuals were recovered from the Bear Creek site (40Sw23) in Stewart County, TN. These human remains were recovered during Murray State University archeological field school excavations and subsequently curated in the Murray State University Archaeology Laboratory. The age of the Bear Creek site (40Sw23) is unknown. The human remains from the site consist of 176 specimens including vertebral, cranial, and long bone fragments. At least two individuals were either infants or children. No other age or sex determinations could be made. No known individuals were identified. No associated funerary objects are present.

The land in Trigg County, KY, and Stewart County, TN, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Between May 25, 2001, and July 5, 2001, human remains representing, at minimum, seven individuals were removed from site 15Hk280 in Hopkins County, KY, by Thor Olmanson as part of a cultural resources management assessment. The human remains were transferred to the Murray State University Archaeology Laboratory in 2003. This site is a rock shelter and test excavations revealed that it had been thoroughly looted prior to the archeological assessment. As a result, all recovered human remains were out of context. The human remains removed from site 15Hk280 consist of 139 fragmentary specimens ranging in age from subadult to adult. No sex determinations could be made. No known individuals were identified. No associated funerary objects are present.

The land in Hopkins County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, and United Keetoowah Band of Cherokee Indians in Oklahoma.

On an unknown date in the 1970s, human remains representing, at minimum, one individual were removed from the Sanders site in Livingston County, KY. These human remains were surface collected by an amateur archeologist and subsequently transferred to the Murray State University Archaeology Laboratory in 2003. The age of the Sanders site is unknown. The human remains from the site consist of a total of 137 specimens including cranial elements, vertebral fragments, rib fragments, long bone fragments, and phalanges. No age or sex determinations could be made. No known individual was identified. No associated funerary objects are present.

The land in Livingston County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Determinations Made by the Murray State University Archaeology Laboratory

Officials of the Murray State University Archaeology Laboratory have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological evidence, association with prehistoric archaeological sites, and their geographic and temporal affiliation which is consistent with the historically documented territory of the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least 79 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Ballard, Calloway, Carlisle, Fulton, Marshall, and McCracken counties, KY, from which the Native American human remains were removed, is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Ballard, Calloway, Carlisle, Fulton, Marshall, and McCracken counties, KY, may be to The Chickasaw Nation.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Logan County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Logan County, KY, may be to the Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Trigg County, KY, and Stewart County, TN, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Trigg County, KY, and Stewart County, TN, may be to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Hopkins County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Hopkins County, KY, may be to the Cherokee Nation, Eastern Band of

Cherokee Indians, Shawnee Tribe, and United Keetoowah Band of Cherokee Indians in Oklahoma.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, treaties, Acts of Congress, or Executive Orders, the land in Livingston County, KY, from which the Native American human remains were removed, is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains from Livingston County, KY, may be to the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Anthony Ortmann, Director, Murray State University Archaeology Laboratory, Murray, KY 42071, telephone (270) 809–6755, email *aortmann@murraystate.edu*, by April 6, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The Murray State University Archaeology Laboratory is responsible for notifying the Cherokee Nation, Eastern Band of Cherokee Indians, Shawnee Tribe, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: February 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04399 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22840; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Arkansas State Highway and Transportation Department, Little Rock, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Arkansas State Highway and Transportation Department has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Arkansas State Highway and Transportation Department. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Arkansas State Highway and Transportation Department at the address in this notice by April 6, 2017.

ADDRESSES: Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Arkansas State Highway and Transportation Department. The human remains and associated funerary objects were removed from Hot Spring and Clark counties, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Arkansas State Highway and Transportation Department professional staff in consultation with representatives of the Caddo Nation of Oklahoma.

History and Description of the Remains

In 1998, human remains representing, at minimum, nine individuals were recovered from the Helm site (3HS499) in Hot Spring County, AR, during data recovery for the replacement of a bridge. The Arkansas State Highway and Transportation Department contracted the excavations out to Mid-Continental Research Associates, Inc., in Lowell, AR. The human remains were taken to the laboratory at Mid-Continental Research Associates, Inc., for analysis and then to the Arkansas Archeological Survey (AAS) for curation. The human remains were identified as one infant (less than two years old), three children (2 to 12 years), two youth (13 to 18 years), and three adults (19 to 35 years). The human remains consisted of two females, two males, and five undetermined. No known individuals were identified. The 23 associated funerary objects are 3 bowls, 2 bottles, 1 jar, 12 undescribed ceramic vessels, 4 deposits of red ochre, and 1 piece of metal. These associated funerary objects and other diagnostic artifacts found at site 3HS449 indicate that these human remains were probably buried during the Late Caddo Period (A.D. 1450–1700).

In 1987, human remains representing, at minimum, 24 individuals were recovered from the Hardman site (3CL418) in Clark County, AR. The Hardman site was excavated to mitigate the impacts of the construction of a bridge over Bayou Saline. The Arkansas State Highway and Transportation Department contracted the excavations out to the AAS, and the human remains and associated funerary objects have remained at the AAS's collections since the time of their removal. No known individuals were identified. The 105 associated funerary objects include 1 untyped Plain bottle (FSN134), 1 Hodges engraved *var. Hodges* bottle (FSN274–1), 1 untyped undecorated bowl (FSN274–2), 1 Hodges engraved

var. Nix carinated bowl (FSN276), 1 Hodges engraved *var. Fowler* bottle (FSN290–1), 1 De Roche incised jar *var. Central* (FSN290–2), 2 cut shell disks (FSN290), 1 untyped wide mouth bottle (FSN322), 1 untyped compound bottle (FSN326–1), 1 Glassell engraved (*var. Atkins*?) carinated bowl (FSN326–2), 1 Karnak brushed incised *var. Midway* jar (FSN326–3), 4 river cobbles (FSN326), 1 arrow point (FSN326), 1 Huson engraved bottle (FSN333–1), 1 Hodges engraved *var. Nix* carinated bowl (FSN333–2), 1 De Roche incised *var. Central* jar (FSN333–3), 1 Hodges engraved *var. Hodges* bottle (FSN335–1), 1 Hodges engraved *var. Hodges* cup (FSN335–2), 1 Hodges engraved *var. Hodges* bottle (FSN704–1), 1 Old Town Red *var. Beaver Dam* bowl (FSH704–2), 1 De Roche incised *var. Central* jar (FSN704–3), 2 freshwater bivalve shells (FSH704), 2 cut shell disks (FSH704), 49 barrel-shaped shell beads (FSN704), 1 green clay patty, 1 untyped incised bowl (FSN708–1), 1 Keno trailed bottle (FSN708–2), 1 Friendship engraved *var. Tisdale* carinated bowl (FSN912–1), 1 untyped seed jar (FSN912–2), 1 Friendship engraved *var. Unspecified* carinated bowl (FSN912–3), 1 untyped punctuated jar (FSN912–4), 1 Caney punctuated *var. Caney* jar (FSN912–5), 1 Keno trailed *var. Red Hill* bottle (FSN924–1), 1 Karnack brushed incised *var. Midway* jar (FSN924–2), 1 untyped plain-bodied bottle (FSN1108–1), 1 Simms engraved carinated bowl (FSN1108–2), 1 untyped undecorated bottle (FSN1116–1), 1 Cook engraved *var. Cook* carinated bowl (FSN1116–2), 1 Cook engraved *var. Cook* carinated bowl (FSN1116–3), 1 Hardman engraved *var. Hardman* bowl (FSN1116–4), 1 Friendship engraved *var. Freeman* carinated bowl (FSN1116–5), 1 Hardman engraved *var. Hardman* bowl (FSN1116–6), 1 Garland engraved carinated bowl (FSN1116–7), 1 Caney puntated *var. Caney* jar (FSN1116–8), 1 Hardman engraved *var. Joan* bowl (FSN1116–9), 1 Hardman engraved *var. Hardman* bowl (FSN1116–10), 1 Blakely engraved *var. Witherspoon* bottle (FSN1116–11), 1 Friendship engraved *var. Freeman* carinated bowl (FSH1116–12), 1 Belcher engraved *var. Manchester* bottle (FSN1116–13), 1 Friendship engraved *var. Freeman* carinated bowl (FSN1116–14), and 1 Basset arrow point (FSN1116). Based on the types of associated funerary objects, these burials have been dated to the Late Caddo, Deceiper phase (A.D. 1600–1700).

Determinations Made by the Arkansas State Highway and Transportation Department

Officials of the Arkansas State Highway and Transportation Department have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 33 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 128 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Caddo Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kristina Boykin, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, AR 72203, telephone (501) 569–2079, email *Kristina.Boykin@ahtd.AR.gov*, by April 6, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed.

The Arkansas State Highway and Transportation Department is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: February 1, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04400 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22871; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science, Denver, CO, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Denver Museum of Nature & Science, Denver, CO. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Denver Museum of Nature & Science, Denver, CO, at the address in this notice by April 6, 2017.

ADDRESSES: Chip Colwell, Senior Curator of Anthropology and NAGPRA Officer, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370–6378, email *Chip.Colwell@dmns.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Denver Museum of Nature & Science, Denver, CO that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

At an unknown date, one cultural item was removed from an unknown location. Museum records show that the cultural item was obtained by Monrow P. Killy from Charlie Day, a tribal member at the Nett Lake Indian Reservation, also known as the Bois Forte Indian Reservation. Killy was a photographer and electrician who wrote extensively for *Minnesota Archaeologist* regarding the traditions of the Sioux and

Ojibwe. The cultural item was subsequently purchased by a collector named Jonathan Holstein, who sold it to Mary and Francis Crane on August 9, 1978. The Cranes then donated it to the Denver Museum of Nature & Science on May 27, 1983. The one cultural item, a dream symbol (AC.11657), is a sacred object related to dreams that could be used in the Grand Medicine Society or Midewiwin, a ritual society.

Museum accession, catalogue, and documentary records, as well as consultation with a representative of the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota, indicate that the one cultural item is Ojibwe and is from the Bois Forte Indian Reservation, Minnesota.

Determinations Made by the Denver Museum of Nature & Science

Officials of the Denver Museum of Nature & Science have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 1 cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the one cultural item and the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Chip Colwell, Senior Curator of Anthropology and NAGPRA Officer, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370–6378, email *Chip.Colwell@dmns.org,* by April 6, 2017. After that date, if no additional claimants have come forward, transfer of control of the cultural item to the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota may proceed.

The Denver Museum of Nature & Science is responsible for notifying the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota that this notice has been published.

Dated: February 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04404 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22875; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Garrison Fort Leonard Wood, Pulaski County, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: U.S. Army Garrison Fort Leonard Wood has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Fort Leonard Wood. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Fort Leonard Wood at the address in this notice by April 6, 2017.

ADDRESSES: Stephanie L. Nutt, Cultural Resources Program Coordinator, Natural Resources Branch, U.S. Army Garrison Fort Leonard Wood, IMLD–PWE, 8112 Nebraska Avenue, Building 11400, Fort Leonard Wood, MO 65473, telephone (573) 596–7607, email *stephanie.l.nutt.ctr@mail.mil.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Fort Leonard Wood. The human remains and associated funerary objects were removed from the property within Fort Leonard Wood, Pulaski County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Fort Leonard Wood professional staff in consultation with representatives of the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians.

History and Description of the Remains

In 1982, human remains representing, at minimum, five individuals, including two subadults and one adult, were removed from the Laughlin Cairns Site on Fort Leonard Wood in Pulaski County, MO. The individuals were collected from Cairns 2, 3, and 7 by Environmental Consultants, Inc., during an excavation of site 23PU221. No known individuals were identified. The five associated funerary objects include one thick black rim sherd, one shell tempered with incised lines parallel to the rim; two gray/pink chert flakes; and one small triangular biface flake of white chert.

The human remains and the associated funerary objects from this site date to the Late Maramec Spring subphase (A.D. 900–1500), based on relation to other Cairn burial sites. Cultural affiliation to the aforementioned tribes stems from aboriginal lands established on historical maps and traditional burial practices.

In 1982, human remains representing, at minimum, three individuals, including two adults, were removed from Fort Leonard Wood/Mark Twain National Forest Joint Use Land in Pulaski County, MO. The individuals were collected from a cairn site by Environmental Consultants, Inc. during an excavation of site 23PU222. No known individuals were identified. The 53 associated funerary objects include one beige colored Scallorn projectile point; one pink and gray Scallorn projectile point; one grayish-white long Scallorn projectile point; three large modified pieces of chert; 25 small chert flakes; one small piece of hematite; one large dark brown rough stone; one grayish-tan Scallorn projectile point; one grayish-white Rice projectile point

base; one small gray biface; one gray triangular biface; one gray and white long Scallorn projectile point; and 15 Maramec cordmarked sand-tempered ceramic sherds.

The human remains and associated funerary objects from this site date between the Late Woodland (A.D. 400–900) and Late Maramec Spring subphase (A.D. 900–1500) periods, based on the relative dates of the associated funerary objects. Cultural affiliation to the aforementioned tribes stems from aboriginal lands established on historical maps and traditional burial practices.

In 1982, human remains representing, at minimum, 1 adult individual were removed from Fort Leonard Wood/Mark Twain National Forest Joint Use Land in Pulaski County, MO. The individual was collected from a cairn site by Environmental Consultants, Inc., during an excavation of site 23PU224. No known individuals were identified. The four associated funerary objects are four gray banded chert flakes.

The human remains and associated funerary objects from this site date to the Late Maramec Spring subphase (900–1500 A.D.) on the basis of relation to other cairn sites. Cultural affiliation to the aforementioned tribes stems from aboriginal lands established on historical maps and traditional burial practices. Cultural affiliation for the human remains and associated funerary objects was established on historical maps and traditional burial practices. Cultural affiliation was determined to exist between the human remains and associated funerary objects and the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians.

Determinations Made by Fort Leonard Wood

Officials of Fort Leonard Wood have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 9 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 62 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Stephanie L. Nutt, Cultural Resources Program Coordinator, Natural Resources Branch, U.S. Army Garrison Fort Leonard Wood, IMLD–PWE, 8112 Nebraska Avenue, Building 11400, Fort Leonard Wood, MO 65473, telephone (573) 596–7607, email *stephanie.l.nutt.ctr@mail.mil,* by April 6, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians may proceed.

Fort Leonard Wood is responsible for notifying the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians that this notice has been published.

Dated: February 6, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04398 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22876; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Garrison Fort Leonard Wood, Pulaski County, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: U.S. Army Garrison Fort Leonard Wood has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Fort Leonard Wood. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Fort Leonard Wood at the address in this notice by April 6, 2017.

ADDRESSES: Stephanie L. Nutt, Cultural Resources Program Coordinator, Natural Resources Branch, U.S. Army Garrison Fort Leonard Wood, IMLD–PWE, 8112 Nebraska Avenue, Building 11400, Fort Leonard Wood, MO 65473, telephone (573) 596–7607, email *stephanie.l.nutt.ctr@mail.mil.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Fort Leonard Wood, Pulaski County, MO. The human remains and associated funerary objects were removed from Fort Leonard Wood, Pulaski County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Fort Leonard Wood professional staff in consultation with representatives of the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation; and The Quapaw Tribe of Indians.

History and Description of the Remains

In the late 1970s, human remains representing, at minimum, one individual were removed from an unidentified site on Fort Leonard Wood property in Pulaski County, MO. The human remains were found by a pair of unidentified boys and were turned over to the Missouri Highway Patrol, who then delivered the human remains to the Fort Leonard Wood Museum. In 1998, they were turned over to the post archeologist who placed them with the rest of the Fort Leonard Wood archeological collections. The individual is of unknown antiquity due to the lack of archeological context. No known individuals were identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, one adult individual were removed from Wilson Cave on Fort Leonard Wood in Pulaski County, MO. The individual was collected by Environmental Consultants, Inc., during an excavation of Test Unit 2, levels 3 and 4, and a looter's backdirt pile at site 23PU152. The individual is of unknown antiquity, though diagnostic artifacts were found nearby from the periods between 6000–3000 B.C. and A.D. 900–1500., making the antiquity ambiguous. No known individuals were identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, one adult individual were removed from Deadman's Cave on Fort Leonard Wood in Pulaski County, MO. The individual was collected by Environmental Consultants, Inc., during an excavation at site 23PU207. The individual is of unknown antiquity, though diagnostic artifacts were found nearby from the periods between 3000–1000 B.C. and A.D. 500–1500., making the antiquity ambiguous. No known individuals were identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, three individuals, including one adult male and subadult, were removed from Davis Cave on Fort Leonard Wood in Pulaski County, MO. The individuals were collected by Environmental Consultants, Inc., during an excavation at site 23PU209. The individuals are of unknown antiquity due to disturbed archeological context, though diagnostic artifacts were found nearby from periods between 7800–1000 B.C. and A.D. 900–1500, making the antiquity ambiguous. No known individuals were identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, five individuals, including three subadults and two adults, were removed from Joy Cave on Fort Leonard Wood in Pulaski County, MO. The individuals were collected by Environmental Consultants, Inc., during an excavation at site 23PU210. The individuals are of unknown antiquity due to disturbed archeological context, though diagnostic artifacts were found nearby from periods between 7800–3000 B.C. and A.D. 900–1500 making the antiquity ambiguous. No known individuals were identified. No associated funerary objects are present.

In 1982, human remains representing, at minimum, two individuals, including one adult and one subadult of indeterminate gender, were removed from Davis Cave on Fort Leonard Wood in Pulaski County, MO. The individuals were collected on the surface by Environmental Consultants, Inc., during an excavation of site 23PU211. The individuals are of unknown antiquity due to the disturbed archeological context, though diagnostic artifacts were found nearby from periods between 7800–3000 B.C. and A.D. 900–1500, making the antiquity ambiguous. No known individuals were identified. No associated funerary objects are present.

Determinations Made by Fort Leonard Wood

Officials of Fort Leonard Wood have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the context of their burials, relative dates of the burial sites, as well as physical condition of the remains.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 13 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Stephanie L. Nutt, Cultural Resources Program Coordinator, Natural Resources Branch, U.S. Army Garrison Fort Leonard Wood, IMLD–PWE, 8112 Nebraska Avenue, Building 11400, Fort Leonard Wood, MO 65473, telephone (573) 596–7607, email *stephanie.l.nutt.ctr@mail.mil,* by April 6, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians may proceed.

Fort Leonard Wood is responsible for notifying the Kaw Nation, Oklahoma; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; The Osage Nation (previously listed as the Osage Tribe); and The Quapaw Tribe of Indians that this notice has been published.

Dated: February 7, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04406 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22877; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Florida Department of State/Division of Historical Resources, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Florida Department of State/Division of Historical Resources has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations.

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Florida Department of State/Division of Historical Resources. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Florida Department of State/Division of Historical Resources at the address in this notice by April 6, 2017.

ADDRESSES: Daniel M. Seinfeld, Florida Department of State, Division of Historical Resources, Mission San Luis State Archaeological Collections, 2100 West Tennessee Street, Tallahassee, FL 32304, telephone (850) 245–6301.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Florida Department of State/Division of Historical Resources. The human remains were removed from several counties in Florida and indeterminate locations in Florida.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Florida Department of State/Division of Historical Resources professional staff in consultation with representatives of the Miccosukee Tribe of Indians. The following tribes were invited to consult but did not participate in consultation: Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), The Muscogee (Creek) Nation, and The Seminole Nation of Oklahoma.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, 3 individuals were removed from an unknown site most likely located in Nassau or Clay Counties, FL. The human remains were in a box labeled ''Johnson's Lake.'' While Marion County, FL, has a Johnson Lake site (8MR63), it is not known to contain burials. Close variations of the place name (Johnson Lake, Lake Johnson) are located in Nassau and Clay Counties, FL. Coquina shell and crab claw fragments were in the box with the human remains. These items are not believed to be grave goods but their presence is consistent with archeological sites near the east coast of Florida. The human remains are fragmented and their degree of mineralization and dental attrition is consistent with human remains from prehistoric skeletal human remains from Florida. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 1 individual were removed from an unknown site, most likely in Daytona Beach, Volusia County, FL. The human remains were in a small box labeled ''John Raabe skull fragments'' and contained small cranial fragments as well as marine and land snail shells. John Raabe was a local collector in Daytona Beach, FL. The bones were fragmented and mineralized, as is typical of prehistoric skeletal human remains from Florida. The fragmented nature of the human remains and their association in the box with shell is consistent archeological contexts in peninsular Florida. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 4 individuals were removed from an unknown site, most likely in Volusia County, FL. These human remains were housed with other archeological material that came from Volusia County, FL, collectors. The bones were fragmented and mineralized, as is typical of prehistoric skeletal human remains from Florida. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 1 individual were removed from the Bissetts Mound site (8VO122) in Volusia County, FL. The human remains were found in a bag labeled ''Bissetts Mound,'' which is a known site (8VO122) in Volusia County, FL. The site dates to between 700 B.C. to A.D. 1700 and is known to contain burials. Due to the fragmented nature of the human remains, there are no biological markers with which to assess ancestry. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 2 individuals were removed from the Ormond Mound site (8VO240) in Volusia County, FL. The human remains are highly mineralized and encased in a shell midden matrix. Their reported discovery site, Ormond Mound, is a known prehistoric Native American burial ground. No known individuals were identified. No associated funerary objects are present.

The human remains in this notice from Nassau, Clay, and Volusia counties, FL, are part of a larger collection from the Museum of Arts and Sciences in Daytona Beach, FL. The Museum of Arts and Sciences in Daytona Beach accepted numerous donations in the past, often with little documentation. The Florida Department of State/Division of Historical Resources assumed jurisdiction over these human remains pursuant to Section 872.05, *Florida Statutes.* A physical anthropologist determined that the human remains were from a prehistoric Native American based on physical examination and the context in which they were reported discovered.

At an unknown date, human remains representing, at minimum, 1 individual were removed from an unknown site in Hillsborough County, FL. In October 2013, a woman brought to the Tampa Police Department a box containing human bones and pottery that she found in her deceased uncle's attic. She told police that her uncle and father were construction workers in the Tampa area and would often dig through construction sites collecting bones and artifacts. She had no knowledge of where the bones came from or how long her uncle had them in his possession. A detective with the Tampa Police Department brought the bones to the medical examiner who then suggested she bring them to Dr. Erin Kimmerle, a physical anthropologist with the University of South Florida. Dr. Kimmerle noted that the bones were likely human remains from a prehistoric Native American. In May 2014, the Florida Department of State/Division of Historical Resources assumed jurisdiction over these human remains pursuant to Section 872.05, *Florida Statutes.* A physical anthropologist determined that the human remains were from a prehistoric Native American, based on dental wear patterns, the condition of the human remains, and artifacts found in the box with the human remains. The two

molars were worn, which is typical of prehistoric Native American populations in Florida. The fragmented and chalky condition of the human remains is also common among prehistoric human remains in Florida. Pottery in the shoebox with the human remains was characteristic of the Safety Harbor (A.D. 900–1700) period in the Tampa area of Florida. Such pottery is consistent with the human remains found during construction in the Tampa area. The specific contextual relationship between the pottery and the human remains is unclear. No known individuals were identified. No associated funerary objects are present.

At an unknown date in the 1970s, human remains representing, at minimum, 1 individual were removed from the Fairyland Hill site (8BR162) in Brevard County, FL. In 2013, the individual who removed the human remains brought them to a local professional archeologist. The archeologist assessed that these human remains were ancient, and passed this information along to the Florida Department of State/Division of Historical Resources. In March 2013, the Florida Department of State/Division of Historical Resources assumed jurisdiction over these human remains pursuant to Section 872.05, *Florida Statutes.* The human remains were determined to be from a prehistoric Native American from Florida based on their morphology and their reported discovery location. A physical anthropologist determined that the human remains were from a prehistoric Native American based on level of dental attrition and condition of the bones. The donor recalled finding the human remains from the Fairyland Hill site (8BR162), a known archeological site. His reports were confirmed by newspaper clippings and notes from the time that were in the Florida Master Site File. No known individuals were identified. No associated funerary objects are present.

At an unknown date in the 1950s, human remains representing, at minimum, 2 individuals were removed from the Coonbottom Mound site (8JE13) in Jefferson County, FL. In November 2014, the person who removed the human remains gave them to a local professional archeologist who confirmed that the human remains were ancient. In November 2014, the Florida Department of State/Division of Historical Resources assumed jurisdiction over these human remains pursuant to Section 872.05, *Florida Statutes.* The human remains were determined to be from a prehistoric Native American from Florida based on their morphology and their reported context. A physical anthropologist determined that the human remains were from a prehistoric Native American based on the condition of the human remains and the context in which they were reportedly discovered. The donor recalled finding the human remains in the Coonbottom Mound site (8JE13), an archeological site that is known to contain human remains. The human remains' fragmented and mineralized condition is consistent with ancient human remains. No known individuals were identified. No associated funerary objects are present.

At an unknown date in the 1980s, human remains representing, at minimum, 1 individual were collected from an unknown site in Brevard County, FL. After the person who found the human remains passed away, his family members contacted the Florida Department of State/Division of Historical Resources. In 2015, the Florida Department of State/Division of Historical Resources assumed jurisdiction over these human remains pursuant to Section 872.05, *Florida Statutes.* The human remains were determined to be from a prehistoric Native American from Florida based on physical examination and the context in which they were reportedly discovered. A physical anthropologist determined that the human remains were from a prehistoric Native American based on the level of dental wear and condition of the human remains. No known individuals were identified. No associated funerary objects are present.

In 1981, human remains representing, at minimum, 2 individuals were removed from the Pillsbury Mound (8MA31) in Manatee County, FL. These human remains were in the collections of the Southeast Archeological Center in Tallahassee, FL. During an assessment of their collections, Southeast Archeological Center staff realized these human remains were under the jurisdiction of the Florida Department of State/Division of Historical Resources and transferred them to the Florida Department of State/Division of Historical Resources in 2015. The human remains are fragmented and their degree of mineralization is consistent with human remains from prehistoric contexts in Florida. Previous archeological investigations have demonstrated that the Pillsbury Mound is a known burial mound that dates to the Late Weeden Island and Safety Harbor periods (A.D. 800–1700). No known individuals were identified. No associated funerary objects are present.

In 2013, human remains representing, at minimum, 25 individuals were removed from the McClamory Key site (8LV288) in Levy County, FL. In the fall of 2012, pursuant to Section 872.05, *Florida Statutes,* the Florida Department of State/Division of Historical Resources received information that burials were becoming exposed along the shore of McClamory Key, an uninhabited island owned by the State of Florida. Archeologists investigating the human remains found that they were likely thousands of years old and that sea level rise was exposing at least 20 burials. Through the course of multiple investigations, archeologists found evidence that some of the burials were being illicitly disturbed. Following consultation with representatives from the Miccosukee Tribe of Indians and Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), pursuant to Section 872.05, *Florida Statutes,* it was determined that the only way to protect the burials from further looting was to remove and relocate the exposed burials to a safe location. Relocation on the island was impossible because it is rapidly degrading due to sea level rise. Archeologists from the University of Florida Laboratory for Southeastern Archaeology led efforts to excavate the human remains in March 2013. Based on the archeological context, the human remains likely date to 5000–4500 B.P. In 2016, the human remains were transferred to the Florida Department of State/Division of Historical Resources after inventorying and reporting requirements were completed. The human remains were determined to be prehistoric Native Americans based on their archeological context and osteological analysis. No known individuals were identified. Associated funerary objects include four hafted lithic bifaces.

Determinations Made by the Florida Department of State/Division of Historical Resources

Officials of the Florida Department of State, Division of Historical Resources have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on contextual information and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 43 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 4 objects described in this notice are reasonably believed to have been placed with or near individual human remains

at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Miccosukee Tribe of Indians.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Miccosukee Tribe of Indians.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Daniel M. Seinfeld, Florida Department of State/Division of Historical Resources, Mission San Luis State Archaeological Collections, 2100 West Tennessee Street, Tallahassee, FL 32304, (850) 245–6301, by April 6, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Miccosukee Tribe of Indians may proceed.

The Florida Department of State/Division of Historical Resources is responsible for notifying the Miccosukee Tribe of Indians that this notice has been published.

Dated: February 7, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04401 Filed 3–6–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA 104000]

Notice of Availability of the Proposed Notice of Sale for Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 249

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of the Proposed Notice of Sale for Gulf of Mexico Lease Sale 249.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) announces the availability of the Proposed Notice of Sale (NOS) for the proposed Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 249 (GOM Sale 249). This Notice is published pursuant to 30 CFR 556.304(c). With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the Outer Continental Shelf Lands Act, provides affected states the opportunity to review the Proposed NOS. The Proposed NOS sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rental rates.

DATES: Affected states may comment on the size, timing, and location of proposed GOM Sale 249 within 60 days following their receipt of the Proposed NOS. The Final NOS will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening is currently scheduled for August 16, 2017.

SUPPLEMENTARY INFORMATION: The Proposed NOS for GOM Sale 249 and Proposed NOS Package containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394; telephone: (504) 736–2519. The Proposed NOS and Proposed NOS Package also are available on BOEM's Web site at *http://www.boem.gov/Sale-249/.*

Agency Contact: David Diamond, Chief, Leasing Division, *david.diamond@boem.gov.*

Dated: March 1, 2017.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2017–04358 Filed 3–6–17; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A0067F 178S180110; S2D2D SS08011000 SX066A00 33F 17XS501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0067

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed authority for the collection of information for the Form OSM–23, Restriction on financial interests of state employees and its associated regulations. The Office of Management and Budget (OMB) previously approved the collection and assigned it clearance number 1029–0067.

DATES: Comments on the proposed information collection must be received by May 8, 2017, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783 or electronically at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies an information collection that OSMRE will be submitting to OMB for approval. This collection is contained in 30 CFR part 705 and Form OSM–23, Restriction on financial interests of state employees. OSMRE will request a 3-year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for part 705 is 1029–0067. Responses are mandatory in accordance with 517(g) of the Surface Mining Control and Reclamation Act of 1977.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as the use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR 705—Restrictions on financial interests of state employees.

OMB Control Number: 1029–0067.

Summary: Respondents are state employees who supply information on employment and financial interests. The purpose of the collection is to ensure compliance with section 517(g) of the Surface Mining Control and Reclamation Act of 1977, which places an absolute prohibition on having a direct or indirect financial interest in underground or surface coal mining operations.

Bureau Form Number: OSM–23.

Frequency of Collection: Entrance on duty and annually.

Description of Respondents: Any state regulatory authority employee or member of advisory boards or commissions established in accordance with state law or regulation to represent multiple interests who performs any function or duty under the Surface Mining Control and Reclamation Act.

Total Annual Responses: 2,520.

Total Annual Burden Hours: 428.

Dated: February 15, 2017.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2017–04360 Filed 3–6–17; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A0067F 178S180110; S2D2D SS08011000 SX066A00 33F 17XS501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0055

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed approval for the collection of information for Rights of Entry.

DATES: Comments on the proposed information collection must be received by May 8, 2017, to be assured of consideration.

ADDRESSES: Mail comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Room 203–SIB, Washington, DC 20240. Comments may also be submitted electronically at *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies an information collection that OSMRE will be submitting to OMB for extension. This collection is contained in 30 CFR 877.

OSMRE has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents and costs. OSMRE will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment–including your personal identifying information–may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR 877—Rights of Entry.

OMB Control Number: 1029–0055.

Summary: This regulation establishes procedures for non-consensual entry upon private lands for the purpose of abandoned mine land reclamation activities or exploratory studies when the landowner refuses consent or is not available.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State and Tribal abandoned mine land reclamation agencies.

Total Annual Responses: 416.

Total Annual Burden Hours: 3,120.

Total Annual Non-wage Costs: $10,400 for publication costs.

Dated: February 23, 2017.

John A. Trelease,

Acting Chief Division of Regulatory Support.

[FR Doc. 2017–04361 Filed 3–6–17; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A0067F 178S180110; S2D2D SS08011000 SX066A00 33F 17XS501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0114

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed authority to collect information for a series of customer surveys to evaluate OSMRE's performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act (GPRA). The Office of Management and Budget (OMB) previously approved the collection and assigned it clearance number 1029–0114.

DATES: Comments on the proposed information collection must be received by May 8, 2017, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB,

Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease, at (202) 208–2783, or electronically at *jtrelease@osmre.gov.*

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies the information collection that OSMRE will be submitting to OMB for approval. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0114 and is on the forms along with the expiration date. OSMRE will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: Technical Evaluations Series.

OMB Control Number: 1029–0114.

Summary: This series of surveys is needed to ensure that technical assistance activities, technology transfer activities and technical forums are useful for those who participate or receive the assistance. Specifically, representatives from State and Tribal regulatory and reclamation authorities, representatives of industry, environmental or citizen groups, or the public, are the recipients of the assistance or participants in these forums. These surveys will be the primary means through which OSMRE evaluates its performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: 26 State and Tribal governments, industry organizations and individuals who request information or assistance.

Total Annual Responses: 106.

Total Annual Burden Hours: 9.

Dated: February 14, 2017.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2017–04359 Filed 3–6–17; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1330 (Final)]

Dioctyl Terephthalate (DOTP) From Korea: Scheduling of the Final Phase of an Antidumping Duty Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–1330 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of dioctyl terephthalate (DOTP) from Korea, provided for in subheading 2917.39.20 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be sold at less-than-fair-value.

DATES: Effective February 3, 2017.

FOR FURTHER INFORMATION CONTACT: Porscha Stiger (202–205–3241), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of this investigation is being scheduled, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of an affirmative preliminary determination by the Department of Commerce that imports of dioctyl terephthalate (DOTP) from Korea are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on June 30, 2016, by Eastman Chemical Company, Kingsport, Tennessee.[1]

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigation and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of this

[1] For purposes of this investigation, the Department of Commerce has defined the subject merchandise as dioctyl terephthalate (''DOTP''), regardless of form. DOTP that has been blended with other products is included within this scope when such blends include constituent parts that have not been chemically reacted with each other to produce a different product. For such blends, only the DOTP component of the mixture is covered by the scope of this investigation. DOTP that is otherwise subject to this investigation is not excluded when commingled with DOTP from sources not subject to this investigation. Commingled refers to the mixing of subject and nonsubject DOTP. Only the subject component of such commingled products is covered by the scope of the investigation. DOTP has the general chemical formulation $C_6H_4(C_8H_{17}COO)_2$ and a chemical name of ''bis (2-ethylhexyl) terephthalate'' and has a Chemical Abstract Service (''CAS'') registry number of 6422–86–2. Regardless of the label, all DOTP is covered by this investigation. Subject merchandise is currently classified under subheading 2917.39.2000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Subject merchandise may also enter under subheadings 2917.39.7000 or 3812.20.1000 of the HTSUS. While the CAS registry number and HTSUS classification are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigation need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigation. A party granted access to BPI in the preliminary phase of the investigation need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of this investigation will be placed in the nonpublic record on May 18, 2017, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on Tuesday, June 6, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Wednesday, May 31, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on Friday, June 2, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 25, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is Tuesday, June 13, 2017. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation, including statements of support or opposition to the petition, on or before June 13, 2017. On July 11, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before Thursday, July 13, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: March 2, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04438 Filed 3–6–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–562 and 731–TA–1329 (Final)]

Ammonium Sulfate 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 ammonium sulfate from China, provided for in subheading 3102.21.00 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 May 25, 2016, following receipt of a petition filed with the Commission and Commerce by PCI Nitrogen, LLC, Pasadena, Texas. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of ammonium sulfate from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV 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

[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] Commissioner Dean A. Pinkert did not participate in these investigations.

publishing the notice in the **Federal Register** on November 8, 2016 (81 FR 78631). The hearing was held in Washington, DC, on January 12, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel.

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 March 2, 2017. The views of the Commission are contained in USITC Publication 4671 (March 2017), entitled *Ammonium Sulfate From China: Investigation Nos. 701–TA–562 and 731–TA–1329 (Final).*

By order of the Commission.

Issued: March 2, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04397 Filed 3–6–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–382 and 731–TA–800, 801, and 803 (Third Review)]

Stainless Steel Sheet and Strip From Japan, Korea, and Taiwan Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the countervailing duty order on stainless steel sheet and strip from Korea and the antidumping duty orders on stainless steel sheet and strip from Japan, Korea, and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

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

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski ((202) 205–3169), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On October 4, 2016, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (81 FR 71533, October 17, 2016); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on June 29, 2017, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on July 25, 2017, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 17, 2017. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on July 24, 2017, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is July 14, 2017. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is August 3, 2017. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before August 3, 2017. On August 23, 2017, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 25, 2017, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All

written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.
Issued: March 2, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04372 Filed 3–6–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–945]

Certain Network Devices, Related Software and Components Thereof (II); Commission Decision To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's (''ALJ'') final initial determination (''Final ID'') issued on December 9, 2016, finding a violation of section 337 of the Tariff Act of 1930, as amended, (''section 337'') in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 27, 2015, based on a Complaint filed by Cisco Systems, Inc. of San Jose, California (''Cisco''). 80 FR 4313–14 (Jan. 27, 2015). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the sale for importation, importation, and sale within the United States after importation of certain network devices, related software and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,023,853; 6,377,577; 7,460,492; 7,061,875; 7,224,668; and 8,051,211. The Complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named Arista Networks, Inc. of Santa Clara, California (''Arista'') as respondent. The Office of Unfair Import Investigations (''OUII'') was also named as a party to the investigation. The Commission previously terminated the investigation in part as to certain claims of the asserted patents. Order No. 38 (Oct. 27, 2015), unreviewed Notice (Nov. 18, 2015); Order No. 47 (Nov. 9, 2015), unreviewed Notice (Dec. 1, 2015).

On December 9, 2016, the ALJ issued her Final ID, finding a violation of section 337 with respect to claims 1, 7, 9, 10, and 15 of the '577 patent; and claims 1, 2, 4, 5, 7, 8, 10, 13, 18, 56, and 64 of the '668 patent. The ALJ found no violation of section 337 with respect to claim 2 of the '577 patent; claims 46 and 63 of the '853 patent; claims 1, 3, and 4 of the '492 patent; claims 1–4, and 10 of the '875 patent; and claims 2, 6, 13, and 17 of the '211 patent.

In particular, the Final ID finds that Cisco has shown by a preponderance of the evidence that the accused products infringe asserted claims 1, 7, 9, 10, and 15 of the '577 patent; and asserted claims 1, 2, 4, 5, 7, 8, 10, 13, 18, 56, and 64 of the '668 patent. The Final ID finds that Cisco has failed to show by a preponderance of the evidence that the accused products infringe asserted claim 2 of the '577 patent; asserted claims 46 and 63 of the '853 patent; asserted claims 1, 3, and 4 of the '492 patent; asserted claims 1–4, and 10 of the '875 patent; and asserted claims 2, 6, 13, and 17 of the '211 patent.

The Final ID also finds that assignor estoppel bars Arista from asserting that the '577 and '853 patents are invalid. The Final ID finds, however, that if assignor estoppel did not apply, Arista has shown by clear and convincing evidence that claims 1, 7, 9, 10, and 15 of the '577 patent and claim 46 of the '853 patent are invalid as anticipated by U.S. Patent No. 5,920,886 (''Feldmeier''). The Final ID further finds that Arista has failed to show by clear and convincing evidence that any of the remaining asserted claims are invalid. The Final ID also finds that Arista has not proven by clear and convincing evidence that Cisco's patent claims are barred by equitable estoppel, waiver, implied license, laches, unclean hands, or patent misuse.

The Final ID finds that Cisco has satisfied the economic prong of the domestic industry requirement for all of the patents-in-suit pursuant to 19 U.S.C. 337(A), (B), and (C). The Final ID finds, however, that Cisco has failed to satisfy the technical prong of the domestic industry requirement with respect to the '875, '492, and '211 patents. The Final ID finds that Cisco has satisfied the technical prong with respect to the '577, '853, and '668 patents.

The Final ID also contains the ALJ's recommended determination on remedy and bonding. The ALJ recommended that the appropriate remedy is a limited exclusion order with a certification provision and a cease and desist order against Arista. The ALJ recommended the imposition of a bond of 5% during the period of Presidential review.

On December 29, 2016, Cisco, Arista, and OUII each filed petitions for review of various aspects of the Final ID. As described below, some of the issues

presented for review were in the form of contingent petitions.

Cisco petitions for review of the Final ID's construction of certain limitations recited in claim 46 of the '853 patent and the resulting finding that Arista's accused products do not infringe that claim. Cisco also petitions for review of the Final ID's findings of non-infringement and non-satisfaction of the technical prong of the domestic industry requirement with respect to the '875, '492, and '211 patents. Cisco requests contingent review of the Final ID's finding that Arista does not indirectly infringe the asserted claims of the '577 patent should the Commission review the Final ID's finding that Arista's post-importation direct infringement cannot alone support a finding of violation of section 337. Cisco also requests contingent review of the Final ID's finding that Feldmeier anticipates the asserted claims of the '577 patent should the Commission review the Final ID's finding that assignor estoppel applies.

Arista petitions for review of the Final ID's construction of certain limitations recited in the asserted claims of the '577 and '668 patents and the resulting finding that certain of Arista's accused products infringe those claims. Arista also petitions for review of the Final ID's findings of indirect infringement with respect to the '577 and '668 patents. Arista further petitions for review of the Final ID's finding that assignor estoppel precludes Arista from challenging the validity of the '577 and '853 patents. Arista requests contingent review of the Final ID's finding that claim 46 of the '853 patent is invalid as anticipated and indefinite should the Commission review the ALJ's non-infringement findings with respect to that claim. Arista also requests contingent review of the issue of indirect infringement regarding the '853, '211, '875, and '492 patents should the Commission review the Final ID's findings of no direct infringement with respect to those patents.

OUII petitions for review of the Final ID's finding that the ''configurable PiP CoPP'' implementation in Arista's accused products infringes the asserted claims of the '668 patent. OUII also petitions for review of the Final ID's reliance on the Patent Trial and Appeal Board decision in finding that claims 1 and 12 of the '211 patent are invalid as anticipated. OUII requests contingent review of the Final ID's finding that Feldmeier anticipates the asserted claims of the '577 patent should the Commission review the Final ID's finding that assignor estoppel applies. OUII further requests contingent review of the Final ID's construction of certain means-plus-functions claims recited in claim 46 of the '853 patent should the Commission review the Final ID's finding that the accused products do not infringe that claim.

On January 10, 2017, Cisco, Arista, and OUII filed responses to the various petitions for review.

On January 11, 2017, Cisco and Arista each filed a post-RD statement on the public interest pursuant to Commission Rule 210.50(a)(4). No responses were filed by the public in response to the post-RD Commission Notice issued on December 20, 2016. *See* Notice of Request for Statements on the Public Interest (Dec. 20, 2016); 81 FR 95194–95 (Dec. 27, 2016).

Having examined the record of this investigation, including the Final ID, the petitions for review, and the responses thereto, the Commission has determined to review the Final ID in part.

With respect to the '577 patent, the Commission has determined to review the Final ID's finding that Arista has indirectly infringed the '577 patent by importing Imported Components, as referenced at page 110 in the Final ID. The Commission has also determined to review the Final ID's finding that Arista's post-importation direct infringement cannot alone support a finding of violation of section 337. The Commission has further determined to review the Final ID's finding that Feldmeier anticipates claims 1, 7, 9, 10, and 15 of the '577 patent.

With respect to the '853 patent, the Commission has determined to review the Final ID's claim construction findings with respect to claim elements (c), (d), and (f) of claim 46. The Commission has also determined to review the Final ID's findings concerning direct and indirect infringement regarding the '853 patent. The Commission has further determined to review the Final ID's finding that assignor estoppel applies to validity challenges based on indefiniteness. The Commission has also determined to review the Final ID's finding that Feldmeier does not anticipate claim 46.

With respect to the '875 and '492 patents, the Commission has determined to review the Final ID's finding of no direct infringement and the related finding of no indirect infringement. The Commission has also determined to review the Final ID's finding that Cisco has failed to satisfy the technical prong of the domestic industry requirement with respect to the '875 and '492 patents.

With respect to the '668 patent, the Commission has determined to review the Final ID's finding of direct infringement and the Final ID's finding of indirect infringement, in particular as concerns Arista's importation of Imported Components.

With respect to the '211 patent, the Commission has determined to review the Final ID's finding that Cisco has failed to satisfy the technical prong with respect to claims 1 and 12 of the '211 patent, including the Final ID's finding that claims 1 and 12 are invalid.

The Commission has determined not to review the remaining issues decided in the Final ID.

The parties are requested to brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

1. Discuss the relevant case law regarding the requirement, pursuant to 35 U.S.C. 271(c), that to be found liable for contributory infringement, the accused infringer must import into the United States or sell within the United State a device that constitutes a ''material part of the invention.'' In addition, please address whether the Imported Components satisfy this requirement with respect to the '577, '853, and '668 patents. Please cite to and discuss any relevant evidence in the record.

2. Please address whether the Accused ACL Products infringe asserted claim 46 of the '853 patent if the 35 U.S.C. 112, ¶ 6 (means-plus-function) limitation ''means for matching matchable information, said matchable information being responsive to said packet label, with said set of access control patterns in parallel'' is construed to require as the corresponding structure an access control memory, including one or more content-addressable memory units of the type shown in Figure 2 of the '853 patent.

3. Please address whether the Accused ACL Products infringe asserted claim 46 of the '853 patent if the 35 U.S.C. 112, ¶ 6 (means-plus-function) limitation ''means for generating a set of matches in response thereto, each said match having priority information associated therewith'' is construed to require as the corresponding structure an access control memory, including one or more content-addressable memory units of the type shown in Figure 2 of the '853 patent.

4. Please address whether the Accused ACL Products with the Petra chip infringe asserted claim 46 of the '853 patent, in particular with respect to the 35 U.S.C. 112, ¶ 6 (means-plus-function) limitation ''means for

selecting at least one of said matches in response to said priority information, and generating an access result in response to said at least one selected match.''

5. Regarding the 35 U.S.C. 112, ¶ 6 (means-plus-function) limitation ''means for making a routing decision in response to said access result'' recited in asserted claim 46 of the '853 patent, please address whether any corresponding structure disclosed in the specification of the '853 patent satisfies the claimed function, other than the structure recited in the Final ID's claim construction or the structures previously proposed by the parties.

6. With reference to question five, please address whether the Accused ACL Products infringe claim 46 of the '853 patent under the proper construction of the 35 U.S.C. 112, ¶ 6 (means-plus-function) limitation ''means for making a routing decision in response to said access result.''

7. Please address whether the Accused Loop Guard Products and the DI Loop Guard Products practice the limitation ''including a discarding state'' recited in claims 1 and 10 of the '875 patent and/or the limitation ''including a discarding port state'' recited in claim 1 of the '492 patent under the ALJ's claim construction of ''discarding [port] state,'' which requires ''a port state in a spanning tree protocol or algorithm in which data frames are neither forwarded to nor received from the port.'' Please cite to and discuss any relevant evidence in the record.

8. Please address whether the Accused Loop Guard Products and the DI Loop Guard Products practice the limitation ''including . . . a listening state'' recited in claims 1 and 10 of the '875 patent and/or the limitation ''including . . . a listening [port] state'' recited in claim 1 of the '492 patent. In particular, please discuss the disclosure in exhibit CX–0653 at pages 63, 66, and 67. In addition, please cite to and discuss any other relevant evidence in the record.

9. With respect to the '668 patent, please address whether the Pip CoPP feature in the '668 Accused Products is a physical port service. In particular, please address the significance of the ALJ's finding on page 196 of the Final ID. In addition, please cite to and discuss any relevant evidence in the record.

The parties have been invited to brief only these discrete issues, as enumerated above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation, including the Office of Unfair Import Investigations, are requested to file written submissions on the issues identified in this notice. Parties to the investigation, including the Office of Unfair Import Investigations, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and the Office of Unfair Import Investigations are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the patents expire, the HTSUS numbers under which the accused products are imported, and any known importers of the accused products. The written submissions and proposed remedial orders must be filed no later than close of business on March 15, 2017. Initial submissions are limited to 50 pages, not including any attachments or exhibits related to discussion of the public interest. Reply submissions must be filed no later than the close of business on March 24, 2017. Reply submissions are limited to 25 pages, not including any attachments or exhibits related to discussion of remedy, the public interest, and bonding. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–945'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the

Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[1] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 1, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04343 Filed 3–6–17; 8:45 am]

BILLING CODE 7020–02–P

[1] All contract personnel will sign appropriate nondisclosure agreements.

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory; Committee on Rules of Criminal Procedure

AGENCY: Advisory Committee on Rules of Criminal Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Criminal Procedure will hold a meeting on April 28, 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 28, 2017 from 8:30 a.m.–5:30 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. 2017–04322 Filed 3–6–17; 8:45 am]

BILLING CODE 2210–55–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory; Committee on Rules of Civil Procedure

AGENCY: Advisory Committee on Rules of Civil Procedure, Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Civil Procedure will hold a meeting on April 25–26, 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 25–9:00 a.m. to 5:00 p.m.
April 26–9:00 a.m. to 12:00 p.m.

ADDRESSES: Hotel Ella, 1900 Rio Grande, Austin, Texas 78705.

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 28, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–04320 Filed 3–6–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on February 3, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Odysseus Data Services Inc., Cambridge, MA; Mike Furness (individual member), Ely, Cambridgeshire, United Kingdom; and Copyright Clearance Center, Danvers, MA, have been added as parties to this venture.

Also, Sanofi, Frankfurt, Germany; BioReference Laboratories, Elmwood Park, NJ; BioVariance GmbH, Munich, Germany; and UCB Pharma SA, Brussels, Belgium, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on November 14, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 13, 2016 (81 FR 89992).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04362 Filed 3–6–17; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on February 3, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical CBRN Defense Consortium (''MCDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Biologics Modular, Brownsburg, IN; DynPort Vaccine Company, LLC, a CSRA Company,

Frederick, MD; Biological Mimetics, Inc., Frederick, MD; Janssen Research & Development, LLC, Raritan, NJ; SAB Biotherapeutics, Inc., Sioux Falls, SD; Meridian Medical Technologies, Inc., Columbia, MD; Flow Pharma, Inc., East Palo Alto, CA; Bavarian Nordic, Inc., Washington, DC; and Parsons Government Services, Inc., Pasadena, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on November 16, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 13, 2016 (81 FR 89978).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–04363 Filed 3–6–17; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Clean Air Act and Resource Conservation and Recovery Act

On March 1, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Wisconsin, in the lawsuit entitled *United States of America* v. *Maynard Steel Casting Company,* Civil Action No. 2:17–cv–00292.

The United States filed this lawsuit against the Maynard Steel Casting Company (''Defendant'') under the Clean Air Act and the Resource Conversation and Recovery Act. The complaint seeks injunctive relief and civil penalties for violations of the Clean Air Act (''CAA''), 42 U.S.C. 7401 *et seq.,* the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6901 *et seq.,* and their implementing regulations.

The consent decree resolves the allegations in the complaint and requires the Defendant to: (1) Perform a study to evaluate the emissions capture and control effectiveness of each of its air pollution control systems; (2) conduct performance stack tests; (3) conduct monitoring of visible emissions; (4) install and operate various monitors to alert operators of malfunctions with the air pollution control systems; (5) perform air dispersion modeling; (6) continue implementing and complying with RCRA requirements for the storage, handling, and transport, and disposal of its hazardous waste; and (7) pay a civil penalty based on an inability-to-pay analysis. The Defendant will pay civil penalties of $25,000 to the United States.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Maynard Steel Casting Company,* D.J. Ref. No. 90–5–2–1–10613. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by U.S. mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By U.S. mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

For a paper copy of the entire Consent Decree with appendices (142 pages at 25 cents per page reproduction cost), please enclose a check or money order for $35.50 made payable to the United States Treasury. For a paper copy without the appendices and signature pages, the cost is $13.25.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–04364 Filed 3–6–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor

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 Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor,'' 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 6, 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=201611-1240-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or 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: 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 Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor that uses Form CM–972. An individual filing with the OWCP, Division of Coal Mine Workers' Compensation for benefits under the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.,* may elect to be represented or assisted by an attorney or other representative. The BLBA and regulations 20 CFR 725.365and 725.366 have established standards for the information and documentation that must be submitted to the program for review, so the representative in approved cases may be paid for services rendered to the claimant. Upon receipt of that evidence, the adjudicating official evaluates the application and, based on the supporting information in the claim file, approves a fee for services rendered. Form CM–972 provides a standardized format that assists representatives participating in the Black Lung Benefits Program to submit the required information. BLBA sections 422 and 426 authorize this information collection. *See* 30 U.S.C. 932 and 936.

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 1240–0011.

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 9, 2016 (81 FRN 78862).

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 1240–0011. 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 Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor.

OMB Control Number: 1240–0011.

Affected Public: Private Sector—business or other for-profits.

Total Estimated Number of Respondents: 338.

Total Estimated Number of Responses: 338.

Total Estimated Annual Time Burden: 237 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 1, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04330 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Occupational Injuries and Illnesses

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Survey of Occupational Injuries and Illnesses,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 6, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201701-1220-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Survey of Occupational Injuries and Illnesses (SOII) information collection. The SOII is the primary indicator of the Nation's progress in providing every working man and woman safe and healthful working conditions. The survey measures the overall rate of work injuries and illnesses by industry. Survey data are also used to evaluate the effectiveness of Federal and State programs and to prioritize scarce resources. Respondents include employers who maintain related records in accordance with the Occupational Safety and Health Act (OSH Act) and employers who are normally exempt from such recordkeeping. Each year a sample of exempt employers is required to keep records and participate in the survey. This information collection is classified as a revision, because of the addition of a one-time pilot test entitled the Household Survey of Occupational Injuries and Illnesses (HSOII) to this information collection. The BLS will use HSOII Pilot Test data collected to (1) test the feasibility of collecting occupational injuries and illness from workers directly: (2) To estimate the burden of occupational injuries and illnesses in the U.S.; and (3) to compare against occupational injury and illness estimates from the SOII at the national level and for broad industries and occupations. OSH Act section 24(a) authorizes this information collection. *See* 29 U.S.C. 673.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0045. The current approval is scheduled to expire on December 31, 2018; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 19, 2016 (81 FR 31666).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0045. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Survey of Occupational Injuries and Illnesses.

OMB Control Number: 1220–0045.

Affected Public: State, Local, and Tribal Governments; Private Sector—businesses or other for-profits, farms, and not-for-profit institutions.

Total Estimated Number of Respondents: 240,550.

Total Estimated Number of Responses: 240,550.

Total Estimated Annual Time Burden: 311,644 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 1, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04367 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Report of Construction Contractor's Wage Rates

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) titled, ''Report of Construction Contractor's Wage Rates,'' 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 6, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201612-1235-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or 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–WHD, 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

Report of Construction Contractor's Wage Rates information collection. Form WD–10 is used by the U.S. Department of Labor to elicit construction project data from contractor associations, contractors, and unions. The wage data is used to determine locally prevailing wages under the Davis-Bacon and Related Acts. The Davis-Bacon Act authorizes this information collection. *See* 40 U.S.C. 3142, 3145.

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 1235–0015.

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 April 30, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 18, 2016 (81 FR 71767).

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 1235–0015. 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–WHD.

Title of Collection: Report of Construction Contractor's Wage Rates.

OMB Control Number: 1235–0015.

Affected Public: Private Sector—businesses or other for-profits, not-for-profit institutions.

Total Estimated Number of Respondents: 24,000.

Total Estimated Number of Responses: 36,000.

Total Estimated Annual Time Burden: 12,000 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 1, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04369 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; American Apprenticeship Initiative Grants

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) proposal titled, ''American Apprenticeship Initiative Grants,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 6, 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=201509-1205-007* (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 (this is not a toll-free number) 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 a 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 PRA authority for the American Apprenticeship Initiative (AAI) Grants information collection. The ETA requires grantees to submit Quarterly Progress Reports on enrolled apprentices in Registered Apprenticeship programs and/or pre-apprenticeship program participants, along with a narrative summary of the partnership progress and implementation measures identified by the grantee in the project work plan. These reports help ETA gauge the effects of the AAI grants, identify grantees and programs that could serve as useful models, and target technical assistance appropriately. The reports can also be used to inform future evaluations. American Competitiveness and Workforce Improvement Act of 1998 as Amended section 414(c)(7) authorizes this information collection. *See* 29 U.S.C. 3224a(7).

This proposed 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 if the

collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on July 2, 2015 (80 FR 38234).

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 ICR Reference Number 201509–1205–007. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: American Apprenticeship Initiative Grants.

OMB ICR Reference Number: 201509–1205–007.

Affected Public: Individuals our Households; State, Local, and Tribal Governments; and Private Sector—not-for-profit institutions.

Total Estimated Number of Respondents: 12,046.

Total Estimated Number of Responses: 12,184.

Total Estimated Annual Time Burden: 12,680 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: March 1, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–04368 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0034]

Proposed Extension of Information Collection; Records of Tests and of Examinations of Personnel Hoisting Equipment

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Records of Tests and of Examinations of Personnel Hoisting Equipment.

DATES: All comments must be received on or before May 8, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0045.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Under Title 30 of the Code of Federal Regulations (CFR), MSHA has requirements that address hoists and appurtenances, including wire rope, used for hoisting persons. The requirements address both metal and nonmetal surface and underground mines (30 CFR parts 56 and 57); and underground coal and surface work areas of underground coal mines (30 CFR parts 75 and 77).

Title 30 CFR 56/57.19022 and 30 CFR 75/77.1432 requires the diameter of newly installed wire rope to be measured at least once in every third interval of the rope's active length to establish a baseline for subsequent semiannual measurements. A record of the measurements is required to be made and retained until the rope is retired from service.

Title 30 CFR 56/57.19023 and 30 CFR 75/77.1433 require the wire rope to be visually examined at least every fourteen days for visible structural damage, corrosion, and improper lubrication or dressing. If the examination reveals weakening portions of the rope, the weakened portions must be monitored daily for further deterioration until retirement criteria require that the rope be removed from service. The person conducting the examination must certify that the examination was made and the record must be retained for one year.

Title 30 CFR 56/57.19121 requires the person conducting the inspection, test or examination of hoisting equipment certify that these activities have been done. Any unsafe conditions must be noted in a record and dated. All certifications and records must be retained for one year.

Title 30 CFR 75.1400–2 requires a record to be made of tests conducted on safety catches. Safety catches are the last means to safely stop a falling conveyance in the event of rope or equipment failure.

Title 30 CFR 75.1400–4 and 77.1404 require a record to be made of each daily examination. If any unsafe condition is found during the examination, the person conducting the examination must make a record of the condition. All certifications and records must be retained for one year.

Title 30 CFR 77.1906 requires a daily examination of hoists used for shaft sinking. If any unsafe condition is found

during the examination, the person conducting the examination must make a record of the condition. All certifications and records must be retained for one year.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Records of Tests and of Examinations of Personnel Hoisting Equipment. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Records of Tests and of Examinations of Personnel Hoisting Equipment. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0034.

Affected Public: Business or other for-profit.

Number of Respondents: 225.

Frequency: On occasion.

Number of Responses: 61,366.

Annual Burden Hours: 5,133 hours.

Annual Respondent or Recordkeeper Cost: $270,000.

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

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–04331 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0042]

Proposed Extension of Information Collection; Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines.

DATES: All comments must be received on or before May 8, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2017–0004.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL–Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, 30 U.S.C. 813, authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners.

The Mine Act establishes miners' rights that may be exercised through a representative. Title 30, Code of Federal Regulations (30 CFR) part 40 contains procedures that a person or organization must follow to be identified by the Secretary as a representative of miners. The regulations define what is meant by ''representative of miners,'' a term that is not defined in the Mine Act.

Title 30 CFR 40.2 requires a representative of miners to file the information specified in 30 CFR 40.3 with the MSHA district manager and the mine operator. Title 30 CFR 40.3 requires the following information to be filed with MSHA:

(1) The name, address, and telephone number of the representative of miners. If the representative is an organization, the name, address, and telephone number of the organization and the title of the official or position, who is to serve as the representative and his or her telephone number.

(2) The name and address of the operator of the mine where the represented miners work and the name, address, and Mine Safety and Health Administration identification number, if known, of the mine.

(3) A copy of the document evidencing the designation of the representative of miners.

(4) A statement that the person or position named as the representative of miners is the representative for all purposes of the Act; or if the representative's authority is limited, a statement of the limitation.

(5) The names, addresses, and telephone numbers, of any representative to serve in his absence.

(6) A statement that copies of all information filed pursuant to this section have been delivered to the operator of the affected mine, prior to or concurrently with the filing of this statement.

(7) A statement certifying that all information filed is true and correct followed by the signature of the representative of miners.

Title 30 CFR 40.4 requires that a copy of the information provided the operator pursuant to section 40.3 be posted upon receipt by the operator on the mine bulletin board and maintained in a current status. Once the required information has been filed, a representative retains his or her status unless and until his or her designation is terminated.

Under 30 CFR 40.5, a representative who becomes unable to comply with the requirements of part 40 must file a written statement with the appropriate MSHA district manager terminating his or her designation.

Section 109(d) of the Mine Act requires each operator of a coal or other mine to file with the Secretary of Labor (Secretary), the name and address of such mine, the name and address of the person who controls or operates the mine, and any revisions in such names and addresses.

MSHA's regulations in 30 CFR part 41 provides for the mandatory use of MSHA Form 2000–7, Legal Identity Report, for notifying MSHA of the legal identity of the mine operator. The legal identity of a mine operator is fundamental to enable the Secretary to properly ascertain the identity of persons and entities charged with violations of mandatory standards. It is also used in the assessment of civil penalties. Because of turnover in mining company ownership, and because of the statutory considerations regarding penalty assessments, the operator is required to file information regarding ownership interest in other mines held by the operator and relevant persons in a partnership, corporation, or other organization. This information is also necessary to the Office of the Solicitor in determining proper parties to actions arising under the Mine Act.

Additionally, MSHA Form 7000–51, Mine Operator Identification Request, is used to allow mine operators to request an MSHA mine identification number for each mine. Mine operators request mine identification numbers prior to completing and submitting the required MSHA Form 2000–7. Therefore, allowing mine operators to submit MSHA Form 7000–51 electronically facilitates this process.

Notification of Commencement of Operations and Closing of Mines: Under 30 CFR 56.1000 and 57.1000, operators of metal and nonmetal mines must notify MSHA when the operation of a mine will commence or when a mine is closed. Openings and closings of mines are dictated by the economic strength of the mined commodity, and by weather conditions prevailing at the mine site during various seasons.

MSHA must be aware of mine openings and closings so that its resources can be used efficiently in achieving the requirements of the Mine Act. Section 103(a) of the Mine Act requires that each underground mine be inspected in its entirety at least four times a year, and each surface mine at least two times per year. Mines that operate only during warmer weather must be scheduled for inspection during the spring, summer, and autumn seasons. Mines are sometimes located a great distance from MSHA field offices and the notification required by this standard can prevent wasted time and trips.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0042.

Affected Public: Business or other for-profit.

Number of Respondents: 10,481.

Frequency: On occasion.

Number of Responses: 10,481.

Annual Burden Hours: 2,010 hours.

Annual Respondent or Recordkeeper Cost: $842.

MSHA Forms: MSHA Form 2000–7, Legal Identity Report; MSHA Form 7000–51, Mine Operator Identification Request; MSHA Form 2000–238, Representative of Miners Designation Form.

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

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–04332 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0048]

Proposed Extension of Information Collection; Respirator Program Records

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Respirator Program Records.

DATES: All comments must be received on or before May 8, 2017.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2016–0046.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL—Mine Safety and Health Administration, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(a), 30 U.S.C. 811(a), allows MSHA to promulgate standards that would require operators to make and retain records from which MSHA would then be allowed to collect information. Section 103(h), 30 U.S.C. 813(h), of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801 *et seq.,* authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners.

Title 30 CFR 56.5005 and 57.5005 require, whenever respiratory equipment is used, that metal and nonmetal mine operators institute a respirator program governing selection, maintenance, training, fitting, supervision, cleaning, and use of respirators. These standards seek to control miner exposure to harmful airborne contaminants by using engineering controls to prevent contamination and vent or dilute the contaminated air. However, where accepted engineering control measures have not been developed or when necessary by the nature of work involved (for example, while establishing controls or occasional entry into hazardous atmospheres to perform maintenance or investigation), employees may work for reasonable periods of time in concentrations of airborne contaminants exceeding permissible levels if they are protected by appropriate respiratory protective equipment.

Sections 56.5005 and 57.5005 incorporate by reference, requirements of the American National Standards Institute's Practices for Respiratory Protection (ANSI Z88.2–1969). These incorporated requirements mandate that miners who must wear respirators be fit-tested to the respirators that they will use. Certain records are also required to be kept in connection with respirators, including: Written standard operating procedures governing the selection and use of respirators; records of the date of issuance of the respirator; and fit-test results.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Respirator Program Records. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th South, Suite 4E401, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Respirator Program Records. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0048.

Affected Public: Business or other for-profit.

Number of Respondents: 300.

Frequency: On occasion.

Number of Responses: 5,400.

Annual Burden Hours: 3,075 hours.

Annual Respondent or Recordkeeper Cost: $90,000.

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

Sheila McConnell,

Certifying Officer.

[FR Doc. 2017–04333 Filed 3–6–17; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17–012)]

NASA Advisory Council; Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, March 28, 2017, 9:30 a.m.–5:30 p.m.; and Wednesday, March 29, 2017, 8:00 a.m.–2:30 p.m. All times are Local Time.

ADDRESSES: NASA Headquarters, Glennan Conference Center (Room 1Q39), 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Executive Secretary, NAC Human Exploration and Operations Committee, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or *bette.siegel@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may call the USA toll-free conference number 1–844–467–6272, and then the numeric participant passcode: 270812 followed by the # sign. To join via WebEx, link is *https://nasa.webex.com/,* the meeting number is 999 427 165, and the password is ''Exploration@2017'' (case sensitive).

The agenda for the meeting includes the following topics:

—Status of the NASA Human Exploration and Operations Mission Directorate
—Exploration Architecture Planning
—International Space Station and Low Earth Orbit Commercialization
—Space Life and Physical Sciences Research and Applications
—Commercial Space Division/ Commercial Crew Program
—Exploration Systems Development Status
—Cislunar Hab/Environmental Control and Life Support System
—In-Space Power/Propulsion

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with driver's licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the ''List of the Acceptable Documents'' on Form I–9]. Non-compliant states/territories are: Maine, Minnesota, Missouri, Montana, and Washington. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/ affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status 3 working days in advance. Information should be sent to Dr. Bette Siegel via email at *bette.siegel@nasa.gov.* It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017–04465 Filed 3–6–17; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 3 and 4; Column Line N Wall ITAAC Dimension Change

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment No. 59 to Combined Licenses (COL), NPF–91 and NPF–92. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on December 16, 2016.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/ adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated May 17, 2016, and available in ADAMS under Accession No. ML16138A431.
- *NRC's PDR:* You may examine and purchase copies of public documents at

the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Paragraph B of Section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment No. 59 to COLs, NPF–91 and NPF–92, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes that would revises COL Appendix C and plant-specific Tier 1, Table 3.3–1, ''Definition of Wall Thickness for Nuclear Island Buildings, Turbine Building, and Annex Building,'' to change the tolerance for the concrete wall thickness of the Column Line N from Column Lines 2 to 4 between elevation (EL.) 100′–0″ and EL.135′–3″ from ±1 inch to a tolerance of −1 inch and +4 inches above grade. For the remainder of the wall below grade, the concrete thickness tolerance remains unchanged as currently specified in Note 2 of Tier 1, Table 3.3–1, +12 inches and −1 inch.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML16315A426.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML16315A139 and ML16315A140, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML16315A145 and ML16315A416, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated May 17, 2016, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request 16–003, ''Column Line N Wall ITAAC Dimension Change.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML16315A426, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License as described in the licensee's request dated May 17, 2016. This exemption is related to, and necessary for the granting of License Amendment No. 59, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML16315A426), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated May 17, 2016 (ADAMS Accession No. ML16138A431), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on July 19, 2016 (81 FR 46958). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on May 17, 2016. The exemption and amendment were issued on December 16, 2016, as part of a combined package to the licensee (ADAMS Accession No. ML16315A113).

Dated at Rockville, Maryland, this 28th day of February 2017.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity, Chief,

Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–04455 Filed 3–6–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0167]

Request To Amend a License To Export Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Update of export license application and extension of comment period; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on August 8, 2016, regarding request to amend a license to export radioactive waste. This action is necessary in order to adequately describe the type of radioactive material being requested for export.

DATES: The correction is effective March 7, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0167 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0167. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Andrea Jones, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9072, email: *Andrea.Jones2@nrc.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** on August 8, 2016, (81 FR 52483), within the NRC Export License Application—Description of Material chart, correct ''No change in material (Class A radioactive waste)'' to read ''Class A, B, or C radioactive waste.''

Dated at Rockville, Maryland, this 27th day of February 2017.

For the Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

[FR Doc. 2017–04284 Filed 3–6–17; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before May 8, 2017.

ADDRESSES: Comments should be addressed to Denora Miller, FOIA/Privacy Act Officer. Denora Miller can be contacted by telephone at 202–692–1236 or email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION:

Title: Global Health Service Professional Reference form.

OMB Control Number: 0420-xxxx.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Respondents: General Public.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of interviewed applicants:* 120.

b. *Number of references required per interviewed applicant:* ** 2.

c. *Estimated number of reference forms received:* 240.

d. *Frequency of response:* One time.

e. *Completion time:* 10 minutes.

f. *Annual burden hours:* 40.

* Reference information is collected only if an applicant is contacted for an interview. The estimated number of applicants interviewed is 120 based on the first three years of the GHSP program.

General Description of Collection: Peace Corps Response uses the staff, personal and professional reference forms to learn from someone who knows the applicant and his or her background whether the applicant possesses the necessary characteristics and skills to serve as a Global Health Service Partnership Volunteer.

Request for Comment: Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on February 23, 2017.

Denora Miller,

FOIA/Privacy Act Officer, Management.

[FR Doc. 2017–04447 Filed 3–6–17; 8:45 am]

BILLING CODE 6051–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of

automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: Railroad Unemployment Insurance Act Applications; OMB 3220–0039.

Under Section 2 of the Railroad Unemployment Insurance Act (RUIA), sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. In addition, sickness benefits are payable to qualified female employees if they are unable to work, or if working would be injurious, because of pregnancy, miscarriage, or childbirth. Under Section 1(k) of the RUIA a statement of sickness, with respect to days of sickness of an employee, is to be filed with the RRB within a 10-day period from the first day claimed as a day of sickness. The Railroad Retirement Board's (RRB) authority for requesting supplemental medical information is Section 12(i) and 12(n) of the RUIA. The procedures for claiming sickness benefits and for the RRB to obtain supplemental medical information needed to determine a claimant's eligibility for such benefits are prescribed in 20 CFR part 335.

The forms currently used by the RRB to obtain information needed to determine eligibility for, and the amount of, sickness benefits due a claimant follow: Form SI–1a, Application for Sickness Benefits; Form SI–1b, Statement of Sickness; Form SI–3, Claim for Sickness Benefits; Form SI–7, Supplemental Doctor's Statement; Form SI–8, Verification of Medical Information; and Form ID–11A, Requesting Reason for Late Filing of Sickness Benefit. Completion is required to obtain or retain benefits. One response is requested of each respondent. The RRB proposes no changes to any of the forms in the information collection.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
SI–1a (Employee)	15,700	10	2,617
SI–1b (Doctor)	15,700	8	2,093
SI–3 (Manual)	131,600	5	10,967
SI–3 (Internet)	61,350	5	5,113
SI–7	20,830	8	2,777
SI–8	26	5	2
ID–11A	518	4	35
Total	245,724		23,604

2. *Title and purpose of information collection:* Job Information Report, OMB 3220–0193. The Railroad Retirement Board (RRB) occupational disability standards allow the RRB to request job information from railroad employers to determine an applicant's eligibility for an occupational disability.

To determine an occupational disability, the RRB must obtain the employee's work history and establish if the employee is precluded from performing his or her regular railroad occupation. This is accomplished by comparing the restrictions caused by the impairment(s) against the employee's ability to perform his or her job duties.

To collect the information needed to determine the effect of a disability on an employee applicant's ability to work, the RRB utilizes Form G–251, *Vocational Report* (OMB 3220–0141) which is completed by the applicant.

Form G–251A, Railroad Job Information, requests railroad employers to provide information regarding whether the employee has been medically disqualified from their railroad occupation; a summary of the employee's duties; the machinery, tools and equipment used by the employee; the environmental conditions under which the employee performs their duties; all sensory requirements (vision, hearing, speech) needed to perform the employee's duties; the physical actions and amount of time (frequency) allotted for those actions that may be required by the employee to perform their duties during a typical work day; any permanent working accommodations an employer may have made due to the employee's disability; as well as any other relevant information they may choose to include. Completion is voluntary. The RRB proposes minor editorial changes to Form G–251A.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–251A	500	60	500

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV*. Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov*. Written comments should be received within 60 days of this notice.

Brian D. Foster,

Clearance Officer.

[FR Doc. 2017–04341 Filed 3–6–17; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission's Office of the Investor Advocate will host a public conference,

characterized as an ''Evidence Summit,'' on Friday, March 10, 2017, in the Auditorium, Room L–002 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The conference will begin at 9:30 a.m. (ET). Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The conference will be webcast on the Commission's Web site at *www.sec.gov.*

On February 24, 2017, the Commission issued notice of the conference (Release No. 33–10312), indicating that the conference is open to the public. This Sunshine Act notice is being issued because a quorum of the Commission may attend.

The agenda for the conference includes: Opening remarks by Acting Chairman Michael S. Piwowar; plenary remarks by panelists Brigitte Madrian and Terry Odean; a panel discussion exploring how investors think and act; a keynote address by panelist George Loewenstein; a panel discussion addressing ways in which the Commission's disclosure regime can facilitate disclosure in the most effective manner for a wide variety of users; remarks from Commissioner Kara M. Stein; a panel discussion regarding ways in which to improve the disclosure of fees, strategies/risks, and performance; and a nonpublic networking session for panelists during lunch.

For further information, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: March 2, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–04496 Filed 3–3–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80136; File No. SR–BatsBZX–2017–14]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To List and Trade Shares of the Amplify YieldShares Oil Hedged MLP Fund, a Series of the Amplify ETF Trust, Under Rule 14.11(i), Managed Fund Shares

March 1, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 17, 2017, Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') 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 filed a proposal to list and trade shares of the Amplify YieldShares Oil Hedged MLP Fund (the ''Fund''), a series of the Amplify ETF Trust (the ''Trust''), under Rule 14.11(i) (''Managed Fund Shares''). The shares of the Fund are referred to herein as the ''Shares.''

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.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 parts 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 list and trade the Shares under Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange.[3] The Fund will be an actively managed exchange-traded fund that invests in equity securities of energy master limited partnerships (''MLPs'') and will selectively hedge these positions to limit the correlation of its performance to the price of West Texas Intermediate Crude Oil (''WTI Crude Oil'').[4] The Exchange submits this proposal in order to allow the Fund to hold listed derivatives, in particular WTI Crude Oil futures, in a manner that does not comply with Rule 14.11(i)(4)(C)(iv)(b).[5]

The Shares are offered by the Trust, which was established as a Massachusetts business trust on January 6, 2015.[6] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[7] The Fund is a series of the Trust.

The Commodity Futures Trading Commission (''CFTC'') has recently adopted substantial amendments to CFTC Rule 4.5 relating to the permissible exemptions and conditions for reliance on exemptions from registration as a commodity pool operator. The Trust, on behalf of the Fund, has filed a notice of eligibility for exclusion from the definition of the term ''commodity pool operator'' in accordance with CFTC Rule 4.5, and, therefore, the Fund would not be subject to registration or regulation as a commodity pool operator under the Commodity Exchange Act (''CEA'') to the extent that it complies with the requirements of the rule. To the extent that the Fund makes investments regulated by the CFTC, it will do so in accordance with Rule 4.5 under the CEA.

The Fund intends to qualify each year as a regulated investment company under Subchapter M of the Internal Revenue Code of 1986, as amended.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission originally approved BZX Rule 14.11(i) in Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018) and subsequently approved generic listing standards for Managed Fund Shares under Rule 14.11(i) in Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR–BATS–2015–100).

[4] The Trust plans to list the Fund on the Exchange pursuant to the generic listing rules for Managed Fund Shares under Rule 14.11(i)(4)(C) (the ''Generic Listing Rules'') regardless of the timing and posture of this proposal. As noted further below, the Fund can achieve its investment objective by meeting the Generic Listing Rules, but the Exchange is submitting this proposal in order to allow the Fund to hold listed derivatives in a manner that does not comply with Rule 14.11(i)(4)(C).

[5] Rule 14.11(i)(4)(C)(iv)(b) provides that ''the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).''

[6] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 31582 (April 28, 2015) (File No. 812–14423) (the ''Exemptive Relief'').

[7] *See* Post-Effective Amendment No. 27 to Registration Statement on Form N–1A for the Trust, dated January 6, 2017 (File Nos. 333–207937 and 811–23108). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

Amplify YieldShares Oil Hedged MLP Fund

According to the Registration Statement, the Fund will be an actively managed exchange-traded fund that invests in equity securities of MLPs and will selectively hedge these positions to limit the correlation of its performance to the price of WTI Crude Oil. WTI Crude Oil, also known as Texas light sweet, is a grade of crude oil used as a benchmark in oil futures contracts pricing. The Fund will use a benchmark, the Oil Hedged MLP Index (the ''Benchmark''), which is developed, maintained and sponsored by ETP Ventures LLC. The Fund will seek to exceed the performance of the Benchmark by actively selecting investments for the Fund from the underlying components of the Benchmark. The Fund is not an index tracking exchange-traded fund and is not required to invest in all of the components of the Benchmark. However, the Fund will generally seek to hold similar instruments to those included in the Benchmark with investments in MLPs and short exposure oil futures contracts included in the Benchmark.

In order to achieve its investment objective, under Normal Market Conditions,[8] the Fund will invest at least 80% of its total assets in equity securities of MLPs.[9] As noted above, the Fund plans to hedge its positions in MLPs in order to limit the correlation of its performance to the price of WTI Crude Oil and achieves this hedge by holding listed and/or OTC derivative instruments in a manner that complies with Rule 14.11(i)(4)(C)(4)(iv) and (v). Rule 14.11(i)(4)(C)(4)(iv) prevents the Fund from holding listed derivatives based on any single underlying reference asset in excess of 30% of the weight of its portfolio (including gross notional exposures). The Exchange is proposing to allow the Fund to hold up to 50% of the weight of its portfolio (including gross notional exposures) in WTI Crude Oil futures contracts traded on the New York Mercantile Exchange and ICE Futures Europe (''WTI Crude Oil Futures''). Allowing the Fund to hold a greater portion of its portfolio in WTI Crude Oil Futures would mitigate the Fund's dependency on holding OTC instruments, which would reduce the Fund's operational burden by allowing the Fund to primarily use listed futures contracts to achieve its investment objective and would further reduce counter-party risk associated with holding OTC instruments. The Fund would continue to meet all other requirements of the Generic Listing Rules and other applicable requirements for Managed Fund Shares under Rule 14.11(i) including Rule 14.11(i)(4)(C)(iv)(a), because all of the futures contracts held by the Fund will trade on markets that are a member of Intermarket Surveillance Group (''ISG'') or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[10]

The Exchange notes that the Fund may also hold certain fixed income securities and cash and cash equivalents in compliance with Rules 14.11(i)(4)(C)(ii) and (iii) in order to collateralize its derivatives positions.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[11] in general and Section 6(b)(5) of the Act[12] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest in that the Shares will meet each of the initial and continued listing criteria in BZX Rule 14.11(i) with the exception Rule 14.11(i)(4)(C)(iv)(b), which requires that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures). The Exchange believes that the liquidity in the WTI Crude Oil Futures markets mitigates the concerns that Rule 14.11(i)(4)(C)(iv)(b) is intended to address and that such liquidity would prevent the Shares from being susceptible to manipulation.[13] Further, allowing the Fund to hold a greater portion of its portfolio in WTI Crude Oil Futures would mitigate the Fund's dependency on holding OTC instruments, which would reduce the Fund's operational burden by allowing the Fund to primarily use listed futures contracts to achieve its investment objective and would further reduce counter-party risk associated with holding OTC instruments. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. All of the futures contracts held by the Fund will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange may obtain information regarding trading in the Shares and the underlying futures contracts held by the Fund via the ISG from other exchanges who are members or affiliates of the ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.[14] The Exchange further notes that the Fund will continue to meet and be subject to all other requirements of the Generic Listing Rules and other applicable continued listing requirements for Managed Fund

[8] As defined in Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[9] To qualify as an MLP, and not to be taxed as a corporation, a partnership must receive at least 90% of its income from qualifying sources as set forth in Section 7704(d) of the Internal Revenue Code of 1986, as amended (the ''Code''). These qualifying sources include natural resource-based activities such as the exploration, development, mining, production, processing, refining, transportation, storage and marketing of mineral or natural resources.

[10] For a list of the current members and affiliate members of ISG, *see www.isgportal.com*. The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(5).

[13] As of 1/31/2017 the average daily contract volume over the last year was 558,353, 307,289 and 110,208 respectively for the front, second and third month contracts. For the third month contract, at today's price levels, that equates to an average daily traded notional of approximately $5.9 billion.

[14] *See* note 9, supra. [sic]

Shares under Rule 14.11(i), including those requirements regarding the Disclosed Portfolio,[15] Intraday Indicative Value,[16] suspension of trading or removal,[17] trading halts,[18] disclosure,[19] and firewalls.[20]

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change, rather will facilitate the listing and trading of an additional actively-managed exchange-traded product that will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BatsBZX–2017–14 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–BatsBZX–2017–14. 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–BatsBZX–2017–14 and should be submitted on or before March 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04351 Filed 3–6–17; 8:45 am]

BILLING CODE 8011–01–P

[15] *See* Rule 14.11(i)(4)(B)(i).

[16] *See* Rule 14.11(i)(4)(B)(ii).

[17] *See* Rule 14.11(i)(4)(B)(iii).

[18] *See* Rule 14.11(i)(4)(B)(iv).

[19] *See* Rule 14.11(i)(6).

[20] *See* Rule 14.11(i)(7).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32519; File No. 812–14719]

Victory Portfolios, et al.; Notice of Application

March 2, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Victory Portfolios, Victory Portfolios II, Victory Institutional Funds and Victory Variable Insurance Funds (each a ''Trust''), each a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series,[1] and Victory Capital Management Inc. (the ''Adviser''), a New York Corporation registered as an investment adviser under the Investment Advisers Act of 1940.

DATES: *Filing Dates:* The application was filed on December 2, 2016 and amended on January 17, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 27, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any

[1] In the future the Adviser may advise Funds (as defined below) that are registered closed-end management investment companies or Funds that are money market funds that comply with Rule 2a–7 under the 1940 Act. The Funds that are closed-end management investment companies and money market funds will not participate as borrowers in the interfund lending facility.

facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Victory Portfolios, Victory Portfolios II, Victory Institutional Funds, Victory Variable Insurance Funds and Victory Capital Management Inc., 4900 Tiedeman Road, 4th Floor, Brooklyn, Ohio 44144.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 551–6876 or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[2] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[3]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, the Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management and administrative agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[4]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[5] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[6]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the open-end Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the open-end Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04440 Filed 3–6–17; 8:45 am]

BILLING CODE 8011–01–P

[2] Applicants request that the order apply to the applicants and to any existing or future registered open-end or closed-end management investment company or series thereof for which the Adviser or any successor thereto or an investment adviser controlling, controlled by, or under common control with the Adviser or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment adviser the ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

[3] Any Fund, however, will be able to call a loan on one business day's notice.

[4] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[5] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[6] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, March 9, 2017, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC 20549. The meeting will begin at 9:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 8:30 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On February 13, 2017, the Commission issued notice of the Committee meeting (Release No. 33–10306), indicating that the meeting is open to the public (except during that portion of the meeting reserved for an administrative work session during lunch), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; a discussion regarding SEC investor research initiatives, the FINRA 2016 Financial Capability Study, and academic research on financial literacy; a discussion regarding unequal voting rights of common stock; a report on the nonpublic administrative work session; and a nonpublic administrative work session during lunch.

For further information, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: March 2, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–04495 Filed 3–3–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, March 9, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matter at the closed meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: March 2, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–04497 Filed 3–3–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80134; File No. SR–BOX–2016–48]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing of Amendment No. 1 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt Rules for an Open-Outcry Trading Floor

March 1, 2017.

I. Introduction

On November 16, 2016, BOX Options Exchange LLC (the ''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposal to adopt rules for an open-outcry trading floor. The proposed rule change was published for comment in the **Federal Register** on December 05, 2016.[3] On January 10, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to March 05, 2017.[4] The Commission received three comment letters on the proposed rule change [5] and one response letter from BOX.[6] On February 21, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[7]

The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons and to institute proceedings under Section 19(b)(2)(B) of the Act [8] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1. The institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as described in Section V below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change in order to inform the Commission's analysis of whether to approve or disapprove the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79421 (November 29, 2016), 81 FR 87607 (December 5, 2016) (''Notice'').

[4] *See* Securities Exchange Act Release No. 79768 (January 10, 2017), 82 FR 4956 (January 17, 2017).

[5] *See* letters to Brent J. Fields, Secretary, Commission, from Angelo Evangelou, Deputy General Counsel, The Chicago Board Options Exchange, Inc., dated January 10, 2017 (''CBOE Letter''); Steve Crutchfield, Head of Market Structure, CTC Trading Group, LLC, dated December 31, 2016 (''CTC Letter''); and Joan C. Conley, Senior Vice President and Corporate Secretary, The Nasdaq Stock Market LLC, dated December 22, 2016 (''Nasdaq Letter'').

[6] *See* letter to Brent J. Fields, Secretary, Commission, from Lisa J. Fall, President, BOX Options, received February 21, 2017 (''BOX Response Letter'').

[7] Amendment No. 1 partially amends the filing, SR–BOX–2016–48. In Amendment No. 1, the Exchange removed proposed rule language relating to its minor rule violation plan, proposed disciplinary process for the trading floor, and proposed rules for split price transactions. In addition, the Exchange clarified various aspects of how orders will be handled on the trading floor, revised its discussion of compliance with Section 11(a) of the Act, and made other clarifying changes to the filing and proposed rule text. Amendment No. 1 has been placed in the public comment file for SR–BOX–2016–048 at *https://www.sec.gov/comments/sr-box-2016-48/box201648.shtml* and also is available on the Exchange's Web site at *http://lynxstorageaccount.blob.core.windows.net/boxvr/SE_resources/SR-BOX-2016-48_Amendment_1.pdf.*

[8] 15 U.S.C. 78s(b)(2)(B).

rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, As Modified by Amendment No. 1

The Exchange proposes to adopt rules to establish an open-outcry trading floor.[9] Currently the Exchange only offers electronic trading, and proposes to add a physical trading floor to create a hybrid system that integrates both electronic and open-outcry trading.[10]

A. Proposed BOX Floor Procedure

Under the proposed rules, upon receipt of an order, a Floor Broker[11] wishing to execute an order on the floor would be required to record specific information regarding the order into the Floor Broker's order entry mechanism.[12] All orders executed on the trading floor would be Qualified Open Outcry orders (''QOO Orders''),[13] which must be entered as a two-sided order. Each two-sided order contains an initiating side (''agency order''), which must be filled in its entirety, and a ''contra-side,'' which must guarantee the full size of the initiating side of the QOO Order.[14] A Floor Broker may, but is not required to, provide a ''book sweep size'' for the contra-side of the QOO Order, which is the number of contracts, if any, of the contra-side order that the Floor Broker is willing to relinquish to orders and quotes on the BOX Book that have priority pursuant to proposed BOX Rule 7600(c).[15]

Prior to execution, the Floor Broker would be required to represent the order in the specific Crowd Area[16] designated for trading that particular options class in a process called the ''market probe'' (also known as ''open outcry'').[17] The proposed BOX floor would consist of at least one ''Crowd Area,'' each marked with specific visible boundaries, as determined by the Exchange.[18] All series for a particular option class would be allocated to the same Crowd Area.[19] During the market probe, Floor Market Makers[20] physically located in the specific Crowd Area would be considered participants in the crowd and would be able to express interest in trading against the agency order. The Floor Broker would be responsible for determining the sequence in which bids or offers are vocalized on the trading floor in response to the Floor Broker's bid, offer, or call for a market.[21]

After the market probe, the Floor Broker would submit the QOO Order through the BOX Order Gateway (''BOG'').[22] Once an order is received by the BOG, it would be immediately sent to the Trading Host[23] for execution.[24] The QOO Order would not be deemed executed until it is received and processed by the Trading Host.[25] For a non-complex QOO Order, the execution price must be equal to or better than the NBBO.[26] Additionally, the following BOX Book interest would have priority over the contra-side of the QOO Order: (i) Any equal or better priced Public Customer[27] bids or offers on the BOX Book; (ii) any non-Public Customer bids or offers on the BOX Book that are ranked ahead of such equal or better priced Public Customer bids or offers; and (iii) any non-Public Customer bids or offers on the BOX Book that are priced better than the proposed execution price.[28] If the number of contracts on the BOX Book that have priority over the contra-side of the QOO Order is greater than the book sweep size set by the Floor Broker, then the QOO Order will be rejected.[29] Otherwise, after priority interest on the BOX Book, if any, is executed, the remaining balance will be matched against the contra-side of the QOO Order, regardless of whether the contra-side order submitted by the Floor Broker is ultimately entitled to receive an allocation.[30]

The executing Floor Broker would also be responsible for ensuring that any Floor Participant[31] that responded with interest during the market probe receives their allocation, and if interest was discovered during the market probe, the Floor Broker is required to enter the correct allocations into the Exchange's system where the trade will be recorded.[32] If the QOO Order is a certain size, determined by the Exchange on an option by option basis (at a size that may not be less than 500 contracts), the Floor Broker would be entitled to cross, after all equal or better priced Public Customer bids or offers on the BOX Book and any non-Public Customer bids or offers that are ranked ahead of such Public Customer bids or offers are filled, 40% of the remaining contracts in the order.[33] The Floor Broker is permitted to trade more than their percentage entitlement if other Floor Participants in the trading crowd do not choose to trade the remaining portion of the order.[34] Additionally, Floor Brokers would be responsible for handling all orders in accordance with

[9] *See* Notice, *supra* note 3, at 87607.

[10] *See id.* Other exchanges that currently offer a combination of open-outcry and electronic trading are NYSE Arca, Inc. (''NYSE Arca''), NASDAQ PHLX LLC (''PHLX''), Chicago Board Options Exchange, Incorporated (''CBOE''), and NYSE MKT LLC (''NYSE MKT'').

[11] *See* proposed BOX Rule 7540. A Floor Broker is an individual who is registered with the Exchange for the purpose, while on the trading floor, of accepting and handling options orders. *Id.* Proposed BOX Rule 7550 provides that the Exchange shall review applications for registration as a Floor Broker on such form or forms as the Exchange may prescribe, and that the Exchange shall consider an applicant's ability as demonstrated by his passing a Floor Broker's examination, if prescribed by the Exchange, and such other factors as the Exchange deems appropriate.

[12] *See* proposed BOX Rule 7580(e). The specific information required includes: (i) The order type (*i.e.,* customer, firm, broker-dealer, professional, or Market Maker) and order receipt time; (ii) the option symbol; (iii) buy, sell, cross or cancel; (iv) call, put, complex (*i.e.,* spread, straddle), or contingency order; (v) number of contracts; (vi) limit price or market order or, in the case of a multi-leg order, net debit or credit, if applicable; (vii) whether the transaction is to open or close a position; and (viii) the Options Clearing Corporation clearing number of the broker-dealer that submitted the order. *See id.*

[13] *See* proposed BOX Rule 7600(a)(1). QOO Orders may be multi-leg orders, including Complex Orders, as defined in BOX Rule 7240(a)(5) and tied to hedge orders as defined in IM–7600–2.

[14] *See* proposed BOX Rule 7600(a)(1).

[15] *See* proposed BOX Rule 7600(h).

[16] BOX's proposed trading floor will consist of at least one ''Crowd Area'' or ''Pit.'' *See* proposed BOX Rule 100(a)(67).

[17] *See* proposed BOX Rule 7600(b). Under the proposed rules, an Options Exchange Official would be required to certify that the Floor Broker adequately represented the QOO Order to the trading crowd. *See id.*

[18] *See* proposed BOX Rule 100(a)(67).

[19] *See id.*

[20] *See* proposed BOX Rule 8510(b).

[21] *See* proposed BOX Rule 7600(d)(1). Any disputes regarding a Floor Broker's determination of time priority sequence will be resolved by the Options Exchange Official. *See id.*

[22] *See* proposed BOX Rule 100(b)(2). All transactions occurring on the trading floor would be required to be processed through the BOG. *See* proposed BOX Floor Rule 7580(e)(1).

[23] ''Trading Host'' means the automated trading system used by BOX for the trading of options contracts. *See* BOX Rule 100(a)(66).

[24] *See* proposed BOX Rule 7580(e)(1). Under the proposal, orders on the trading floor would not route to an away exchange. *See* proposed BOX Rule 7580(e)(2).

[25] *See* proposed Rule 7600(c).

[26] *See* proposed BOX Rule 7600(c). The relevant priority BOX Book interest for complex QOO Orders is described in proposed BOX Rule 7600(c).

[27] ''Public Customer'' means a person that is not a broker or dealer in securities. *See* BOX Rule 100(a)(51).

[28] *See* proposed Rule 7600(c).

[29] *See* proposed Rule 7600(h). The Exchange believes that the book sweep size feature will assist Floor Brokers in executing orders when there are bids or offers on the BOX Book that have priority over the QOO Order, which BOX believes will result in a greater number of executions. *See* Notice, *supra* note 3, at 87612.

[30] *See* proposed BOX Rule 7600(d).

[31] The term ''Floor Participant'' means Floor Brokers as defined in Rule 7540 and Floor Market Makers as defined in Rule 8510(b). *See* proposed BOX Rule 100(a)(26).

[32] *See* proposed BOX Rule 7600(d).

[33] *See* proposed BOX Rule 7600(f).

[34] *See* proposed BOX Rule 7600(f)(4).

the Exchange's priority and trade-through rules.[35]

B. Floor Market Makers

Proposed BOX Rule 8500(a) would require market makers on the BOX Floor to also be registered with BOX as a market maker on its electronic trading platform. As market makers on BOX's electronic trading platform, Floor Market Makers would have a continuous electronic quoting obligation pursuant to proposed BOX Rule 8510(c)(1), which would require Floor Market Makers to quote electronically in all classes that they quote on the trading floor.[36] The Exchange believes that these electronic quoting requirements will preserve liquidity in BOX's electronic marketplace, which might otherwise decrease with the launch of BOX's trading floor.[37] The Exchange also notes that the electronic quoting requirements are already in place on BOX's electronic book, and would be uniformly applied to all BOX market makers, both floor and electronic.[38]

In addition, proposed BOX Rule 100(b)(5) would require a Floor Market Maker to be considered ''in'' on a bid or offer only if the Floor Market Maker makes an affirmative assertion that he is ''in.'' [39] Specifically, the proposed rule states that a Floor Market Maker ''shall be considered 'out' on a bid or offer if he does not respond to the Floor Broker who is announcing the order.'' [40] The Exchange believes that requiring an affirmative response from Floor Market Makers will enhance the efficiency of order execution on the trading floor because it will prevent unnecessary delays associated with requiring every Floor Market Maker to affirmatively opt ''out'' of an order before it is executed.[41]

The BOX proposal would not impose a requirement on market makers to be present in the trading crowd before a Floor Broker may represent an order to the trading crowd.[42] The Exchange notes that even if a Floor Market Maker is not present, any orders executed by a Floor Broker without exposure to participants in the trading crowd will still have to respect priority interest on the BOX Book, and that all classes listed on BOX must have at least one Market Maker quoting electronically. Therefore, the Exchange believes that there will be electronic quotes in the particular class even if no Floor Market Maker is present when the QOO Order is announced. Additionally, the Exchange notes that all orders executed on the trading floor must trade at a price equal to or better than the NBBO regardless of whether a Floor Market Maker is present in the Crowd Area when the order is announced. The Exchange further states that the robust electronic quoting of options that will be traded on the trading floor ''eliminates any concerns of not having a Floor Market Maker present when the order is executed by the Floor Broker due to the fact that there are other Market Makers providing electronic quotations.'' [43]

III. Summary of Comments

As previously noted, the Commission received three comment letters on the proposed rule change, and one response letter from BOX. All three commenters raised specific concerns with respect to the proposed rule change,[44] and two of the three commenters raised concerns about issues relating to options trading floors in general.[45] No commenter expressed support for the proposed rule change.

Commenters raised concerns about the following aspects of the proposal, each of which is discussed in greater detail below: (1) Whether the proposal would impede opportunities for price improvement; (2) the requirement that Floor Market Makers quote electronically in all classes offered on the proposed BOX trading floor; (3) the ability for a Floor Broker to execute a trade in the absence of any Floor Market Maker; (4) the restriction of Floor Market Makers to a ''single crowd area at a time;'' (5) the book sweep size feature; (6) the lack of clarity regarding compliance with trade-through and priority rules; (7) the lack of a single-sided order type on the proposed floor; and (8) the potential impact on options market structure.

A. Opportunities for Price Improvement

Two commenters expressed concern that the proposed rule change would negatively impact opportunities for orders to receive price improvement.[46] Specifically, one commenter stated that the proposed rule change is ''structured to minimize the ability of market maker and public customer trading interest to interact with, and provide price improvement to, orders being crossed on the BOX floor.'' [47] This commenter claimed that the proposed rule change ''is simply offering a frictionless crossing mechanism, which can be utilized to the detriment of customers.'' [48] Another commenter stated that the proposed rule change will not ensure robust market maker participation on the proposed BOX floor, and this would provide a way for internalizers to avoid exposure to market makers who might otherwise provide price improvement.[49]

B. Requirement for Floor Market Makers To Quote Electronically in All Classes Offered on the Proposed BOX Floor

Two commenters expressed concern with the proposed requirement that Floor Market Makers would have to quote electronically in all classes offered on the proposed trading floor.[50] One commenter stated that the ''imposition'' of an electronic quoting requirement could limit potential market maker price improvement.[51] Another commenter suggested that the proposed requirement appears to ''be a means to impose a costly and unprofitable burden on would-be Market Makers, thereby discouraging them from establishing a presence on the BOX floor and preserving the value of the proposed floor as a crossing venue devoid of meaningful order exposure or price improvement.'' [52] This commenter further argued that the proposed rule change would discourage competitive market maker participation on the proposed BOX floor.[53]

In response to the commenter's suggestion that the requirement to quote electronically would discourage market makers from establishing a presence on the BOX floor, BOX stated that to the contrary, it believes the proposed rule change will ensure that electronic quoting keeps pace with the robust level of activity anticipated on the trading floor.[54] In this regard, BOX further stated that the requirement to quote electronically can help ensure that market making activity on the trading

[35] *See* proposed BOX Rule 7580(e)(2).

[36] *See* proposed BOX Rule 8510(c)(1).

[37] *See* Notice, *supra* note 3, at 87627.

[38] *See id.* at 87627–28.

[39] *See* proposed BOX Rule 100(b)(5).

[40] *See id.*

[41] *See* Notice, *supra* note 3, at 87608, n.9.

[42] *See id.* at 87610, n.32.

[43] *See* Notice, *supra* note 3, at 87625.

[44] *See* CBOE Letter, CTC Letter, and Nasdaq Letter, *supra* note 5.

[45] *See* CTC Letter and Nasdaq Letter, *supra* note 5. The Commission notes that these commenters expressed concerns about options floors in general and requested Commission action on certain issues related to existing options trading floors that are beyond the scope of the BOX proposal.

[46] *See* CBOE Letter and CTC Letter, *supra* note 5.

[47] *See* CBOE Letter, *supra* note 5, at 1–2.

[48] *See id.* at 2.

[49] *See* CTC Letter, *supra* note 5, at 4–5.

[50] *See* CBOE Letter and CTC Letter, *supra* note 5.

[51] *See* CBOE Letter, *supra* note 5, at 2, n.2.

[52] *See* CTC Letter, *supra* note 5, at 5.

[53] *See id.* at 5.

[54] *See* BOX Response Letter, *supra* note 6, at 3. BOX also noted its belief that commenter's concerns about the finite resources available to firms to staff another physical trading floor are beyond the scope of this proposal. *See id.* at 4.

floor does not diminish electronic quoting on BOX.[55]

C. Ability To Execute a Trade in the Absence of a Floor Market Maker

One commenter expressed concern that the proposed rule change would allow a Floor Broker to execute crossing orders on the BOX Floor when no Floor Market Makers are present.[56] The commenter argued that existing options trading floors grew from crowded equities or futures floors and so were certain to have robust and active market maker populations.[57] The commenter further stated that the lack of rules to ensure robust market maker participation on the proposed BOX floor would provide a way for internalizers to avoid exposure to market makers, and would act directly counter to investor protection and the public interest.[58]

In response to the commenter's concern regarding the absence of a requirement that Floor Market Makers be present when an order is represented, BOX stated that allowing a Floor Broker to execute an order when no Floor Market Maker is present is ''simply a safeguard to ensure that the trading floor operates efficiently and without undue delays or interruptions.'' [59] BOX further stated that there are other protections in place even if a pit may not have a Market Maker present when a Floor Broker crosses an order.[60] According to BOX, these protections include a requirement that orders must not trade at a price worse than the NBBO, orders must respect the BOX Book, and orders represented to the trading crowd must be certified by an options exchange official as being adequately represented to the crowd.[61] Additionally, BOX noted that Floor Brokers may not violate priority and trade-through rules and must honor their obligations to their customers, including their best execution obligations.

D. Restriction of Floor Market Makers to a Single Crowd Area

Two commenters expressed concern regarding the proposed rule change's description and application of physical boundary requirements.[62] One commenter suggested that ''physical boundary requirements'' in the proposed rule change would limit potential opportunities for market maker price improvement.[63] Another commenter suggested that the proposal to allow a Floor Market Maker to participate in a crowd only if he or she is physically located in a specific Crowd Area ''at the time the order is represented in the crowd'' is designed to discourage Floor Market Makers from providing liquidity.[64] The commenter suggested that the Exchange could open a trading floor comprised of a single Crowd Area with rules permitting all Floor Market Makers to trade all issues as a means to help ensure opportunities for price improvement.[65]

In response, BOX stated that the ability to divide the trading floor into multiple pits or crowd areas would aid BOX in monitoring trading activity and ensuring the trading floor operates in an orderly manner.[66] BOX also noted that trading floors on other exchanges also have multiple crowd areas or pits.[67]

E. Book Sweep Size Mechanism

One commenter expressed concern about the proposed ''book sweep size'' mechanism in the proposed rule change.[68] This commenter suggested that the book sweep size would be a feature that ''explicitly prevents executions of orders on the BOX Book.'' [69] The commenter further stated that the book sweep mechanism could prevent orders from executing in circumstances where there are orders on the BOX Book that could fill the order, possibly at a better price, and thus the mechanism ''puts its participants' compliance with best-execution obligations at risk and unfairly discriminates against investors with executable orders resting in the BOX Book.'' [70]

In response to the commenter's concerns regarding the book sweep size aspect of the proposal, BOX stated that the book sweep size is a tool that will aid Floor Brokers in satisfying duties owed to their customers, such as best execution.[71] For example, according to BOX, when a Floor Broker needs an order to be executed immediately, the broker could opt either to provide a book sweep size equal to the entire size of the order, which provides liquidity to the BOX Book, or to provide an execution price that is better than the current best price on BOX, which presents an opportunity for potential price improvement.[72] BOX also noted that it believes functionality similar to the book sweep size mechanism is available on at least one other trading floor, so the book sweep size aspect of its proposal is not unique.[73]

F. Compliance With Trade-Through and Priority Rules

One commenter stated that the proposed rule change is unclear regarding whether or not the proposed BOG trading system would systematically prevent violations of priority and trade-through requirements.[74] This commenter further stated that it is unclear whether exposure in the trading crowd is required and whether the market against which trades are validated differs depending on the method of execution.[75] Specifically, the commenter claimed that the proposed rule change ''does not describe the process for validation of trades and whether validation occurs at the time of the Verbal Agreement or Reported Trade.'' [76] Additionally, this commenter stated that the proposed rule change does not discuss the specific manner in which surveillance reviews transactions for violations of Exchange rules or the manner in which the BOG or the Exchange enforces compliance for on-floor transactions.[77]

In response to the commenter's concern that the proposed rule change is unclear about whether the BOG would systematically prevent violations of priority and trade-through requirements, BOX stated that the method by which trades are received and processed by the Trading Host serves as a safeguard to prevent violations of the priority and trade-through requirements.[78] BOX further stated that it ''has specifically designed the Proposal to prevent trade-through violations and protect priority interest on the BOX Book.[79] In response to the commenter's suggestion that the proposed rule change does not adequately discuss surveillance, BOX stated it has ''robust surveillance procedures in place to monitor

[55] *See id.* at 3.

[56] *See* CTC Letter, *supra* note 5, at 4.

[57] *See id.*

[58] *See id.* at 5.

[59] *See* BOX Response Letter, *supra* note 6, at 3.

[60] *See id.*

[61] *See id.*

[62] *See* CBOE Letter and CTC Letter, *supra* note 5.

[63] *See* CBOE Letter, *supra* note 5, at 2, n.2.

[64] *See* CTC Letter, *supra* note 5, at 6.

[65] *See id.* at 6.

[66] *See* BOX Response Letter, *supra* note 6, at 2.

[67] *See id.* at 2. BOX noted its belief that CBOE, PHLX, and NYSE Arca all have multiple crowd areas or pits on their respective trading floors. *See id.* at 2, n.11.

[68] *See* CTC Letter, *supra* note 5, at 7.

[69] *See id.* at 7.

[70] *See id.* at 7–8.

[71] *See* BOX Response Letter, *supra* note 6, at 3–4.

[72] *See id.* at 4.

[73] *See id.* at 4. BOX states that the book sweep size mechanism is comparable to the PHLX Floor Broker Management System.

[74] *See* Nasdaq Letter, *supra* note 5, at 2.

[75] *See id.*

[76] *See id.*

[77] *See id.* at 3.

[78] *See* BOX Response Letter, *supra* note 6, at 1.

[79] *See id.* at 2.

compliance with the Exchange's rules.'' [80] BOX further stated that their surveillance procedures will be used to monitor transactions occurring on the trading floor.

G. Lack of Single-Sided Floor Order Type

One commenter raised concerns about the inability of floor participants to represent single sided orders on the proposed BOX Floor.[81] In response to the commenter's concern about floor participants not being able to represent a single-sided order on the proposed BOX Floor, BOX stated that a Floor Broker may bring any unmatched order to the trading floor to seek liquidity, and then enter the order into the BOX system using the QOO order type.[82] BOX noted that Floor Brokers also may enter single-sided orders into the BOX Book using BOX's electronic interface.[83]

H. Potential Impact on Options Market Structure

Two commenters expressed concern that the proposed rule change would increase fragmentation of the options market.[84] One commenter stated that ''[f]ragmentation is a growing concern in the U.S. securities markets,'' and that the proposed BOX floor would ''add[] yet another trading venue that must be staffed by firms with finite resources and liquidity without offering anything unique or beneficial to customers.'' [85] Another commenter stated that opening a new trading floor will exacerbate the practice of ''venue shopping,'' and noted that the ''number of market making firms is limited,'' and that ''market making firms lack infinite resources to staff an arbitrary number of physical trading floors with dedicated personnel.'' [86] This commenter further suggested that the proposed rule could ''open the floodgates'' for new options trading floors, ''engendering serious fragmentation of liquidity, imposing significant new costs on market making firms by obliging them to staff every floor or incur large opportunity costs.'' [87]

In response, BOX argued that concerns about the general success of options trading floors is beyond the scope of its proposal.[88] BOX further asserted that commenters' general concerns about options trading floors lack merit or are an attempt to delay the approval of its proposal.[89]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–BOX–2016–48 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act,[90] to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

Pursuant to Section 19(b)(2)(B) of the Act,[91] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings because the proposal raises important issues that warrant further public comment and Commission consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with Section 6(b)(5) of the Act,[92] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In addition, the Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, whether or not the proposed rule change is consistent with Section 6(b)(8) of the Act, which requires the rules a national securities exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[93]

Specifically, the Commission notes that aspects of the proposed rule change may not be consistent with Section 6(b)(5) of the Act in that they could effectively limit the exposure of floor orders to a bona fide open outcry auction process, which could lead to, among other things, inefficient pricing for crossing transactions executed on the proposed BOX floor. In addition, the Commission notes that the impediments to becoming, and restrictions on, Floor Market Makers may impose a burden on competition that is inconsistent with 6(b)(8) of the Act. The Commission also notes that the proposed rule change raises questions regarding the ability of the Exchange and participants on the BOX trading floor to comply with the Act, Commission and/or Exchange rules regarding intramarket priority and intermarket trade-through.

Finally, under the Commission's rules of procedure, a self-regulatory organization that proposes to amend its rules bears the burden of demonstrating that its proposal is consistent with the Act.[94] In this regard:

> the description of the proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with the applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding. Any failure of the self-regulatory organization to provide the information elicited by Form 19b–4 may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder that are applicable to the self-regulation organization.[95]

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposal, as modified by Amendment No. 1. In particular, the Commission invites the written views of interested persons concerning whether the proposal, as modified by Amendment No. 1, is consistent with Sections

[80] *See id.*

[81] *See* CBOE Letter, *supra* note 5, at 2, n.2.

[82] *See* BOX Response Letter, *supra* note 6, at 4.

[83] *See id.* at 4.

[84] *See* CBOE Letter and CTC Letter, *supra* note 5.

[85] *See* CBOE Letter, *supra* note 5, at 1.

[86] *See* CTC Letter, *supra* note 5, at 3.

[87] *See* CTC Letter, *supra* note 5, at 4.

[88] *See* BOX Response Letter, *supra* note 6, at 4.

[89] *See id.*

[90] 15 U.S.C. 78s(b)(2)(B).

[91] *Id.* Section 19(b)(2)(B) of the Act provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of the notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. *See id.*

[92] 15 U.S.C. 78f(b)(5).

[93] 15 U.S.C. 78f(b)(8).

[94] Rule 700(b)(3), 17 CFR 201.700(b)(3).

[95] *Id.*

6(b)(5)[96] and 6(b)(8),[97] or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[98] In particular, the Commission seeks comment on the following:

- Commenters' views on the proposed requirement that a Floor Market Maker may only quote in classes on the trading floor which the market maker is already quoting electronically;[99]
- Commenters' views on the aspect of the proposal that would allow a BOX Floor Broker to execute a crossing transaction without first exposing the order to any other Floor Participant;
- Commenters' views on whether a minimum number of Floor Market Makers should be required to be present when an order is represented to the trading crowd, and if so, how many Floor Market Makers in each class should be required;
- Commenters' views on the proposed book sweep size feature;[100]
- Commenters' views on the aspect of the proposal that would require a Floor Market Maker to be physically located in a specific Crowd Area to be deemed participating in the crowd;[101]
- Commenters' views on the Exchange's argument that requiring ''an affirmative response by a Floor Market Maker will allow for a more efficient process for executing orders on the Trading Floor'' and that requiring a Floor Market Maker to affirmatively be ''out'' on every order ''will lead to unnecessary delays on the Trading Floor and has the potential to cause disruptions.''[102]
- Commenters' views on whether the provision allowing the Exchange the discretion to determine whether a Floor Broker examination could be required as a prerequisite to becoming a Floor Broker is consistent with the Act;[103]
- Whether the Exchange adequately describes how it will validate a trade for purposes of compliance with trade-through, priority and other Exchange rules; and
- Whether the Exchange adequately describes the mechanics of how orders will be received and executed on the proposed BOX trading floor.

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1 and regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by March 28, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 11, 2017.

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–BOX–2016–48 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–BOX–2016–48. 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 accommodation proposal that are filed with the Commission, and all written communications relating to the accommodation proposal between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2016–48 and should be submitted on or before March 28, 2017. Rebuttal comments should be submitted by April 11, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[104]

Eduardo A. Aleman,

Assistant Secretary.

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[96] 15 U.S.C. 78f(b)(5).

[97] 15 U.S.C. 78f(b)(8).

[98] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Reps. No. 75, 94th Cong., 1st Sess. 30 (1975).

[99] *See* proposed BOX Rule 8500(a).

[100] *See* proposed BOX Rule 7600(h).

[101] *See* proposed BOX Rule IM–8510–2.

[102] *See* Notice, *supra* note 3, at 87608, n.9.

[103] *See* proposed BOX Rule 7550.

[104] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80138; File No. SR–NYSEArca–2016–149]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment Nos. 1 and 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Amend NYSE Arca Rule 6.91

March 1, 2017.

I. Introduction

On November 14, 2016, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] a proposed rule change to amend NYSE Arca Rule 6.91 to clarify and provide greater specificity to its rules governing the trading of Electronic Complex Orders (''ECOs''), and to correct inaccuracies in those rules.[4] The proposed rule change was published for comment in the **Federal Register** on December 2, 2016.[5] NYSE Arca filed Amendment No. 1 to the proposal, which supersedes the original filing in its entirety, on December 23, 2016, and filed Amendment No. 2 to the proposal

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] For purposes of NYSE Arca Rule 6.91, an Electronic Complex Order is any Complex Order, as defined in NYSE Arca Rule 6.62(e), or any Stock/Option Order or Stock/Complex Order, as defined in NYSE Arca Rule 6.62(h), that is entered into the NYSE Arca System. *See* NYSE Arca Rule 6.91.

[5] *See* Securities Exchange Act Release No. 79404 (November 28, 2016), 81 FR 87094 (''Notice'').

on February 17, 2017.[6] On January 9, 2017, the Commission extended the time period for Commission action to March 2, 2017.[7] The Commission received no comment letters regarding the proposal. This order provides notice of filing of Amendment Nos. 1 and 2 and approves the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

II. Description of the Proposed Rule Change

NYSE Arca Rule 6.91 governs the trading of ECOs in NYSE Arca's Complex Matching Engine (''CME''). As described more fully in the Notice, NYSE Arca proposes to amend NYSE Arca Rule 6.91 to provide additional specificity, transparency, and clarity to its processing of ECOs. The proposal also corrects inaccuracies in NYSE Arca Rule 6.91.

Execution of ECOs During Core Trading Hours

The proposals makes several changes to NYSE Arca Rule 6.91(a)(2), ''Execution of Electronic Complex Orders.'' The proposal amends NYSE Arca Rule 6.91(a)(2) to indicate that ECOs may be executed not only without consideration of prices of the same complex order that might be available on other exchanges, as the rule currently provides, but also without consideration of prices of single-legged orders that might be available on other exchanges. The proposal revises and reorganizes current NYSE Arca Rule 6.91(a)(2) by replacing current text and adding new paragraphs (ii), ''Execution of Electronic Complex Orders During Core Trading,'' and (iii), ''Electronic Complex Orders in the Consolidated Book.''[8] According to the Exchange, the changes to NYSE Arca Rules 6.91(a)(2)(ii) and (iii) are designed to describe the processing of ECOs during Core Trading in a more concise and logical manner, with NYSE Arca Rule 6.91(a)(2)(ii) governing the execution of ECOs that are marketable on arrival and NYSE Arca Rule 6.91(a)(2)(iii) governing how ECOs would be ranked in the Consolidated Book and execute as resting interest on the Consolidated Book.[9] New NYSE Arca Rule 6.91(a)(2)(ii) indicates that an incoming marketable ECO would trade against the best-priced contra-side interest resting in the Consolidated Book, consistent with NYSE Arca's price/time priority model.[10] If the best-priced contra-side interest is an ECO resting on the Consolidated Book, the incoming ECO would trade with the resting ECO on arrival.[11] If the best-priced contra side interest that can execute with the incoming ECO in full (or in a permissible ratio) is in the leg markets, the incoming ECO would trade with individual quotes and orders in the leg markets.[12]

New NYSE Arca Rule 6.91(a)(2)(iii), which incorporates existing paragraphs (a)(2)(ii)(C) and (D) and renumbers them as (iii)(A) and (B), addresses incoming ECOs that are not marketable. Incoming ECOs that are not marketable are routed to the Consolidated Book.[13] The proposal adds language to NYSE Arca Rule 6.91(a)(2)(iii)(A) to indicate that an ECO or portion of an ECO that is not executed on arrival will be ranked in the Consolidated Book, and that any new orders and quotes entered into the Consolidated Book that can execute against an ECO will be executed against such new orders or quotes according to NYSE Arca Rule 6.91(a)(2)((ii), rather than ''according to (ii) above,'' as provided in the current rule.[14]

Electronic Complex Order Auction Rules

Because NYSE Arca proposes to make extensive changes to the description of the Complex Order Auction (''COA'') process in NYSE Arca Rule 6.91(c), the proposal deletes existing NYSE Arca Rule 6.91(c), ''Electronic Complex Order Auction (''COA'') Process,'' in its entirety and replaces it with new NYSE Arca Rule 6.91(c), which, according to the Exchange, is designed to describe the COA process more clearly, accurately, and logically.[15] New NYSE Arca Rule 6.91(c) indicates that, upon entry into the System, an ECO may be executed immediately in full, or in a permissible ratio, as provided in NYSE Arca Rule 6.91(a)(2), or may be subject to a COA.[16] This provision language

[6] As discussed in greater detail below, Amendment No. 1 makes several changes that further clarify the operation of NYSE Arca Rule 6.91. In particular, Amendment No. 1 revises NYSE Arca Rule 6.91(a)(ii) to delete an incorrect cross-reference to NYSE Arca Rule 6.76A; adds a cross-reference to NYSE Arca Rule 6.91(a)(2) to NYSE Arca Rule 6.91(c); revises NYSE Arca Rule 6.91(c)(3)(ii) to indicate that NYSE Arca will determine the number of ticks away from the current, contra-side market for a COA-eligible order; amends NYSE Arca Rule 6.91(c)(3)(iii) to indicate that a COA-eligible order will reside on the Consolidated Book until it meets the requirements for COA eligibility and can initiate a COA; revises NYSE Arca Rules 6.91(c)(6)(A)(iv), 6.91(c)(6)(B)(v), and 6.91(c)(7)(B) to indicate that complex orders could trade pursuant to NYSE Arca Rule 6.91(c)(iii); amends NYSE Arca Rule 6.91(c)(6)(B) to indicate that when a COA ends early, or at the end of the Response Time Interval, the initiating COA-eligible order will execute pursuant to NYSE Arca Rule 6.91(c)(7) ahead of interest that arrived during the COA; and amends NYSE Arca Rule 6.91(c)(7) to indicate that when a COA ends early, or at the end of the Response Time Interval, the COA-eligible order will be executed against the contra-side interest received during the COA. Amendment No. 2 revises proposed NYSE Rule 6.91(c)(3) to delete proposed paragraph (iii), which would have required that the limit price of a COA-eligible order be at or within the NYSE Arca best bid/offer for each leg of the order to initiate a COA. In addition, Amendment No. 2 revises proposed NYSE Arca Rule 6.91(c)(6)(C)(i) to indicate that any updates to the leg markets that cause the same-side Complex BBO to lock or cross Electronic Complex Orders (''ECOs'') resting in the Consolidated Book will cause the COA to end early. Amendment No. 2 also revises proposed NYSE Arca Rule 6.91(c)(6)(C)(ii) to provide that updates to the leg markets that cause the same-side BBO to be priced higher (lower) than the COA-eligible order to buy (sell), but do not lock or cross ECOs resting in the Consolidated Book will not cause the COA to end early. To promote transparency of its proposed amendments, when NYSE Arca filed Amendment Nos. 1 and 2 with the Commission, it also submitted Amendment Nos. 1 and 2 as comment letters to the file, which the Commission posted on its Web site and placed in the public comment file for NYSEArca-2016–149 (available at *https://www.sec.gov/comments/sr-nysearca-2016–149/nysearca2016149–1446653–130072.pdf*). NYSE Arca also posted a copy of Amendment Nos. 1 and 2 on its Web site *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/rule-filings/filings/2016/NYSEArca-2016–149,%20Am%201.pdf*) when it filed Amendment Nos. 1 and 2 with the Commission.

[7] *See* Securities Exchange Act Release No. 79759, 82 FR 4430 (January 13, 2017).

[8] The title of NYSE Arca Rule 6.91(a)(2)(ii) remains unchanged, except for the addition of the work ''Electronic'' prior to ''Complex Orders.'' NYSE Arca Rule 6.1A(a)(3) defines Core Trading Hours as ''the regular trading hours for business set forth in the rules of the primary markets underlying those option classes listed on the Exchange; provided, however, that transactions may be effected on the Exchange until the regular time set for the normal close of trading in the primary markets with respect to equity option classes and ETF option classes, and 15 minutes after the regular time set for the normal close of trading in the primary markets with respect to index option classes, or such other hours as may be determined by the Exchange from time to time.''

[9] *See* Notice, 81 FR at 87094–87095. The proposal also amends NYSE Arca Rule 6.91(a) to add a defined term, ''leg markets,'' to refer to individual quotes and orders in the Consolidated Book. In addition, the proposal revises NYSE Arca Rule 6.91(a)(2) to add the word ''strategy'' following the term ''complex order,'' and to add references to ''Electronic'' Complex Orders to the titles of NYSE Arca Rules 6.91(a)(2)(i) and (ii). The proposal adds to the preamble of NYSE Arca Rule 6.91 a defined term, ''System,'' to refer to the NYSE Arca System, and uses this new term throughout the rule text. *See* Notice, 81 FR at 87094.

[10] *See* Notice, 81 FR at 87095. NYSE Arca Rule 6.91(a)(2)(ii) states that ''The CME will accept an incoming marketable Electronic Complex Order and automatically execute it against the best-priced contra-side interest resting in the Consolidated Book. If, at a price, the leg markets can execute against an incoming Electronic Complex Order in full (or in a permissible ratio), the leg markets will have first priority at that price and will trade with the incoming Electronic Complex Order pursuant to Rule 6.76A before Electronic Complex Orders resting in the Consolidated Book can trade at that price.''

[11] *See* Notice, 81 FR at 87095.

[12] *See id.*

[13] *See* Notice, 81 FR at 87095.

[14] *See* Notice, 81 FR at 87095.

[15] *See* Notice, 81 FR at 87095.

[16] Current NYSE Arca Rule 6.91(c) states that ''Upon entry into the System, eligible Electronic

modifies the existing rule by acknowledging that an incoming ECO could execute immediately. New NYSE Arca Rule 6.91(c)(1) defines a ''COA-eligible order'' to mean an ECO that is entered in a class designated by the Exchange and is (i) designated by the OTP Holder as COA-eligible; and (ii) received during Core Trading Hours.[17] New NYSE Arca Rule 6.91(c)(1) preserves existing provisions in current NYSE Arca Rule 6.91(c)(1) and (2) that allow NYSE Arca to determine COA eligibility on a class-by-class basis and require an OTP Holder to provide direction that an auction be initiated.[18] The proposal eliminates from the new definition of COA-eligible order several features of ECOs that are included in the current definition of COA-eligible order, but that, according to the Exchange, are not determinative of COA eligibility on NYSE Arca, including the ''size, number of series, and complex order origin types (*i.e.,* Customers, broker-dealers that are not Market-Makers or specialists on an options exchange, and/or Market-Makers or specialists on an options exchange).'' [19]

New NYSE Arca Rule 6.91(c)(2) provides that, upon entry into the System, a COA-eligible order will trade immediately, in full or in a permissible ratio, with any ECOs resting in the Consolidated Book that are priced better than the contra-side Complex BBO.[20] Any portion of a COA-eligible order that does not trade immediately upon entry into the System may start a COA.[21] Such a COA-eligible order will start a COA, provided that the limit price of the COA-eligible order to buy (sell) is: (i) Higher (lower) than the best-priced, same side interest in both the leg markets and any ECOs resting in the Consolidated Book; and (ii) within a given number of ticks away from the current, contra-side market, as determined by NYSE Arca.[22] NYSE Arca notes that, because a COA-eligible order may be a certain number of ticks away from the current contra-side market, it is possible that a COA could be initiated even if the limit price of the COA-eligible order is not at or within the NYSE Arca best bid/offer for each leg of the order.[23] NYSE Arca notes, however, that a COA-eligible order must execute at a price that is at or within the NYSE Arca best bid/offer for each leg of the order, consistent with NYSE Arca Rule 6.91(a)(2).[24]

New NYSE Arca Rule 6.91(c)(3) provides that NYSE Arca will initiate a COA by sending a request for response (''RFR) message to all OTP Holders that subscribe to RFR messages. RFR messages will identify the component series, the size and side of the market of the order and any contingencies.[25] These provisions are consistent with current NYSE Arca Rule 6.91(c)(2).[26] New NYSE Arca Rule 6.91(c)(3) further provides that only one COA may be conducted at a time for any given complex order strategy. NYSE Arca believes that this provision can be inferred from current NYSE Arca Rule 6.91(c)(8), which describes the impact of COA-eligible orders that arrive during a COA.[27] Finally, new NYSE Arca Rule 6.91(c)(3) states that, at the time the COA is initiated, NYSE Arca will record the Complex BBO (the ''initial Complex BBO'') for purposes of determining whether the COA should end early pursuant to new NYSE Arca Rule 6.91(c)(6).[28] As discussed more fully below, NYSE Arca believes that the use of the initial Complex BBO ensures that the COA respects the leg markets and the principles of price/time priority.[29]

New NYSE Arca Rule 6.91(c)(4) defines the ''Response Time Interval'' (''RTI'') as the period of time during which RFR Responses may be entered. The rule further provides that NYSE Arca will determine the length of the RTI, provided, however, that the duration will not be less than 500 milliseconds and will not exceed one second. These provisions are consistent with current NYSE Arca Rule 6.91(c)(3), except that the new language indicating that the RTI ''will not be less than 500 milliseconds'' corrects a typographical error in the current rule text, which states that the duration of the RTI ''shall be less than 500 milliseconds.'' [30] Finally, new NYSE Arca Rule 6.91(c)(3) indicates that, at the end of the RTI, the COA-eligible order will be allocated pursuant to new NYSE Arca Rule 6.91(c)(7).

New NYSE Arca Rule 6.91(c)(5), which describes the characteristics of RFR Responses, retains some provisions of current NYSE Arca Rules 6.91 6.91(c)(4) and (c)(7) and modifies other aspects of those rules.[31] New NYSE Arca Rule 6.91(c)(5) retains the following provisions in current NYSE Arca Rules 6.91(c)(4) and (7): any OTP Holder may submit RFR Responses during the RTI; [32] RFR Responses are ECOs with a time-in-force contingency for the duration of the COA and will expire at the end of the COA; [33] RFR

Complex Orders may be subject to an automated request for responses (''RFR'') auction.''

[17] Current NYSE Arca Rule 6.91(c)(1) defines COA-eligible order as ''an Electronic Complex Order that, as determined by the Exchange on a class-by-class basis, is eligible for a COA considering the order's marketability (defined as a number of ticks away from the current market), size, number of series, and complex order origin types (*i.e.,* Customers, broker-dealers that are not Market Makers or specialists on an options exchange, and/or Market Makers or specialists on an options exchange). Electronic Complex Orders processed through a COA may be executed without consideration to prices of the same complex orders that might be available on other exchanges.''

[18] *See* Notice, 81 FR at 87095–06. NYSE Arca currently allows COA-eligible orders to be entered in every class. *See* Amendment No. 1.

[19] *See id.*

[20] The ''Complex BBO'' is ''the BBO for a given complex order strategy as derived from the best bid on OX and the best offer on OX for each individual component series of a Complex Order.'' *See* NYSE Arca Rule 6.1A(2)(b). OX is NYSE Arca's electronic order delivery, execution and reporting system for designated option issues through which orders and quotes of Users are consolidated for execution and/or display. *See* NYSE Arca Rule 6.1A(a)(13).

[21] *See* new NYSE Arca Rule 6.91(c)(3).

[22] *See* new NYSE Arca Rule 6.91(c)(3) and Amendment No. 2.

[23] *See* Amendment No. 2.

[24] *See id.*

[25] *See* new NYSE Arca Rule 6.91(c)(3).

[26] Current NYSE Arca Rule 6.91(c)(2) states ''Upon receipt of a COA-eligible order, and the direction from the entering OTP Holder that an auction be initiated, the Exchange will send an RFR message to all OTP Holders who subscribe to RFR messages. RFR messages will identify the component series, the size and side of the market of the order and any contingencies.''

[27] *See* Notice, 81 FR at 87096. In particular, the Commission notes that current NYSE Arca Rule 6.91(c)(8) states that incoming COA-eligible orders received during the Response Time Interval that are one same side of the market and priced better than the initiating order will cause the auction to end.

[28] *See* note 20, *supra* (defining ''Complex BBO'').

[29] *See* Notice, 81 FR at 87096.

[30] Current NYSE Arca Rules 6.91(c)(3) states: ''The 'Response Time Interval' means the period of time during which responses to the RFR may be entered. The Exchange will determine the length of the Response Time Interval; provided, however, that the duration shall be less than 500 milliseconds and shall not exceed one (1) second.''

[31] Current NYSE Arca Rule 6.91(c)(4) provides: ''Any OTP Holder may submit responses to the RFR message (''RFR Responses'') during the Response Time Interval. RFR Responses may be submitted in $.01 increments. RFR Responses must be on the opposite side of the COA-eligible order; any same-side RFR Responses will be rejected by the Exchange.'' Current NYSE Arca Rule 6.91(c)(7), ''Firm Quote Requirement for COA-eligible Orders,'' provides: ''RFR Responses can be modified but may not be withdrawn at any time prior to the end of the Response Time Interval. At the end of the Response Time Interval, RFR Responses are firm with respect to the COA-eligible order and RFR Responses that exceed the size of a COA-eligible order are also Firm with respect to other incoming COA-eligible orders that are received during the Response Time Interval. Any RFR Responses not accepted in whole or in a permissible ratio will expire at the end of the Response Time Interval. RFR Responses will not be ranked or displayed in the Consolidated Book.'' NYSE Arca believes that the firm quote provisions of current NYSE Arca Rule 6.91(c)(7) are unnecessary because new NYSE Arca Rule 6.91(c)(5)(C) indicates that RFR Response will expire at the end of the COA, thus making clear when RFR Responses are ''firm.'' *See* Notice, 81 FR at 87097.

[32] OTP Holders also may submit RFR Responses on behalf of Customers. *See* Amendment No. 1.

[33] *See* NYSE Arca Rules 6.91(c)(5)(A) and (C).

Responses may be submitted in $0.01 increments and may be modified during the RTI;[34] RFR Responses must be on the opposite side of the COA-eligible order, while RFR Responses on the same side as the COA-eligible order will be rejected;[35] and RFR Responses will not be ranked or displayed in the Consolidated Book.[36] New NYSE Arca Rule 6.91(c)(5)(A) adds new detail by indicating that an RFR Response must specify the price, size, and side of the market. Current NYSE Arca Rule 6.91(c)(7) states that RFR Response may not be withdrawn prior to the end of the RTI. New NYSE Arca Rule 6.91(c)(5)(C), however, indicates that RFR Responses may be cancelled during the RTI, which is consistent with NYSE Arca's current functionality.[37]

Impact of Incoming Trading Interest on the COA Process

New NYSE Arca Rules 6.91(c)(6)(A) and (B) replace existing NYSE Arca Rule 6.91(c)(8), and new NYSE Arca Rule 6.91(c)(6)(C) replaces existing NYSE Arca Rule 6.91(c)(9). The new rules introduce and incorporate the concept of the initial Complex BBO—the BBO for a given complex order strategy derived from the best bid (''BB'') and best offer (''BO'') on NYSE Arca's OX system for each individual component series of a complex order as recorded at the start of the RTI—as a benchmark against which incoming interest is measured to determine whether a COA should end early.[38] New NYSE Arca Rules 6.91(c)(6)(A) and (B) addresses the impact on the COA of incoming ECOs and COA-eligible orders. New NYSE Arca Rule 6.91(c)(6)(C) addresses the impact of leg market updates on the COA. New NYSE Arca Rule 6.91(c)(6)(B) provides that when a COA ends early, or at the end of the RTI, the initiating COA-eligible order will execute pursuant to new NYSE Arca Rule 6.91(c)(7) ahead of any interest that arrived during the COA.

New NYSE Arca Rule 6.91(c)(A)(i) provides that incoming opposite-side ECOs or COA-eligible orders that lock or cross the initial Complex BBO will cause the COA to end early. If the incoming ECO or COA-eligible order is also executable against the limit price of the initiating COA-eligible order, it will be ranked with RFR Responses to execute with the COA-eligible order pursuant to new NYSE Arca Rule 6.91(c)(7).[39] NYSE Arca believes that ending the COA early under these circumstances would allow an initiating COA-eligible order to execute (ahead of the incoming order) against any RFR Responses or ECOs received during the RTI until that point, while preserving the priority of the incoming order to trade with the resting leg markets.[40] NYSE Arca also states that early conclusion of the COA would avoid disturbing priority in the Consolidated Book and allow the Exchange to appropriately handle the incoming orders.[41]

New NYSE Arca Rule 6.91(c)(A)(ii) provides that incoming opposite-side ECOs or COA-eligible orders that are executable against the limit price of the COA-eligible order, but do not lock or cross the initial Complex BBO, will not cause the COA to end early and will be ranked with RFR Responses to execute with the COA-eligible order pursuant to NYSE Arca Rule 6.91(c)(7). NYSE Arca Rule 6.91(c)(6)(A)(iii) provides that incoming opposite-side ECOs or COA-eligible orders that are either not executable on arrival against the limit price of the initiating COA-eligible order or do not lock or cross the initial Complex BBO will not cause the COA to end early.

New NYSE Arca Rules 6.91(c)(6)(A)(iv) and (v) describe the treatment of incoming opposite-side ECOs and COA-eligible orders that do not execute with the initiating COA-eligible order or were not executable on arrival. An incoming opposite-side ECO will trade pursuant to NYSE Arca Rule 6.91(a)(2)(ii) or (iii).[42] An incoming opposite-side COA-eligible order(s) will initiate subsequent COA(s) in price-time priority.[43]

New NYSE Arca Rule 6.91(c)(6)(B)(i) indicates that an incoming ECO or COA-eligible order on the same side of the market as the initiating COA-eligible order that is priced higher (lower) than the initiating COA-eligible order to buy (sell) will cause the COA to end early.[44] In addition, new NYSE Arca Rule 6.91(c)(6)(B)(ii) states that an incoming same-side ECO or COA-eligible order that is priced equal to or lower (higher) than the initiating COA-eligible order to buy (sell), and that also locks or crosses the contra-side initial Complex BBO, will cause the COA to end early. NYSE Arca believes that ending the COA early under the circumstances would ensure that the COA interacts seamlessly with the Consolidated Book, and would allow the COA-eligible order to execute (ahead of the incoming order) against any RFR Responses or ECOs received during the RTI until that point, while preserving the priority of the incoming order to trade with the resting leg markets.[45] According to the Exchange, new NYSE Arca Rule 6.91(c)(6)(B)(ii) helps to correct an inaccuracy in current NYSE Arca Rules 6.91(c)(8)(B) and (C), which indicate that incoming same-side COA-eligible orders received during the RTI that are priced equal to or worse than the initiating COA-eligible order will join the COA.[46] NYSE Arca states that incoming same-side equal-priced or worse priced COA-eligible orders or ECOs would not execute during the COA in progress, as the current rules suggest, but could trade with RFR Responses or ECOs that do not execute in the COA and, if any balance remains, would initiate a new COA.[47]

New NYSE Arca Rule 6.91(c)(6)(B)(iii) states that an incoming same-side ECO or COA-eligible order that is priced equal to, or lower (higher) than the initiating COA-eligible order to buy (sell), but does not lock or cross the contra-side initial Complex BBO, will not cause the COA to end early.

[34] *See* NYSE Arca Rules 6.91(c)(5)(A) and (C).

[35] *See* NYSE Arca Rule 6.91(c)(5)(B).

[36] *See* NYSE Arca Rule 6.91(c)(5)(C).

[37] *See* Notice, 81 FR at 87097. NYSE Arca notes that other orders also may be cancelled. *See id.*

[38] *See* Notice, 81 FR at 87097 and new NYSE Arca Rule 6.91(c)(3)(iii). *See also* note 20, *supra.*

[39] *See* NYSE Arca Rule 6.91(c)(6)(A)(i).

[40] *See* Notice, 81 FR at 87098.

[41] *See id.*

[42] *See* new NYSE Arca Rule 6.91(c)(6)(A)(iv). NYSE Arca notes that this provision is consistent with current NYSE Arca Rule 6.91(c)(8)(A), but provides additional detail regarding the ability for any balance of the incoming opposite-side ECO to trade with the best-priced resting contra-side interest before, or instead of, being ranked in the Consolidated Book. *See* Notice, 81 FR at 87098. Current NYSE Arca Rule 6.91(c)(8)(A) states, in part, that the remaining balance of an opposite-side incoming ECO will be placed in the Consolidated Book and ranked as described in NYSE Arca Rule 6.91(a)(1).

[43] *See* new NYSE Arca Rule 6.91(c)(6)(A)(v).

[44] Current NYSE Arca Rule 6.91(c)(8)(D) also provides that an incoming same-side, better-priced COA-eligible order will cause the COA to end.

[45] *See* Notice, 81 FR at 87099.

[46] Current NYSE Arca Rule 6.91(c)(8)(B) states: ''Incoming COA-eligible orders received during the response time interval for the original COA-eligible order that are on the same side of the market, that are priced equal to the initiating order, will join the COA. A message with the updated size will be published. The new order(s) will be ranked and executed with the initiating COA-eligible order in price time order. Any remaining balance of either the initiating COA-eligible order and/or the incoming Electronic Complex order(s) will be placed in the Consolidated Book and ranked as described in (a)(1) above.'' Current NYSE Arca Rule 6.91(c)(8)(C) states: ''Incoming COA-eligible orders received during the Response Time Interval for the original COA-eligible order that are on the same side of the market, that are priced worse than the initiating order, will join the COA. The new order(s) will be ranked and executed with the initiating COA-eligible order in price time order. Any remaining balance of either the initiating COA-eligible order and/or the incoming Electronic Complex order(s) will be placed in the Consolidated Book and ranked as described in (a)(1) above.''

[47] *See* Notice, 81 FR at 87099.

New NYSE Arca Rules 6.91(c)(6)(B)(iii), (iv), and (v) further describe the treatment of incoming same-side COA-eligible orders or ECOs received during the RTI. An incoming ECO or COA-eligible order that caused a COA to end early, if executable, will trade against any RFR Responses and/or ECOs received during the RTI that did not trade with the initiating COA-eligible order.[48] Any incoming same-side ECO, or the remaining balance of such an ECO, that did not trade against any remaining RFR Responses or ECOs will trade pursuant to new NYSE Arca Rule 6.91(a)(2)(ii) or (iii).[49] The remaining balance of any incoming COA-eligible order(s) that does not trade against any remaining RFR Responses or ECOs will initiate new COA(s) in price-time priority.[50]

New NYSE Arca Rule 6.91(c)(6)(C)(i) provides that updates to the leg markets that cause the same-side Complex BBO to lock or cross any RFR Response(s) and/or ECOs received during the RTI, or ECOs resting in the Consolidated Book, will cause the COA to end early.[51] In addition, updates to the leg markets that cause the contra-side Complex BBO to lock or cross the same-side initial Complex BBO will cause the COA to end early.[52] In contrast, updates to the leg markets that cause the same-side Complex BBO to be priced higher (lower) than the COA-eligible order to buy (sell), but do not lock or cross any RFR Response(s) and/or Electronic Complex Order(s) received during the RTI, or ECOs resting in the Consolidated Book, will not cause the COA to end early.[53] Updates to the leg markets that cause the contra-side Complex BB (BO) to improve (*i.e.,* become higher (lower), but do not lock or cross the same-side initial Complex BBO, will not cause the COA to end early.[54] NYSE Arca believes that new NYSE Arca Rules 6.91(c)(6)(C)(i)-(iv) respect the COA process while maintaining the priority of orders and quotes on the Consolidated Book as they update.[55] NYSE Arca notes that new NYSE Arca Rule 6.91(c)(6)(C) is based on current NYSE Arca Rules 6.91(c)(9)(A) and (B).[56] NYSE Arca states that the new rule provides additional clarity by indicating on which side the leg markets have updated.[57]

New NYSE Arca Rule 6.91(c)(7), which describes the allocation of COA-eligible orders at the conclusion of a COA, will replace current NYSE Arca Rule 6.91(c)(6) in its entirety.[58] NYSE Arca acknowledges that current NYSE Arca Rule 6.91(c), which refers to affording priority to Customer ECOs, does not reflect NYSE Arca's price/time allocation model.[59] New NYSE Arca Rule 6.91(c)(7)(A) provides that RFR Responses and ECOs to buy (sell) that are priced higher (lower) than the initial Complex BBO will be eligible to trade first with the COA-eligible order, beginning with the highest (lowest) at each price point, on a Size Pro Rata basis, as defined in NYSE Arca Rule 6.75(f)(6).[60] After COA allocations pursuant to NYSE Arca Rule 6.91(c)(7)(A), the COA-eligible order will trade with best-priced contra-side interest pursuant to NYSE Arca Rule 6.91(a)(2)(ii) or (iii).[61] Thus, after the COA-eligible order trades with price-improving interest received during the COA, any remainder of the COA-eligible order will follow NYSE Arca's regular trading rules for an incoming ECO.[62] Any unexecuted portion of the COA-eligible order will be ranked in the Consolidated Book.[63]

III. Discussion and Commission Findings

After careful review of the proposed rule change, as modified by Amendment Nos. 1 and 2, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[64] In particular, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with Section 6(b)(5) of the Act,[65] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, 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.

Execution of Complex Orders During Core Trading Hours

NYSE Arca Rule 6.91(a)(2) currently provides that ECOs submitted to NYSE Arca may be executed without consideration of prices of the same complex order that might be available on other exchanges. The proposal revises NYSE Arca Rule 6.91(a)(2) to state that ECOs submitted to the System may be executed without consideration not only of the prices of the same complex order strategy that might be available on other exchanges, but also of the prices of other single-legged orders that might be available on other exchanges. The Commission believes that expanding NYSE Arca Rule

[48] *See* new NYSE Arca Rule 6.91(c)(6)(B)(iv).

[49] *See* new NYSE Arca Rule 6.91(c)(6)(B)(v).

[50] *See* new NYSE Arca Rule 6.91(c)(6)(B)(vi).

[51] *See* Amendment No. 2. Current NYSE Arca Rule 6.91(c)(9)(A) similarly provides that leg market interest that causes the derived Complex Best Bid/Offer to be better than the COA-eligible order and to cross the best-priced RFR Response will cause the auction to end.

[52] *See* NYSE Arca Rule 6.91(c)(6)(C)(iii).

[53] *See* NYSE Arca Rule 6.91(c)(6)(C)(ii) and Amendment No. 2.

[54] *See* NYSE Arca Rule 6.91(c)(6)(C)(iv).

[55] *See* Notice, 81 FR at 87100.

[56] Current NYSE Arca Rule 6.91(c)(9)(A) provides: ''Individual orders and quotes that are entered into the leg markets that cause the derived Complex Best Bid/Offer to be better than the COA-eligible order and to cross the best priced RFR Response will cause the auction to terminate, and individual orders and quotes in the leg markets will be allocated pursuant to (a)(2)(i) above and matched against Electronic Complex Orders and RFR Responses in price time priority pursuant to (6) above. The initiating COA-eligible order will be matched and executed against any remaining unexecuted Electronic Complex Orders and RFR Responses pursuant to (6) above.'' Current NYSE Arca Rule 6.91(c)(9)(B) provides: ''Individual orders and quotes that are entered into the leg markets that cause the derived Complex Best Bid/Offer to cross the price of the COA-eligible order will cause the auction to terminate, and individual orders and quotes in the leg markets will be allocated pursuant to (a)(2)(i) above and matched against Electronic Complex Orders and RFR Responses in price time priority pursuant to (6) above.''

[57] *See* Notice, 81 FR at 87100.

[58] *See* Notice, 81 FR at 87100.

[59] *See id.* and Amendment No. 1. Current NYSE Arca Rule 6.91(c)(6)(B) provides: ''Customer Electronic Complex Orders resting in the Consolidated Book before, or that are received during, the Response Time Interval and Customer RFR Responses shall, collectively have second priority to trade against a COA-eligible order. The allocation of a COA-eligible order against the Customer Electronic Complex Orders resting in the Consolidated Book, Customer Electronic Complex Orders received during the Response Time Interval, and Customer RFR Responses shall be on a Size Pro Rata basis as defined in Rule 6.75(f)(6).'' Current NYSE Arca Rule 6.91(c)(6)(C) provides: ''Non-Customer Electronic Complex Orders resting in the Consolidated Book, non-Customer Electronic Complex Orders placed in the Consolidated Book during the Response Time Interval, and non-Customer RFR Responses will collectively have third priority to trade against a COA-eligible order. The allocation of COA-eligible orders against these contra sided orders and RFR Responses shall be on a Size Pro Rata basis as defined in Rule 6.75(f)(6).''

[60] In contract, current NYSE Arca Rule 6.91(c)(6)(A) provides: ''Individual orders and quotes in the leg markets resting in the Consolidated Book prior to the initiation of a COA will have first priority to trade against a COA-eligible order, provided the COA-eligible order can be executed in full (or in a permissible ratio) by the orders and quotes in the Consolidated Book. The allocation of orders or quotes residing in the Consolidated Book that execute against a COA-eligible order shall be done pursuant to NYSE Arca Rule 6.76A.''

[61] *See* new NYSE Arca Rule 6.91(c)(7)(B).

[62] *See* Notice, 81 FR at 87100.

[63] *See* new NYSE Arca Rule 6.91(c)(7).

[64] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[65] 15 U.S.C. 78(b)(5).

6.91(a)(2) to include single-legged orders on other exchanges is consistent with the rules of other options exchanges that allow complex orders to be executed without consideration of the prices that might be available on other options exchanges trading the same contracts.[66] In addition, the Commission notes that this change is consistent with the Options Order Protection and Locked/Crossed Markets Plan, which excepts transactions effected as part of a ''complex trade'' from the requirement that exchanges establish, maintain, and enforce written policies and procedures reasonably designed to prevent trade-throughs.[67]

The Commission believes that the proposal to add new NYSE Arca Rules 6.91(a)(2)(ii) and (iii), and the accompanying changes to delete certain existing rule text, will benefit market participants by more clearly describing, respectively, the treatment of incoming marketable ECOs (which are executed immediately) and incoming non-marketable ECOs (which are routed to the Consolidated Book) during Core Trading Hours. In particular, new NYSE Arca Rule 6.91(a)(2)(ii) specifies that an incoming marketable ECO would trade against the best-priced contra-side interest resting in the Consolidated Book.[68] New NYSE Arca Rule 6.91(a)(2)(ii) further provides that if, at a price, the leg markets can execute against an incoming ECO in full (or in a permissible ratio), the leg markets will have first priority at that price and will trade with the incoming ECO pursuant to NYSE Arca Rule 6.76A before ECOs resting in the Consolidated Book can trade at that price. The Commission believes that new NYSE Arca Rule 6.91(a)(2)(ii) is consistent with current NYSE Arca Rules 6.91(a)(2)(ii)(A) and (B).[69] NYSE Arca notes that current NYSE Arca Rule 6.91(a)(2)(ii)(A) indicates that the leg markets have priority over same-priced resting ECOs, and current NYSE Arca Rule 6.91(a)(2)(ii)(B) indicates that an incoming ECO would trade with resting leg market interest if there are no better-priced ECOs.[70]

The Commission believes that new NYSE Arca Rule 6.91(a)(2)(iii)(A) adds clarifying detail to NYSE Arca's rules by indicating that an ECO or portion of an ECO that is not executed on arrival will be ranked in the Consolidated Book, thereby providing market participants with more precise information concerning NYSE Arca's handling of these orders.[71]

Changes Related to the COA Process

The Commission believes that the introductory language in new NYSE Arca Rule 6.91(c) is similar to the text of current NYSE Arca Rule 6.91(c), but provides additional clarity by indicating that an incoming ECO could execute immediately against interest resting in the Consolidate Book pursuant to NYSE Arca Rule 6.91(a)(2), or be subject to a COA.[72] he Commission believes that the new definition of COA-eligible order in new NYSE Arca Rule 6.91(c)(1) will make clear that an ECO will be COA-eligible only if it is submitted during Core Trading Hours.[73] The Commission also believes that not restricting COA eligibility based on an order's size, number of series, or order origin type could benefit investors by helping to make more orders eligible for a COA and, therefore, able to receive potential price improvement during a COA.

New NYSE Arca Rule 6.91(c)(2) provides that, upon entry into the System, a COA-eligible order will trade immediately, in full or in a permissible ratio, with any ECOs resting in the Consolidated Book that are priced better than the contra-side Complex BBO. NYSE Arca believes that the immediate price improvement opportunity for an incoming COA-eligible order from ECOs resting in the Consolidated Book obviates the need to start a COA.[74] The Commission believes that, under these circumstances, executing a COA-eligible order against resting interest that is priced better than the contra-side Complex BBO will provide the COA-eligible order with an immediate execution at an improved price, and could benefit both the sender of the COA-eligible order and the sender of the resting better-priced ECO.

The Commission believes that new NYSE Arca Rule 6.91(c)(3)(i) could enhance competition by encouraging market participants to submit aggressively priced COA-eligible orders, because only COA-eligible orders priced better than the same-side leg market and ECO interest would be able to initiate a COA. The Commission believes that new NYSE Arca Rule 6.91(c)(3)(ii) will provide NYSE Arca with flexibility to determine when the price of a COA-eligible order, based on the number of ticks away from the current contra-side market, warrants the initiation of a COA. The Commission believes that permitting only one COA at a time for any complex order strategy will help to provide for the orderly processing of trading interest on NYSE Arca. The Commission notes that although a COA could be initiated even if the limit price of the COA-eligible order is not at or within the NYSE Arca best bid/offer for each leg of the order, the COA-eligible order must execute at a price that is at or within the NYSE Arca best bid/offer for each leg of the order, consistent with NYSE Arca Rule 6.91(a)(2).[75]

As noted above,[76] the definition of RTI in new NYSE Arca Rule 6.91(c)(4) corrects a typographical error in the current rule text with respect to the

[66] *See, e.g.,* ISE Rule 722(b)(3) (stating that complex orders may be executed without consideration of the prices that might be available on other options exchanges trading the same contracts); and Phlx Rules 1098(e)(i)(B) and (f)(iii) (providing that COLA-eligible orders and complex orders in the CBOOK will be executed without consideration of any prices that might be available on other exchanges trading the same contracts).

[67] *See* Options Order Protection and Locked/Crossed Markets Plan, Section V(b)(viii) (available at *http://www.optionsclearing.com/components/docs/clearing/services/options_order_protection_plan.pdf*). The proposal also revises NYSE Arca Rule 6.91(a) to add the defined terms ''System'' to refer to the NYSE Arca System and ''leg markets'' to refer to individual quotes and orders in the Consolidated Book. The Commission believes that adding these defined terms to NYSE Arca Rule 6.91 could help to enhance the clarity and readability of the rule.

[68] NYSE Arca notes that this is consistent with the Exchange's price/time priority model. *See* Notice, 81 FR at 87095 and Amendment No. 1.

[69] Current NYSE Arca Rule 6.91(a)(2)(ii)(A) states that ''The CME will accept an incoming Electronic Complex Order and will automatically execute it against Electronic Complex Orders in the Consolidated Book; provided, however, that if individual orders or quotes residing in the Consolidated Book can execute the incoming Electronic Complex Order in full (or in a permissible ratio) at the same total or net debit or credit as an Electronic Complex Order in the Consolidated Book, the individual orders or quotes will have priority. The allocation of incoming orders or quotes or those residing in the Consolidated Book that execute against an Electronic Complex Order shall be done pursuant to NYSE Arca Rule 6.76A.'' Current NYSE Arca Rule 6.91(a)(2)(ii)(B) states that ''If an Electronic Complex Order in the CME is not marketable against another Electronic Complex Order is will automatically execute against individual orders or quotes residing in the Consolidated Book, provided the Electronic Complex Order can be executed in full (or in a permissible ratio) by the orders in the Consolidated Book. The allocation of incoming orders or quotes or those residing in the Consolidated Book that execute against an Electronic Complex Order shall be done pursuant to NYSE Arca Rule 6.76A.''

[70] *See* Notice, 81 FR at 87095.

[71] Current NYSE Arca Rule 6.91(a)(2)(ii)(C) provides that ''If an Electronic Complex Order is being held in the Consolidated Book, the CME will monitor the bids and offers in the leg markets, and if a new order(s) or quote(s) entered into the Consolidated Book can execute the Electronic Complex Order in full (or in a permissible ratio), the Electronic Complex Order will be executed according to (ii) above.''

[72] *See* note 16, *supra.*

[73] As noted above, the requirement in new NYSE Arca Rule 6.91(c)(1)(i) that an OTP Holder designate the order as COA-eligible is consistent with current NYSE Arca Rule 6.91(c)(2), which provides, in part, that NYSE Arca will initiate an auction for a COA-eligible order upon direction from the entering OTP Holder that an auction be initiated.

[74] *See* Notice, 81 FR at 87096.

[75] *See* Amendment No. 2.

[76] *See* note 30, *supra,* and accompanying text.

duration of the RTI. The Commission believes that the new rule text, which indicates that the duration of the RTI ''will not be less than 500 milliseconds and will not exceed one (1) second,'' will benefit market investors by assuring that the new rule accurately conveys the potential duration of the RTI.

As discussed more fully above, new NYSE Arca Rule 6.91(c)(5), which describes the characteristics of RFR Responses, retains features of the current provisions addressing RFR Responses,[77] but adds new detail by indicating that an RFR Response must specify the price, size, and side of the market.[78] The Commission believes that this change will make clear to market participants the information that they must include in an RFR Response. In addition, new NYSE Arca Rule 6.91(c)(5)(C) indicates that RFR Response may be cancelled during the RTI, replacing language in current NYSE Arca Rule 6.91(c)(7) which states that RFR Responses may not be withdrawn prior to the end of the RTI. The Commission believes that new NYSE Arca Rule 6.91(c)(5)(C) will correct an inaccuracy in NYSE Arca's current rules and make clear to OTP Holders that they may cancel their RFR Responses during the RTI. The Commission notes that another options exchange also permits the withdrawal of RFR Responses during the RTI.[79]

Impact of Incoming Trading Interest on the COA Process

New NYSE Arca Rule 6.91(c)(6)(A)(i) provides that incoming opposite-side ECOs or COA-eligible orders that lock or cross the initial Complex BBO will cause the COA to end early.[80] NYSE Arca believes that ending the COA early under these circumstances will allow an initiating COA-eligible order to execute, ahead of the incoming order, against RFR Responses or ECOs received during the RTI until that point, while preserving the priority of the incoming order to trade with the resting leg markets.[81] NYSE Arca also believes that the early conclusion of the COA would avoid disturbing the priority in the Consolidated Book.[82] The Commission believes that ending the COA early when an incoming contra-side ECO or COA-eligible order locks or crosses the initial Complex BBO will allow NYSE Arca to maximize order executions and provide for the orderly processing of trading interest on NYSE Arca by allowing the COA-eligible order to execute against trading interest received during the RTI, including the order that caused the COA to end early, while preserving the ability of the resting leg market orders that comprise the initial Complex BBO to trade with the incoming interest that locked or crossed the initial Complex BBO.

New NYSE Arca Rule 6.91(c)(6)(A)(ii) provides that incoming opposite-side ECO or COA-eligible orders that are executable against the limit price of the COA-eligible order, but do not lock or cross the initial Complex BBO, will not cause the COA to end early and will be ranked with RFR Responses to execute with the COA-eligible order pursuant to NYSE Arca Rule 6.91(c)(7). The Commission believes that allowing the COA to continue under these circumstances could provide the potential for the COA-eligible order to receive price improvement as the auction continues. The Commission notes that, in this case, the incoming contra-side interest does not raise leg market priority concerns that would require an early termination of the COA because the incoming contra-side interest does not lock or cross the initial Complex BBO.

NYSE Arca Rule 6.91(c)(6)(A)(iii) provides that incoming opposite-side ECOs or COA-eligible orders that are either not executable on arrival against the limit price of the initiating COA-eligible order or do not lock or cross the initial Complex BBO will not cause the COA to end early. The Commission believes that because the incoming contra-side interest does not lock or cross the initial Complex BBO, it is not necessary to end the COA early to protect the priority of interest in the leg market.

New NYSE Arca Rules 6.91(c)(6)(A)(iv) and (v) describe the treatment of incoming opposite-side ECOs and COA-eligible orders that did not execute with the initiating COA-eligible order or were not executable on arrival. Such an incoming opposite-side ECO would trade pursuant to NYSE Arca Rule 6.91(a)(2)(ii) or (iii), and an incoming opposite-side COA-eligible order would initiate a subsequent COA. The Commission believes that allowing these incoming ECOs and COA-eligible orders to trade with interest resting in the Consolidated Book, or to initiate a new COA, as applicable, will allow NYSE Arca to provide additional execution opportunities for these orders. In addition, the Commission believes that new NYSE Arca Rules 6.91(c)(6)(A)(iv) and (v) will enhance the transparency of NYSE Arca's rules by providing additional detail regarding the treatment of incoming opposite-side ECOs and COA-eligible orders that did not trade with the initiating COA-eligible order or were not executable on arrival.

New NYSE Arca Rule 6.91(c)(6)(B) states that when a COA ends early, or at the end of the RTI, the initiating COA-eligible order will execute pursuant to new NYSE Arca Rule 6.91(c)(7) ahead of any interest that arrived during the COA. The Commission believes that this provision establishes the priority of the initiating COA-eligible order to trade before trading interest that arrives during the auction. The Commission notes that the rules of another options exchange similarly establish the priority of the auctioned order to trade prior to interest that arrives during the auction.[83]

New NYSE Arca Rule 6.91(c)(6)(B)(i) indicates that an incoming ECO or COA-eligible order on the same side of the market as the initiating COA-eligible order that is priced higher (lower) than the initiating COA-eligible order to buy (sell) will cause the COA to end early.[84] The Commission notes that this is consistent with current NYSE Arca Rule 6.91(c)(8)(D), which states that incoming same-side COA-eligible orders that are priced better than the COA-eligible order will cause the auction to end. The Commission believes that ending the COA early under these circumstances provides a means to maximize execution opportunities by allowing the COA-eligible order to execute against interest received during the auction and

[77] *See* notes 31–37, *supra,* and accompanying text.

[78] *See* new NYSE Arca Rule 6.91(c)(5)(A).

[79] *See* CBOE Rule 6.53C(d)(vii) (stating that RFR Responses represent non-firm interest that can be modified or withdrawn at any time prior to the end of the RTI).

[80] If the incoming opposite-side ECO or COA-eligible order is also executable against the limit price of the initiating COA-eligible order, it will be ranked with RFR Responses to execute with the COA-eligible order. *See* new NYSE Arca Rule 6.91(c)(6)(A)(i).

[81] *See* Notice, 81 FR at 87098. If no RFRs are received during the RTI, the COA-eligible order will execute against the best-priced contra-side interest, including the order that caused the COA to terminate early. *See* Amendment No. 1.

[82] *See* Notice, 81 FR at 87098.

[83] *See* Phlx Rule 1098(e)(viii)(B) (stating, in part, with respect to the Phlx's Complex Order Live Auction (''COLA''): ''Incoming Complex Orders that were received during the COLA Timer for the same Complex Order Strategy as the COLA-eligible order that are on the same side of the market will join the COLA. The original COLA-eligible order has priority at all price points (*i.e.,* multiple COLA Sweep Prices) over the incoming Complex Order(s), regardless of the price of the incoming Complex Order. The incoming Complex Order shall not be eligible for execution against interest on the opposite side of the market from the COLA-eligible order until the COLA-eligible order is executed to the fullest extent possible'').

[84] The Commission notes that current NYSE Arca Rule 6.91(c)(8)(D) also provides that an incoming same-side, better-priced COA-eligible order will cause the COA to end.

allowing the incoming better-priced ECO or COA-eligible order to trade with interest resting in the Consolidated Book (in the case of an ECO), or initiate a new auction (in the case of a COA-eligible order).

New NYSE Arca Rule 6.91(c)(6)(B)(ii) states that an incoming same-side ECO or COA-eligible order that is priced equal to or lower (higher) than the initiating COA-eligible order to buy (sell), and that also locks or crosses the contra-side initial Complex BBO, will cause the COA to end early. NYSE Arca states that ending the COA early under these circumstances will allow the COA-eligible order to execute, ahead of the incoming order, against RFR Responses or ECOs received during the RTI until the point, while preserving the priority of the incoming order to trade with the resting leg markets.[85] The Commission believes that ending the COA early under these circumstances is designed to maximize execution opportunities and provide for the orderly processing of trading interest on NYSE Arca by allowing the COA-eligible order to execute against trading interest received during the RTI, while preserving the ability of the resting leg market orders that comprise the initial Complex BBO to trade with the incoming interest that locked or crossed the initial Complex BBO.

New NYSE Arca Rule 6.91(c)(6)(B)(iii) states that an incoming same-side ECO or COA-eligible order that is priced equal to, or lower (higher) than the initiating COA-eligible order to buy (sell), but does not lock or cross the contra-side initial Complex BBO, will not cause the COA to end early. The Commission believes that, under these circumstances, the incoming same-side interest does not raise leg market priority concerns that would require an early termination of the COA because the incoming interest does not lock or cross the contra-side initial Complex BBO.

New NYSE Arca Rules 6.91(c)(6)(B)(iv), (v), and (vi) further describe the treatment of incoming same-side COA-eligible orders or ECOs received during the RTI. An incoming same-side ECO or COA-eligible order that caused a COA to end early, if executable, will trade against any RFR Responses and/or ECOs received during the RTI that did not trade with the initiating COA-eligible order.[86] Any incoming same-side ECO, or the remaining balance of such an ECO, that did not trade against any remaining RFR Responses or ECOs will trade pursuant to new NYSE Arca Rule 6.91(a)(2)(ii) or (iii).[87] The remaining balance of any incoming COA-eligible order(s) that does not trade against any remaining RFR Responses or ECOs will initiate new COA(s) in price-time priority.[88] The Commission believes that these provisions could benefit investors by potentially maximizing the execution opportunities for incoming same-side orders by specifying that these orders may execute against remaining RFR Responses or ECOs, execute against interest resting in the Consolidated Book, or initiate a new COA.

The Commission believes that new NYSE Arca Rule 6.91(c)(6)(C) will provide greater clarity and specificity regarding the impact of leg market updates on the COA. The Commission believes that providing for an early end to the COA when the leg market updates cause the same-side Complex BBO to lock or cross RFR Responses or ECOs received during the RTI, or ECOs resting in the Consolidated Book,[89] or cause the contra-side Complex BBO to lock or cross the same-side initial Complex BBO,[90] will allow the COA-eligible order to execute against interest received during the auction and permit the updated leg markets to execute against available trading interest, thereby maximizing execution opportunities for trading interest in the COA and in the leg markets, and providing for the orderly processing of trading interest on NYSE Arca. The Commission believes that allowing the COA to continue when leg market updates do not result in an execution opportunity—*i.e.,* when leg market updates cause the same-side Complex BBO to be priced higher (lower) than the COA-eligible order to buy (sell), but do not lock or cross any RFR Responses or ECOs received during the RTI, or ECOs resting in the Consolidated Book,[91] or when leg market updates cause the contra-side Complex BB (BO) to improve, but do not lock or cross the same-side initial Complex BBO [92]—will allow for the submission of additional trading interest that might result in an execution or price improvement for the COA-eligible order.

New NYSE Arca Rule 6.91(c)(7), which describes the allocation of COA-eligible orders at the conclusion of a COA, will replace current NYSE Arca Rule 6.91(c)(6) in its entirety.[93] NYSE Arca acknowledges that current NYSE Arca Rules 6.91(c)(6)(B) and (C), which refer to affording priority to Customer ECOs, are not consistent with NYSE/Arca's price/time priority model.[94] The Commission believes that new NYSE Arca Rule 6.91(c)(7)(A) protects leg market interest resting in the Consolidated Book at the beginning of the COA by providing that the COA-eligible order will be eligible to trade first with RFR Responses and ECOs priced better than the initial Complex BBO. New NYSE Arca Rule 6.91(c)(7)(B) indicates that a COA-eligible order will trade with best-priced contra-side interest pursuant to NYSE Arca Rule 6.91(a)(2)(ii) or (iii) after allocations pursuant to NYSE Arca Rule 6.91(c)(7)(A). NYSE Arca Rule 6.91(c)(7) states that any unexecuted portion of a COA-eligible order will be ranked in the Consolidated Book. The Commission believes that these provisions establish additional execution opportunities for a COA-eligible order, or portion of a COA-eligible order, that does not execute during the COA, and provide clarity regarding the handling of these orders.

IV. Solicitation of Comments on Amendment Nos. 1 and 2

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment Nos. 1 and 2 to the proposed rule change are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2016–149 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2016–149. 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

[85] *See* Notice, 81 FR at 87099.

[86] *See* new NYSE Arca Rule 6.91(c)(6)(B)(iv).

[87] *See* new NYSE Arca Rule 6.91(c)(6)(B)(v).

[88] *See* new NYSE Arca Rule 6.91(c)(6)(B)(vi).

[89] *See* NYSE Arca Rule 6.91(c)(6)(C)(i).

[90] *See* NYSE Arca Rule 6.91(c)(6)(C)(iii).

[91] *See* NYSE Arca Rule 6.91(c)(6)(C)(ii) and Amendment No. 2.

[92] *See* NYSE Arca Rule 6.91(c)(6)(C)(iv).

[93] *See* Notice, 81 FR at 87100.

[94] *See id.* and Amendment No. 1.

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–NYSEArca–2016–149 and should be submitted on or before March 28, 2017.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1 and 2, prior to the 30th day after the date of publication of notice of the amended proposal in the **Federal Register**. Amendment No. 1 makes several changes that further clarify the operation of NYSE Arca Rule 6.91. In particular, Amendment No. 1 revises NYSE Arca Rule 6.91(a)(ii) to delete an incorrect cross-reference to NYSE Arca Rule 6.76A; adds a cross-reference to NYSE Arca Rule 6.91(a)(2) to NYSE Arca Rule 6.91(c); revises NYSE Arca Rule 6.91(c)(3)(ii) to indicate that NYSE Arca determines the number of ticks away from the current, contra-side market for a COA-eligible order; amends NYSE Arca Rule 6.91(c)(3)(iii) to indicate that a COA-eligible order will reside on the Consolidated Book until it meets the requirements for initiating a COA; revises NYSE Arca Rules 6.91(c)(6)(A)(iv), 6.91(c)(6)(B)(v), and 6.91(c)(7)(B) to indicate that complex orders could trade pursuant to NYSE Arca Rule 6.91(c)(iii); amends NYSE Arca Rule 6.91(c)(6)(B) to indicate that when a COA ends early, or at the end of the RTI, the initiating COA-eligible order will execute pursuant to NYSE Arca Rule 6.91(c)(7) ahead of interest that arrived during the COA; amends NYSE Arca Rule 6.91(c)(7) to indicate that when a COA ends early, or at the end of the RTI, the COA-eligible order will be executed against the contra-side interest received during the COA. Amendment No. 1 also states that: NYSE Arca currently allows COA-eligible orders to be entered in every class; OTP Holders may submit RFR Responses on behalf of customers; a COA-eligible order would execute against the best-priced contra-side interest, including an order that caused the COA to end early, if no RFRs were received during the RTI; and the proposal removes references to Customer ECO priority, which is not NYSE Arca's allocation model, and instead reflects NYSE Arca's price/time priority model. NYSE Arca believes that there is good cause for the Commission to accelerate the approval of Amendment No. 1 because the proposed changes in Amendment No. 1 are designed to improve NYSE Arca Rule 6.91 by adding more specificity and transparency. NYSE Arca notes that Amendment No. 1 clarifies and amplifies certain aspects of the original filing, including how ECOs and COA-eligible orders are handled on NYSE Arca, and how this functionality is consistent with NYSE Arca's price/time priority model.

Amendment No. 2 revises proposed NYSE Rule 6.91(c)(3) to delete proposed paragraph (iii), which would have required that the limit price of a COA-eligible order be at or within the NYSE Arca best bid/offer for each leg of the order to initiate a COA. NYSE Arca states that, because a COA-eligible order may be a certain number of ticks away from the current market, it is possible that a COA could be initiated even if the limit price of the COA-eligible order is not at or within the NYSE Arca best bid/offer for each leg of the order. NYSE Arca notes, however, that a COA-eligible order must execute at a price that is at or within the NYSE Arca best bid/offer for each leg of the order, consistent with NYSE Arca Rule 6.91(a)(2). In addition, Amendment No. 2 revises proposed NYSE Arca Rule 6.91(c)(6)(C)(i) to indicate that any updates to the leg markets that cause the same-side Complex BBO to lock or cross ECOs resting in the Consolidated Book will cause the COA to end early. NYSE Arca states that providing for the early termination of the COA under these circumstances will allow a COA-eligible order to execute against RFR Responses or ECOs received during the RTI until that point, while preserving the priority of the updated leg markets to trade with the ECOs resting in the Consolidated Book. Amendment No. 2 also revises proposed NYSE Arca Rule 6.91(c)(6)(C)(ii) to provide that updates to the leg markets that cause the same-side BBO to be priced higher (lower) than the COA-eligible order to buy (sell), but do not lock or cross ECOs resting in the Consolidated Book, will not cause the COA to end early. NYSE Arca states that accelerated approval of Amendment No. 2 will allow NYSE Arca to implement the changes proposed in Amendment No. 2 at the same time that the filing goes into effect, which would improve the rule by adding more specificity and transparency. NYSE Arca believes that the filing, as amended, clarifies how ECOs and COA-eligible orders are handled on NYSE Arca, both during Core Trading Hours and when there is a COA in progress.

As described above, Amendment No. 1 removes an incorrect cross-reference and adds several clarifying details to the proposal, thereby providing additional information concerning the manner in which NYSE Arca processes ECOs. Amendment No. 2 helps to assure the accuracy of the proposed rules by removing a provision that indicated, incorrectly, that the limit price of a COA-eligible order would have to be executable at a price at or within the NYSE Arca best bid/offer for each leg of the order to initiate a COA, and by adding references to ECOs resting in the Consolidated Book to NYSE Arca Rules 6.91(c)(6)(C)(i) and (ii) to provide a more complete description of the circumstances under which leg market updates would, or would not, cause a COA to end early. The Commission believes that Amendment Nos. 1 and 2 provide additional details and make corrections to the text of the proposed rules, thereby helping to assure the accuracy of the proposed rules. The Commission also believes that the changes in Amendment Nos. 1 and 2 do not introduce material, new, or novel concepts. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[95] to approve the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[96] that the proposed rule change (File No. SR–NYSEArca–2016–149), as modified by Amendment Nos. 1 and 2, is approved on an accelerated basis.

[95] 15 U.S.C. 78s(b)(2).

[96] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[97]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04352 Filed 3–6–17; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0009]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA)

Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*. Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0009].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 8, 2017. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Representative Payee Report-Adult, Representative Payee Report-Child, Representative Payee Report-Organizational Representative Payees—20 CFR 404.635, 404.2035, 404.2065, and 416.665—0960–0068. When SSA determines it is not in an Old Age, Survivors, and Disability Insurance (OASDI) or Supplemental Security Income (SSI) recipient's best interest to receive Social Security payments directly, the agency will designate a representative payee for the recipient. The representative payee can be: (1) A family member; (2) a non-family member who is a private citizen and is acquainted with the beneficiary; (3) an organization; (4) a state or local government agency; or (5) a business. In the capacity of representative payee, the person or organization receives the SSA recipient's payments directly and manages these payments. As part of its stewardship mandate, SSA must ensure the representative payees are properly using the payments they receive for the recipients they represent. The agency annually collects the information necessary to make this assessment using the SSA–623, Representative Payee Report-Adult; SSA–6230, Representative Payee Report-Child; SSA–6234, Representative Payee Report-Organizational Representative Payees; and through the electronic internet application Internet Representative Payee Accounting (iRPA). The respondents are representative payees of OASDI and SSI recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of esponse	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–623	2,812,662	1	15	703,166
SSA–6230	2,968,986	1	15	742,247
SSA–6234	719,684	1	15	179,921
iRPA*	650,195	1	15	162,549
Totals	7,151,527			1,787,883

*One Internet platform encompasses all three paper forms.

2. Annual Earnings Test Direct Mail Follow-Up Program Notices—20 CFR 404.452–404.455—0960–0369. SSA developed the Annual Earnings Test Direct Mail Follow-up Program to improve beneficiary reporting on work and earnings during the year and earnings information at the end of the year. SSA may reduce benefits payable under the Social Security Act (Act) when an individual has wages or self-employment income exceeding the annual exempt amount. SSA identifies beneficiaries likely to receive more than the annual exempt amount, and requests more frequent estimates of earnings from them. When applicable, SSA also requests a future year estimate to reduce overpayments due to earnings. SSA sends letters (SSA–L9778, SSA–L9779, SSA–L9781, SSA–L9784, SSA–L9785, and SSA–L9790) to beneficiaries requesting earnings information the month prior to their attainment of full retirement age. We send each beneficiary a tailored letter that includes relevant earnings data from SSA records. The Annual Earnings Test Direct Mail Follow-up Program helps to ensure Social Security payments are correct, and enables us to prevent earnings-related overpayments, and avoid erroneous withholding. The respondents are working Social Security beneficiaries with earnings over the exempt amount.

Type of Request: Revision of an OMB-approved information collection.

[97] 17 CFR 200.30–3(a)(12).

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L9778	42,630	1	10	7,105
SSA–L9779	158,865	1	10	26,478
SSA–L9781	472,437	1	10	78,740
SSA–L9784	1,270	1	10	212
SSA–L9785	15,870	1	10	2,645
SSA–L9790	45,000	1	10	7,500
Totals	736,072			122,680

3. Request for Social Security Earnings Information—20 CFR 401.100 and 404.810—0960–0525. The Social Security Act permits wage earners, or their authorized representatives, to request Social Security earnings information from SSA using Form SSA–7050–F4. SSA uses the information the respondent provides on Form SSA–7050–F4 to verify the wage earner has: (1) Earnings; (2) the right to access the correct Social Security Record; and (3) the right to request the earnings statement. If we verify all three items, SSA produces an Itemized Statement of Earnings (Form SSA–1826) and sends it to the requestor. Respondents are wage earners and their authorized representatives who are requesting Itemized Statement of Earnings records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7050–F4	66,800	1	11	12,247

Cost Burden:

Type of respondent	Annual cost
Non-Certified Respondent	$2,211,105
Certified Respondent	1,601,656
Totals	3,812,761

II. SSA submitted the information collection below to OMB for clearance. Your comments regarding the information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than April 6, 2017. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Questionnaire About Employment or Self-Employment Outside the United States—20 CFR 404.401(b)(1), 404.415 & 404.417—0960–0050. When a Social Security beneficiary or claimant reports work outside the United States (U.S.), SSA uses Form SSA–7163 to determine if foreign work deductions are applicable. Specifically, SSA uses Form SSA–7163 to determine: (1) Whether work the beneficiaries performed outside the United States (U.S.) is cause for deductions from their monthly benefits; (2) which of two work tests (foreign or regular test) is applicable; and (3) the number of months, if any, for SSA-imposed deductions. SSA determines whether the annual earnings test applies to all earnings from work covered by the Social Security Act, including earnings from covered work performed outside the U.S. However, because of the differences in foreign currency values, it is administratively impractical to apply this test to earnings from non-covered work performed outside the U.S. and base it on U.S. dollars. Accordingly, the 45-hour work test provides for deductions from the benefits of employees under full retirement age who engage in non-covered remunerative activity for more than 45 hours in a calendar month. SSA asks beneficiaries working outside the U.S. to complete this form annually or every other year (depending on the country of residence). Respondents are beneficiaries or claimants for Social Security benefits who are engaged in work outside the United States.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7163	20,000	1	12	4,000

Dated: March 2, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–04355 Filed 3–6–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 9909]

Notice of Public Meeting

The Department of State will conduct an open meeting at 9:00 a.m. on Wednesday, March 22, 2017, at the offices of ABS Consulting, 1525 Wilson Boulevard, Suite 625, Arlington, Virginia 22209. The primary purpose of the meeting is to prepare for the forty-first session of the International Maritime Organization's (IMO) Facilitation Committee to be held at the

IMO Headquarters, United Kingdom, April 4–7, 2017.

The agenda items to be considered include:

—Decisions of other IMO bodies
—Consideration and adoption of proposed amendments to the Convention
—Review and update the Explanatory Manual to the FAL Convention
—Application of single-window concept
—Measures to protect the safety of persons rescued at sea
—Unsafe mixed migration by sea
—Consideration and analysis of reports and information on persons rescued at sea and stowaways
—Guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats
—Technical cooperation activities related to facilitation of maritime traffic
—Relations with other organizations
—Application of the Committee's procedures on organization and method of work
—Work programme
—Any other business

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 887 809 72. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. James Bull, by email at *James.T.Bull@uscg.mil,* by phone at (202) 372–1144, or in writing at 2703 Martin Luther King Jr. Ave SE., Stop 7509, Washington, DC 20593–7509 not later than March 15, 2017. Requests made after March 15, 2017 might not be able to be accommodated. The ABS Consulting office is accessible by taxi, public transportation, and privately owned conveyance if parking is arranged in advance with the meeting coordinator. In the case of inclement weather where the Federal Government is closed or delayed, a public meeting may be conducted virtually. The meeting coordinator will confirm whether the virtual public meeting will be utilized at: *www.uscg.mil/imo.* Members of the public can find out whether the Federal Government is delayed or closed by visiting *www.opm.gov/status/.* Additional information regarding this and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Jonathan W. Burby,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2017–04422 Filed 3–6–17; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–[2016–0379]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 39 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on December 28, 2016. The exemptions expire on December 28, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On November 25, 2016, FMCSA published a notice of receipt of Federal diabetes exemption applications from 39 individuals and requested comments from the public (81 FR 85312). The public comment period closed on December 27, 2016, and no comments were received.

FMCSA has evaluated the eligibility of the 39 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 39 applicants have had ITDM over a range of 1 to 39 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly

monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the November 25, 2016, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 39 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3), subject to the requirements cited above 49 CFR 391.64(b):

Mitchell G. Aucoin (NH)
Nelson T. Barninger (PA)
Thomas J. Bonura (TX)
Todd M. Boughter (PA)
Bradley J. Brown (OH)
Alex Caterson (PA)
Kimberly J. Davis (CT)
Earl C. Duke, 2nd (VA)
David A. Evans (PA)
Robert H. Haines (PA)
Anthony L. Hamilton (TX)
Jeremy E. Hartig (WI)
Donovan K. Helton (VA)
Thomas M. Howie, 3rd (AR)
Gary A. Kestner (WV)
Ricky W. Knudsen (MN)
Brandon S. Koehn (KS)
Victor R. Lanza-Contreras (MD)
Oscar A. Lazo (ID)
Stephen B. Macisaac (NY)
Corey M. McCormack (CA)
William D. Meier (KY)
Melvin W. Miller (MI)
Lyman D. Myron (AZ)
Anthony H. Patrick (KY)
Danny L. Peterson (WI)
Eugene P. Roever (AR)
William P. Rossi (TX)
Jim W. Royer (MN)
Robert L. Rich, Jr. (MN)
George H. Saenz (OR)
David E. Schoch, Jr. (NJ)
Bobbie G. Sharp, Sr. (MO)
George A. Skelton (PA)
Joshua D. Taylor (MO)
Daniel G. Van Listenborgh (WY)
Clyde L. Weaver (NC)
Jason A. Weiss (IL)
John R. Wilson (GA)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04391 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0385]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 28 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before April 6, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2016–0385 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or

comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 28 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Larry A. Acton

Mr. Acton, 58, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Acton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Acton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Matthew M. Bauer

Mr. Bauer, 29, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bauer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bauer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class E CDL from Michigan.

Gerald T. Booth

Mr. Booth, 69, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Booth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Booth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Jeremy D. Carpenter

Mr. Carpenter, 28, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carpenter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carpenter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Alabama.

David L. Carraway

Mr. Carraway, 60, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carraway understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carraway meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Mitchell S. Crites

Mr. Crites, 21, has had ITDM since 2007. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crites understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crites meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Martin K. Dennis

Mr. Dennis, 49, has had ITDM since 2010. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Dennis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dennis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Ryan E. Dickinson

Mr. Dickinson, 37, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Dickinson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dickinson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

John T. Edmiston

Mr. Edmiston, 41, has had ITDM since 2002. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Edmiston understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Edmiston meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Malcolm C. Ferriell

Mr. Ferriell, 66, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ferriell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ferriell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Saul Gates, III

Mr. Gates, 59, has had ITDM since 2005. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gates understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gates meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Texas.

Paul S. Hare

Mr. Hare, 46, has had ITDM since 2008. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hare understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hare meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Jimmie E. Johnson

Mr. Johnson, 65, has had ITDM since 2012. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Ronald A. Karr

Mr. Karr, 62, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Karr understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Karr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

David A. Morrill

Mr. Morrill, 68, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Morrill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Morrill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist

examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maine.

Parker L. Pearce

Mr. Pearce, 27, has had ITDM since 1998. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pearce understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pearce meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Raymond L. Ramsey

Mr. Ramsey, 59, has had ITDM since 2000. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ramsey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ramsey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Ronald A. Routh

Mr. Routh, 67, has had ITDM since 2012. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Routh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Routh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

Sean R. Shakespeare

Mr. Shakespeare, 23, has had ITDM since 2000. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Shakespeare understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Shakespeare meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nevada.

Ryan B. Silva

Mr. Silva, 27, has had ITDM since 2001. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Silva understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Silva meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Kent A. Smith

Mr. Smith, 59, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Zachary C. Smith

Mr. Smith, 23, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. [Name] understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Jennifer S. Starr

Ms. Starr, 50, has had ITDM since 2014. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Starr understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Starr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2016 and certified that she has stable nonproliferative diabetic retinopathy. She holds a Class A CDL from Oregon.

Benjamin T. Weinheimer, Jr.

Mr. Weinheimer, 23, has had ITDM since 1995. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more)

severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Weinheimer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weinheimer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Texas.

Walter D. West

Mr. West, 59, has had ITDM since 1998. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. West understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. West meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

John K. Windler

Mr. Windler, 62, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Windler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Windler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Kathy A. Wofford

Ms. Wofford, 38, has had ITDM since 2001. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Wofford understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Wofford meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Georgia.

Shawn L. Wood

Mr. Wood, 44, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wood understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wood meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2016–0385 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2016–0385 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: February 28, 2017

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04383 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26321; FMCSA–2007–29286; FMCSA–2008–0341; FMCSA–2010–0414; FMCSA–2010–0427; FMCSA–2012–0349; FMCSA–2012–0350; FMCSA–2012–0351; FMCSA–2014–0312]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions of 152 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before April 6, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2006–26321; FMCSA–2007–29286; FMCSA–2008–0341; FMCSA–2010–0414; FMCSA–2010–0427; FMCSA–2012–0349; FMCSA–2012–0350; FMCSA–2012–0351; FMCSA–2014–0312 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov*, including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal DocketManagement System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 152 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

II. Exemption Decision

This notice addresses 152 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 152 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized

Federal, State, or local enforcement official.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following groups of drivers received renewed exemptions in the month of February and are discussed below.

As of February 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (72 FR 69280; 73 FR 6247):

Steven G. Boggs (KS)
Jessie L. Brock II (TX)
Challis J. Crismore (MT)
David J. Jansen (OH)
Lawrence A. Kibler (PA)
Arthur J. Medrano (CA)
Mark R. Perkins (NV)
Christopher C. Schuch (MA)
Timothy Short (PA)
Uve J. Witsch (CA)

The drivers were included in Docket No. FMCSA–2007–29286. Their exemptions are effective as of February 1, 2017, and will expire on February 1, 2019.

As of February 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 78271; 78 FR 7855):

Kathy L. Brown (IN)
John C. Evans (IL)
Thomas J. Ferry (NJ)
Jeffrey C. Hanson (TX)
Daniel V. Williamson (MN)

The drivers were included in Docket No. FMCSA–2012–0349. Their exemptions are effective as of February 4, 2017, and will expire on February 4, 2019.

As of February 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (71 FR 74986; 72 FR 5492):

Roy B. Carter (WV)
Bradley D. Case (IN)
Thomas D. Dyke (KS)
Anthony L. Gentry (CO)
Michael T. Hartley (KY)
David A. Heider (WI)
John A. Helm (IL)
John A. Herbert (NJ)
Lester H. Hughes (VA)
Christopher A. Knott (MN)
Jeffery C. Link (SC)
Joseph C. McMasters (IN)
Bradley S. Mowdy (CA)
Ronald W. Nelson (MN)
Kent E. Pelkey (ME)
Keith E. Petersen (ND)
Allen W. Quon (MD)
Shawn P. Wathley (CT)
Christopher T. Worsley (MA)

The drivers were included in Docket No. FMCSA–2006–26321. Their exemptions are effective as of February 6, 2017, and will expire on February 6, 2019.

As of February 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 75794; 74 FR 6451):

Robert S. Althouse (PA)
James G. Arnoldussen, Sr. (WI)
Thomas S. Benson (NC)
Dennis A. Boelens (IL)
Walter R. Braxton (VA)
Merle N. Cromwell (IL)
Trenn A. Davis (KS)
Stephen R. Ferrario (CA)
Kevin J. Fries (MT)
Fred Frisch (OH)
Daniel D. Greenwell (NY)
George H. Hayes, Jr. (VA)
John H. Hilliges (NE)
Paris J. Howell (TN)
John H. Kingsley (VA)
Gary J. Klostermann (IA)
Jason C. Lang (VT)
Kevin J. Lavoie (OR)
Robert H. McCann, III (MD)
Chris C. Northway (WI)
John D. Owens (IN)
Jody A. Peckels (OR)
James H. Pfeiffer, Jr. (IL)
Marc R. Pream (MN)
Travis W. Proctor (GA)
Ann M. Reinke (WI)
Vincent L. Rodriguez (NM)
Randy L. Schroeder (NY)
Michael W. Sharp (TX)
Gary E. Stone (PA)
Anthony A. Thomas (KY)
John R. Turcotte (ME)
Russell A. Williams (WI)

The drivers were included in Docket No. FMCSA–2008–0341. Their exemptions are effective as of February 9, 2017, and will expire on February 9, 2019.

As of February 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 80889; 76 FR 7625):

Charlie A. Barner (GA)
Christopher R. Everitt (OH)
Joseph A. Griffin (NY)
Michael A. Holy (MI)
Victor M. Lewis (TN)
William P. Miller, Jr. (KY)
David A. Wiltse (ND)

The drivers were included in Docket No. FMCSA–2010–0414. Their exemptions are effective as of February 10, 2017, and will expire on February 10, 2019.

As of February 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 7 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 1496; 76 FR 9867):

Neal S. Faulkner (VT)
Jason J. Hamilton (AZ)
Steven J. Lefebvre (NY)
Mitchell J. Moore (CO)
James R. Parker (NJ)
Charles C. Quast (IL)
James E. Steele (TN)

The drivers were included in Docket No. FMCSA–2010–0427. Their exemptions are effective as of February 22, 2017, and will expire on February 22, 2019.

As of February 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 3724; 80 FR 19732):

Bryan L. Anderson (WA)
Travis K. Archer (ME)
Michael R. Batham (CA)
Victor M. Beltran-Araujo (UT)
Charles A. Best (OH)
George E. Carle (CO)
Jamey S. Carney (IA)
Michael G. Cary (MN)
John G. Castilaw (MS)
Adam C. Cochran (GA)
Michael R. Cummings (VA)
David L. Dalheim (NY)
Brian Dick (MD)
Timothy B. Duelke (ID)
Cory A. Duncan (OR)
Terrance J. Dunne (NJ)
David L. Eklund (IL)
Yoshitsugu Endo (FL)
Barry K. Foster (TX)
John A. Georg (IA)
Francis J. Gernatt, Jr. (NY)
Mark A. Haines (WV)
Ivan G. Hanford (OR)
James L. Harman III (VA)
James R. Hoyle (TX)

John M. Ippolito (NY)
Allan L. Jameson (NE)
Erik D. Kemmer (MN)
Mark L. Knobel, Sr. (MD)
Joseph E. Knox, Sr. (MD)
Erik M. Lane (NY)
James D. Martin (IN)
Galen H. Martin (PA)
John M. McCabe (IL)
Kevin F. McGlade (PA)
Brett J. Mellor (ID)
Kenneth M. Merritt (CA)
Charles E. Morgan (LA)
John E. Sautkulis (NY)
Ronnie L. Schronce (NC)
William F. Smith (DE)
Robin W. Swasey (UT)
Michelle P. Thibeault (ME)
Michael L. Thrasher (AL)
Steven R. Vance (TX)
William D. VanReese (MN)
Ellis J. Vest, Jr. (WV)
Mark P. Zimmerman (NV)

The drivers were included in Docket No. FMCSA–2014–0312. Their exemptions are effective as of February 24, 2017, and will expire on February 24, 2019.

As of February 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 1927; 78 FR 12819):

Angel Bergendale (MA)
Sean P. Borsky (FL)
Uvena S. Brown (IN)
Spiro J. Jonovich (AZ)
Victor D. Mayberry (TN)
Barry C. McKay (CO)
Robert B. McKendry (IL)
William L. Phelps (IN)
Richard J. Rembisz (NY)
Richard L. Smith (GA)
Gary J. Tricarico (CT)

The drivers were included in Docket No. FMCSA–2012–0351. Their exemptions are effective as of February 25, 2017, and will expire on February 25, 2019.

As of February 26, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 1923; 78 FR 12821):

Shawn J. Ball (ID)
Ira S. Chamberlin (ME)
James K. Dowden (MN)
Myron P. Egbert (UT)
Michael T. Evans (OH)
Stephen P. Honen (OH)
Charles E. Johnston (MS)
Jack M. Sipich (IL)
Roger N. Stauffer (MI)
Tyrone Taylor (NC)
Michael E. Westley (FL)
Travis M. Whitt (CA)

The drivers were included in Docket No. FMCSA–2012–0350. Their exemptions are effective as of February 26, 2017, and will expire on February 26, 2019.

Each of the 152 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of the 152 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA–2006–26321; FMCSA–2007–29286; FMCSA–2008–0341; FMCSA–2010–0414; FMCSA–2010–0427; FMCSA–2012–0349; FMCSA–2012–0350; FMCSA–2012–0351; FMCSA–2014–0312.

IV. Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 6, 2017.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 152 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2006–26321; FMCSA–2007–29286; FMCSA–2008–0341; FMCSA–2010–0414; FMCSA–2010–0427; FMCSA–2012–0349; FMCSA–2012–0350; FMCSA–2012–0351; FMCSA–2014–0312 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

VI. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number

FMCSA–2006–26321; FMCSA–2007–29286; FMCSA–2008–0341; FMCSA–2010–0414; FMCSA–2010–0427; FMCSA–2012–0349; FMCSA–2012–0350; FMCSA–2012–0351; FMCSA–2014–0312 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: February 28, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04387 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0328; FMCSA–2012–0282; FMCSA–2012–0283; FMCSA–2014–0308; FMCSA–2014–0309]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 110 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On December 20, 2016, FMCSA published a notice announcing its decision to renew exemptions for 110 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (81 FR 92941). The public comment period ended on January 19, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 110 renewal exemption applications and that no comments were received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3):

As of December 9, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 37 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 66451; 80 FR 2479):

Travis L. Beck (OH)
Corey C. Bennett (MS)
Nicholas J. Borelli (NJ)
Elvis P. Butler (TN)
John H. Butler (OH)
Michael E. Calvert (TX)
Keith J. Cole (WI)
Kevin E. Conti (OH)
Marsh L. Daggett (TX)
Chad E. Hales (UT)
Dennis L. Hooyman (WI)
Lorenza K. Jefferson (VA)
Edward Johnson (TN)
William O. Johnson, Jr. (IN)
Michael E. Kroll (WI)
Isolina Matos (NJ)
Rex D. McManaway (IL)
Steven A. Metternick (MI)
Daniel P. Miller (PA)
James K. Ollerich (SD)
Scott B. Olson (ND)
Raymond E. Pawloski (MI)
Loren A. Pingel (CO)
Douglas S. Pitcher (NY)
Terrence A. Proctor (MD)
Salvador Ramirez, Jr. (IL)
Heber E. Rodriguez (VA)
Lukas N. Skutnik (NE)
Daniel C. Sliman (OH)
Jeffrey A. Sturgill (OH)
Maurice S. Styles (MN)
Richard J. Thomas (IN)
Kevin E. Tucker (WV)
Robert Vassallo (NY)
Clifford L. White (KS)
Jason L. Woody (KS)
Wesley B. Yokum (PA)

The drivers were included in docket No: FMCSA–2014–0308. Their exemptions are effective as of December 9, 2016, and will expire on December 9, 2018.

As of December 14, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 63536; 75 FR 77952):

William V. Barbrie (RI)
John P. Catalano (NJ)
Gary J. Dionne (ID)
Thomas C. Donahue (MA)
Marlin K. Johnson (MN)
George Long, Jr. (NM)
Robert Minacapelli (NY)
Joe E.L. Radabaugh (OH)
Ben D. Shelton, Jr. (IL)
Nestor P. Vargas, Jr. (WA)
Harold A. Wendt (MN)

The drivers were included in docket No: FMCSA–2010–0328. Their exemptions are effective as of December 14, 2016, and will expire on December 14, 2018.

As of December 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 17 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 63411; 77 FR 64181; 77 FR 75492; 77 FR 75493):

James D. Astle (OH)
Robert E. Carroll (FL)
Thomas L. Gilmore (IA)
Kenneth M. Hansen (IA)
David J. Heppelmann (MN)
Dennis R. Johnson (TN)
Ronald D. Johnston (VA)
Steven M. Knezevich (MI)
Phil J. Kunkel (IN)
Carl E. McCartney (PA)
Fred Nelson, Jr. (PA)
Ricky L. Osterback (WA)
Joseph M. Polkowski, Sr. (PA)
Dan R. Stark (MN)
Chad E. Vanscoy (OH)
Mark A. Welch, Jr. (PA)
Bailey G. Zickefoose, Jr. (WV)

The drivers were included in docket No: FMCSA–2012–0283. Their exemptions are effective as of December 20, 2016, and will expire on December 20, 2018.

As of December 29, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 45 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 70920; 80 FR 5613):

Andrew P. Bivens (TN)
Everett D. Blevins (KY)
Kirk J. Brummeler (GA)
Travis M. Bryan (MA)
Robert A. Chess (PA)
John W. Condy (NY)
Kevin V. Cook (MO)
Guido Criscuolo, Jr. (CT)
Zachary L. Diehl (IL)
Andrea I. Dirksen (IA)
David D. Dowdy (IL)
Clarice L. Dunklin (LA)
Ricky L. Exler (FL)
Paul B. Fuerstenberg (WI)
Nathan M. Gallant (TX)
Louis A. Goodenough (IN)
Tyler L. Gravatt (ID)
Gary W. Honaker (VA)
David G. Horne (VA)
Glenn A. Keifer (SD)
Rex L. Kreutzer (NE)
Larry D. Lloyd (OR)
Dennis D. Markowski (WA)
William F. Melchert-Dinkel (MN)
Brit K. Miller (SD)
Charles B. Petersen (ID)
Anthony J. Politan (IN)
Emil T. Ricci (PA)
Arturo Robles (WY)
Robert F. Rothbauer (WI)
Michael A. Runyan, Jr. (NC)
John D. Sheets (NH)
Kyle L. Shuman (NY)
Jerry W. Smay (CA)
Gregory A. Smith (GA)
William S. Spaeth (WI)
Eloy G. Tijerina (TX)
Santos R. Torres (TX)
Leroy A. Traudt (NE)
Arthur R. Vance (VA)
Gerald S. Volpone, Jr. (MA)
Galen R. Watts (TX)
William R. Welch, Jr. (VA)
John E. Wildenmann (KY)
Edward D. Wright (IN)

The drivers were included in docket No: FMCSA–2014–0309. Their exemptions are effective as of December 29, 2016, and will expire on December 29, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04393 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2016–0225]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 52 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on December 24, 2016. The exemptions expire on December 24, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On November 23, 2016, FMCSA published a notice of receipt of Federal diabetes exemption applications from 52 individuals and requested comments from the public (81 FR 84677). The public comment period closed on December 23, 2016, and no comments were received.

FMCSA has evaluated the eligibility of the 52 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 52 applicants have had ITDM over a range of 1 to 24 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the November 23, 2016, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 52 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3), subject to the requirements cited above 49 CFR 391.64(b):

Rickey C. Alvis (NC)
Vicki L. Bailey (WI)
Bennie L. Baker (TX)
Darious A. Ballou, III (NC)
Salauddin Baset (TX)
Emmett G. Bell (DE)
Ralph G. Caffee (PA)
James L. Calman (WA)
Michael J. Carey (NY)
David L. Cheshire (MI)
Allan S. Clugston (NY)
Sean M. Collins (MN)
Jimmy D. Curtis (TX)
Larry D. Dearth (WI)
Keith M. Dickerson (WI)
James J. Dorio (PA)
Virgil J. Erhardt (IA)
Jimmy J. Fanelli (OR)
Craig W. Ferris (CT)
William L. Garrity (CT)
Robin D. Gibson (DC)
Richard E. Harger (IN)
Steven W. Harry (OR)
Jay M. Hill (CO)
Paul J. Horne (NY)
Eric C. Irwin (IL)
John E. Kerby (NE)
Adam R. Kleist, Jr. (OR)
Jacob A. Knezevich (NM)
Joel A. Kroll (SD)
Stephen T. Labay (OH)
Edwin J. Lundquist (MN)
Brian A. McCarthy (GA)
Daniel F. Mesiano (WA)
Lucjan Metkowski (MI)
Stephen C. Mickle (AL)
Bryan K. Moreland (CA)
Tyler J. Oakland (NE)
Yesenia Orozco Marquez (OK)
Salvador Pacheco, Jr. (TX)
Martin J. Reding (OR)
Daniel A. Rivera (FL)
Gerald J. Rosauer (WI)
Chester G. Selfridge, Jr. (PA)
Paul A. Sheehan (PA)
Brent L. Stroud (IL)
Michael W. Sutton (WA)
Carlos Swepson, Sr. (RI)
Noah E. Thompson (AL)
Thomas P. Verdon (PA)
Richard F. Wiltgen (IA)
Richard C. Wright (NJ)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04384 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0029]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 44 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before April 6, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0029 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 44 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

M. Rafael Allen

Sr. Allen, 50, has had ITDM since 2016. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Sr. Allen understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Sr. Allen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Connecticut.

Roger L. Anderson

Mr. Anderson, 60, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Anderson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Joseph S. Bernier

Mr. Bernier, 66, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bernier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bernier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Davarus L. Bouknight

Mr. Bouknight, 33, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bouknight understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bouknight meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from South Carolina.

Everett L. Brashears

Mr. Brashears, 55, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brashears understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brashears meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Thomas G. Brown, II

Mr. Brown, 50, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Brown understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Sequoyah S. Browning

Mr. Browning, 43, has had ITDM since 1994. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Browning understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Browning meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

Alfred B. Cardwell

Mr. Cardwell, 64, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cardwell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cardwell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Dakota.

Gregg J. Chase

Mr. Chase, 52, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Chase understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chase meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Michael R. Chrisman

Mr. Chrisman, 65, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Chrisman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chrisman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Joseph A. Czanstkowski

Mr. Czanstkowski, 52, has had ITDM since 2003. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Czanstkowski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Czanstkowski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Daniel G. Durbin

Mr. Durbin, 43, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Durbin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Durbin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Charles E. Fennington

Mr. Fennington, 59, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fennington understands

diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fennington meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Delaware.

Craig D. Furlough

Mr. Furlough, 53, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Furlough understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Furlough meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

Jeffrey D. Griffin

Mr. Griffin, 50, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Griffin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Griffin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Daryll A. Grinkey

Mr. Grinkey, 56, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Grinkey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Grinkey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Daniel J. Irving

Mr. Irving, 74, has had ITDM since 1995. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Irving understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Irving meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maryland.

Charles B. Jesness

Mr. Jesness, 37, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jesness understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jesness meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

Derrick Johnson

Mr. Johnson, 44, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Johnson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Robert F. King

Mr. King, 55, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. King understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. King meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Henry D. Lyons

Mr. Lyons, 52, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lyons understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lyons meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

Owen L. MacDonald

Mr. MacDonald, 64, has had ITDM since 2007. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of

consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. MacDonald understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. MacDonald meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kansas.

Edwin Martinez, Jr.

Mr. Martinez, 27, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Martinez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martinez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Delaware.

Joseph Murray

Mr. Murray, 60, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Murray understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murray meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Kansas.

Bryan J. Orcutt

Mr. Orcutt, 42, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe Orcutt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Orcutt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Idaho.

Jesus H. Oseguera

Mr. Oseguera, 43, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Oseguera understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Oseguera meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Idaho.

Eugenio J. Pereira

Mr. Pereira, 61, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pereira understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pereira meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable proliferative diabetic retinopathy. He holds a Class B CDL from New Jersey.

Brian R. Repp

Mr. Repp, 32, has had ITDM since 1996. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Repp understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Repp meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Michael W. Robinson

Mr. Robinson, 60, has had ITDM since 1992. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Robinson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Robinson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Maryland.

Reynaldo Roman

Mr. Roman, 50, has had ITDM since 2010. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Roman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Roman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable

nonproliferative diabetic retinopathy. He holds a Class A CDL from New York.

David A. Rosen

Mr. Rosen, 63, has had ITDM since 2001. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rosen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rosen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Joseph C. Schulte

Mr. Schulte, 65, has had ITDM since 2008. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schulte understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schulte meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Byron L. Short

Mr. Short, 51, has had ITDM since 2007. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Short understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Short meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

George W. Sparrow

Mr. Sparrow, 58, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sparrow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sparrow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Rhode Island.

Gabriel S. Stevens

Mr. Stevens, 25, has had ITDM since 1994. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stevens understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stevens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

Stanford A. Tilghman

Mr. Tilghman, 53, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Tilghman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tilghman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Joshua F. Tolman

Mr. Tolman, 41, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Tolman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tolman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Thomas W. Truitt

Mr. Truitt, 21, has had ITDM since 2003. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Truitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Truitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wyoming.

Joseph G. Volz

Mr. Volz, 56, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Volz understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Volz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

David B. Watson

Mr. Watson, 55, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Watson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Watson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

Curtis D. Weinman

Mr. Weinman, 51, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Weinman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weinman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Charlie A. Williams

Mr. Williams, 55, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Williams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Timothy J. Williamson

Mr. Williamson, 63, has had ITDM since 2005. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Williamson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williamson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Georgia.

Mark E. Wisecarver

Mr. Wisecarver, 46, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wisecarver understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wisecarver meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0029 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0029 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: February 28, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04385 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2016–0384]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its denial of 74 applications from individuals who requested an exemption from the Federal diabetes standard applicable to interstate truck and bus drivers and the reasons for the denials. FMCSA has statutory authority to exempt individuals from the diabetes requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions does not provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal diabetes standard for a renewable 2-year period if it finds ''such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption.'' The procedures for requesting an exemption are set forth in 49 CFR part 381.

Accordingly, FMCSA evaluated 74 individual exemption requests on their merits and made a determination that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption program. Each applicant has, prior to this notice, received a letter of final disposition on the exemption request. Those decision letters fully outlined the basis for the denial and constitute final Agency action. The list published in this notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 7 applicants met the diabetes requirements of 49 CFR 391.41(b)(3) and do not need an exemption:

James D. Bohanan (TN)
Dean A. Dahlheimer (MN)
James A.E. Harris (PA)
Clifford D. Humphrey (NJ)
Gary L. Knox (MN)
Brian T. McGill (UT)
John C. McGrath (WI)

The following 33 applicants were not operating CMVs in interstate commerce:

Epifano M. Alonzo (TX)
Henry W. Beeler (VA)
David Boutwell (NH)
Gary D. Buzzard (OK)
William J. Couch (GA)
Gladys N. Crespo (CT)
Russell L. Fortna (CO)
Glenda L. Haines (IN)
Nan W. Hendley (TX)
Phillip L. Kidney (CT)
Socrates Landestoy (NJ)
Kevin R. Loder (NJ)
Thomas W. McNeil (KY)
Rafael Mendez (CT)
Pamela J. Meziere (MS)
Edward V. Mixdorf (WI)
William C. Moore (GA)
Derek G. Norde (MO)
Alejandro Palacios (FL)
David A. Panza (OH)
Sonel Pierre-Louis (FL)
Robert B. Riley (NC)
Niguel A. Salinas (TX)
Warren A. Smith (NJ)
Donald S. Staiger (NJ)
Ernest P. Stengel (CT)
Vicki L. Stone (HI)
Zachary L.D. Tennant (WV)
Danny Thomas (PA)
Carlos F. Webb (VA)
Shane D. Weber (LA)
Charles L. Willingham (AZ)
Edward B. Wilson (VA)

The following 8 applicants have had more than one hypoglycemic episode requiring hospitalization or the assistance of others, or has had one such episode but has not had one year of stability following the episode:

Weston Arnick (MD)
Ryan L. Cox (NY)
Patricia A. Koch (AR)
Clarissa M. Olson (MO)
Silvio N. Pantaleon (NY)
Clinton W. Reynolds (VA)
Kevin G. Snyder (IN)
Hans J. Woelk (WA)

The following 3 applicants had other medical conditions making the applicant otherwise unqualified under the Federal Motor Carrier Safety Regulations:

James V. Maiorana (NY)
Robert A. Shamberger (NC)
Kenny L. White (OR)

The following applicant, Ray S. Justus (PA), did not have an endocrinologist willing to make a statement that he is able to operate a CMV from a diabetes standpoint.

The following 2 applicants are unable or have not demonstrated with willingness to properly monitor and manage his or her diabetes, whether by a personal decision or medical inability:

Gerald W. Fitch (OH)
Tyler T. Turner (TN)

The following 2 applicants currently reside in Canada. They are not eligible because the Federal exemption is for drivers operating only in the United States:

Tony J. Basaraba (SK)
Jerzy R. Rudowski (BC)

The following applicant, Dale W. Perkins (MO), has peripheral neuropathy or circulatory insufficiency

of the extremities likely to interfere with his ability to operate a CMV.

The following 5 applicants did not meet the minimum age criteria outlined in 49 CFR 391.41(b)(1) which states that an individual must be at least 21 years old to operate a CMV in interstate commerce:

Alex J. Erickson (ND)
Michael T. Fitzpatrick (MA)
Bradley R. Knudson (ND)
Grant A. Mason (WA)
Zachary Vanrossum (WI)

The following 12 applicants were exempt from the diabetes standard:

Antonio Ballo (NY)
Davarus L. Bouknight (SC)
John V. Buehler (CT)
Alfred E. Canfield (OK)
Burl E. Cox (KY)
Mitchell F. Durkan (CO)
Thomas E. Fooshee (AZ)
Steven J. Hamilton (CO)
Sarah M. Harrison (PA)
Rupert N. Isaac (PA)
Larry D. Lambert (TX)
Yesimar P. Lozada (IA)

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04388 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0188; FMCSA–2012–0164 FMCSA–2014–0019; FMCSA–2014–0020]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions of 97 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. FMCSA has statutory authority to exempt individuals from this rule if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: Each group of renewed exemptions are effective from the dates stated in the discussions below. Comments must be received on or before April 6, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2010–0188; FMCSA–2012–0164 FMCSA–2014–0019; FMCSA–2014–0020 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 97 individuals listed in this notice have recently become eligible for a renewed exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. The drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

II. Exemption Decision

This notice addresses 97 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 97 drivers remain in good standing with the Agency, have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. Therefore, FMCSA has decided to extend each exemption for a renewable two-year period. Each individual is identified according to the renewal date.

The exemptions are renewed subject to the following conditions: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual submit an annual ophthalmologist's or optometrist's report; and (4) that each individual provide a copy of the annual

medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. The following groups of drivers received renewed exemptions in the month of September and are discussed below.

As of September 16, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 76 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 47702; 79 FR 47711; 79 FR 63210; 79 FR 63219):

Vincent M. Branch (VA)
James M. Brooks (VA)
Gary L. Brown (PA)
Perry C. Bullis (PA)
Christopher J. Burkhart (MO)
Richard E. Campney (IA)
Steven J. Causie (MI)
Wesley A. Chain (TX)
Kristy S.R. Clark (VA)
Richard M. Cohen (NJ)
Alex A. Comella (NJ)
Royce N. Cordova (WA)
Robert Curry (NY)
Dwayne P. Daniels (IL)
James T. Dodge (CO)
Richard D. Domingo (NV)
John J. Dominguez (TX)
Bradley C. Dunlap (IL)
Andrew C. Frykholm (MA)
Lyle O. Gahler (MN)
Gary W. Giles (TX)
John A. Gillingham (PA)
Ronald L. Glade (IL)
Brent C. Godshalk (IN)
Benny B. Gonzales (TX)
Robert L. Gordon (IL)
Jerry W. Gott (IA)
Daniel E. Harris (IL)
Randy S. Holz (IA)
Henderson R. Hughes (NY)
James L. Hummel (WA)
Joseph T. Ingiosi (MI)
Michael J. Javenkoski (MN)
Katlin W. Johnson (LA)
Don L. Jorgensen (WY)
Steven T. Juhl (WI)
Joseph A. Kipus (OH)
Kevin L. Kreakie (OH)
Gerald D. Layton (TX)
Steve F. Levicoff (PA)
Kevin C. Lewis (LA)
Richard M. Mackey (TX)
Timothy M. Malo (ME)
Paul J. Marshall (UT)
David L. McDonald (IL)
Kevin J. McGrath (MA)
Thomas K. Miszler (PA)
Jerry W. Murphy (MS)
Christopher D. Murray (NC)
Robert D. Noe (IL)
Kyle W. Parker (CA)
Timothy K. Price (WV)
Eric D. Roberts (MI)
Gary L. Roberts (CT)
Juan C. Rodriguez-Martinez (CA)
Tommy A. Rollins (GA)
Janice M. Rowles (PA)
William B. Rupert, Jr. (PA)
Ahmed A. Saleh (MI)
Bradlee R. Saxby (IL)
Robert M. Schmitz (IA)
Barry L. Schwab (MI)
Brian R. Schwint (IA)
Geoffrey E. Showaker (PA)
Nicholas J. Shultz (IN)
Dicky W. Shuttlesworth (TX)
Bryce J. Smith (UT)
David R. Sprenkel (PA)
Jeffrey R. Stevens (PA)
Artilla M. Thomas (IL)
George E. Thompson (NJ)
Dale W. Tucker (VA)
William C. Vickery (NY)
Robert A. Whitcomb (MA)
Rodney L. Wichman (IL)
Richard D. Wiegartz (IL)

The drivers were included in Docket Nos. FMCSA–2014–0019; FMCSA–2014–0020. Their exemptions are effective as of September 16, 2016, and will expire on September 16, 2018.

As of September 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 42477; 75 FR 57329):

Tommy S. Boden (ID)
Dustin G. Cook (OH)
Nathan J. Enloe (MO)
Joseph B. Hall (GA)
Mark H. Horne (NH)
Michael J. Hurst (MI)
Chad W. Lawyer (IN)
John R. Little (OK)
Thomas A. Mentley (NY)
Justin P. Sibigtroth (IL)
Duane A. Wages (ND)
Michael J. Williams (NY)
Edward L. Winget, Sr. (MS)

The drivers were included in Docket No. FMCSA–2010–0188. Their exemptions are effective as of September 20, 2016, and will expire on September 20, 2018.

As of September 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 46149; 77 FR 59450):

Kevin M. Brown (CO)
Vernon V. Cromartie (NJ)
Eric C. Fuller (AZ)
Matthew R. Lanciault (NH)
Steven L. Leslie (MI)
Del A. Meath (MN)
Benny D. Puck (IA)
Bob F. Rice (WA)

The drivers were included in Docket No. FMCSA–2012–0164. Their exemptions are effective as of September 27, 2016, and will expire on September 27, 2018. Each of the 97 drivers in the aforementioned groups qualifies for a renewal of the exemption. They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of the 97 drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption. The drivers were included in docket numbers FMCSA–2010–0188; FMCSA–2012–0164 FMCSA–2014–0019; FMCSA–2014–0020.

IV. Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 6, 2017.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 97 individuals from rule prohibiting persons with ITDM from operating CMVs in interstate commerce in 49 CFR 391.41(b)(3). The final decision to grant

an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the medical condition of each applicant for an exemption from rule prohibiting persons with ITDM from operating CMVs in interstate commerce. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

V. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket numbers FMCSA–2010–0188; FMCSA–2012–0164 FMCSA–2014–0019; FMCSA–2014–0020 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

VI. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2010–0188; FMCSA–2012–0164 FMCSA–2014–0019; FMCSA–2014–0020 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: February 28, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04382 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0071; FMCSA–2012–0044; FMCSA–2012–0107; FMCSA–2014–0015; FMCSA–2014–0016]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 78 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov*, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On December 29, 2016, FMCSA published a notice announcing its decision to renew exemptions for 78 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (81 FR 96176). The public comment period ended on January 30, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 78 renewal exemption applications and that no comments were received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3):

As of June 3, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the renewal conditions for obtaining an

exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 16946; 73 FR 31734):

Edward F. Connole (MA)
Gary D. Coonfield (MO)
Francis W. Devine (NJ)
Shannon D. Hanson (SD)
Aundra Menefield (MS)
James T. Rothwell (TN)
Randy A. Shannon (MT)
Dalton T. Smith, Jr. (IL)
Marvin D. Webster (KY)
Travis S. Wolfe (WV)

The drivers were included in docket No. FMCSA–2008–0071. Their exemptions are effective as of June 3, 2016, and will expire on June 3, 2018.

As of June 5, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 20876; 77 FR 33264):

Steven W. Beaty (SD)
David D. Brown (MI)
Evan P. Hansen (WI)
Todd A. Heitschmidt (WA)
John M. Kennedy, Jr. (NC)
Jeremy A. Ludolph (KS)
Gerald N. Martinson (ND)
Glenn D. Taylor (NY)
Thomas R. Toews (OR)
James E. Waller, III (GA)

The drivers were included in docket No. FMCSA–2012–0044. Their exemptions are effective as of June 5, 2016, and will expire on June 5, 2018.

As of June 12, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, John C. Fisher, Jr. (PA) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 22573; 79 FR 35855).

This driver was included in docket No. FMCSA–2014–0015. His exemption was effective as of June 12, 2016, and will expire on June 12, 2018.

As of June 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315,

Gary R. Harper (IN) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628).

This driver was included in docket No. FMCSA–2014–0016. His exemption was effective as of June 20, 2016, and will expire on June 20, 2018.

As of June 24, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 46 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 22573; 79 FR 35855):

Joshua T. Adams (OH)
Dennis W. Athey II (KS)
John M. Behan, Jr. (MD)
Peterson Benally (NM)
Kirk B. Berridge (KS)
Francis P. Bourgeois (LA)
Randall T. Buffkin (NC)
Terry S. Bunge (WI)
Heladio Castillo (WA)
Purvis J. Chesson (VA)
Bonnie F. Craig (OR)
Jeff T. Enbody (WA)
Larry S. Gibson, II (NC)
James M. Halapchuk (PA)
Jeffery A. Hall (ME)
Henry W. Hartman (NY)
Marlin R. Hein (IA)
Clifford E. Hill (WA)
Robert E. Hunt (MT)
Vincenzo Ingrassellino (NY)
Davis Jansen van Beek (MT)
Baek J. Kim (MD)
Shawn N. Kimble (PA)
Darrel G. Klauer (WI)
Stephen D. Lewis (NY)
Kerry W. McCarthy (IN)
Alvin McClain (OR)
Kenneth D. Mehmen (IA)
Kyle B. Mitchell (CA)
Thomas R. Moore, Jr. (AZ)
Michael A. Murrell (KY)
Ryan R. Ong (CA)
Gregory Paradiso (OH)
Brian K. Patenaude (MA)
Traci L. Patterson (CA)
Chad A. Powell (MO)
Richard C. Schendel (MN)
William A. Schimpf (CA)
Frank J. Sciulli (PA)
Bryan J. Smith (ND)
Edward L. Stauffer (PA)
William H. Stone, Sr. (FL)
Kyle G. Streit (TX)
Joseph D. Stutzman (PA)
Raymond J. Vaillancourt (OH)
Robert L. Weiland (PA)

The drivers were included in docket No. FMCSA–2014–0015. Their exemptions are effective as of June 24, 2016, and will expire on June 24, 2018.

As of June 26, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, Thomas R. Riley (IL) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628).

This driver was included in docket No. FMCSA–2014–0016. His exemption was effective as of June 26, 2016, and will expire on June 26, 2018.

As of June 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 9 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 27842; 77 FR 38383):

Matthew R. Bagwell (NY)
Eric J. Bright (IL)
Kyle D. Dale (MO)
Frank E. Glenn (IL)
Kevin N. Mitchell (GA)
Gerald Perkins (CA)
Donald L. Philpott (WA)
John Randolph (OK)
Courtney R. Schiebout (IA)

The drivers were included in docket No. FMCSA–2012–0107. Their exemptions are effective as of June 27, 2016, and will expire on June 27, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04386 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–[2016–0380]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 43 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on January 13, 2017. The exemptions expire on January 13, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA,

Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On December 13, 2016, FMCSA published a notice of receipt of Federal diabetes exemption applications from 43 individuals and requested comments from the public (81 FR 90054.) The public comment period closed on January 12, 2017, and two comments were received.

FMCSA has evaluated the eligibility of the 43 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 43 applicants have had ITDM over a range of 1 to 31 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the December 13, 2016, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received two comments in this proceeding. Alexandra Warburton stated that she believes all the drivers in this notice should receive the exemptions. John Jackson stated that he does not believe Marcus D. Wade should be given an exemption due to issues related to diabetes. FMCSA has reviewed Mr. Wade's application and determined that granting him an exemption would achieve an equivalent or greater level of safety than would be achieved without the exemption. The Agency encourages Mr. Jackson, or any other party, to submit any additional information to FMCSA regarding Mr. Wade's condition that would substantiate the claims in the aforementioned comment.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 43 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(3), subject to the requirements cited above 49 CFR 391.64(b):

Tony E. Allen (NY)
Habib Awol (MD)
Michael J. Beatty (PA)
Troy J. Bolduc (NH)
James W. Britt (NC)
Gilberto A. Cortez (NC)
Lawrence Davidson (NM)

Julio Duval-Medina (NJ)
Darlene R. Errichetto (MA)
Michael D. Ezell (GA)
Thomas E. Fey (NY)
Arthur Freeman, Jr. (FL)
Gregory L. Grieves (OH)
Gregory S. Gustafson (TN)
Becky S. Hanley (NE)
Frederick M. Harris (CA)
Brian W. Hinzman (SD)
Emory S. Hudson, Jr. (GA)
Paul E. Iacobacci (MA)
David A. Kutcher (OH)
Tony M. Lawrence (NY)
Ronald E. Lockridge (IN)
Eileen E. Manning (WI)
Warren G. Marlow, Jr. (IN)
Edward S. Marshall (ME)
Arthur D. McFadden, Sr. (IA)
Jeffrey S. Moyer (WA)
Joseph M. Mraw (NJ)
Richard K. E. Nelson (VA)
Charles W. Norris (MA)
Kevin W. Pochopin (NY)
Antonio S. Romao (MA)
Paul Ross, Jr. (GA)
Matthew G. Russo, Jr (NJ)
Cole J. Schoenneman (CA)
Charles W. Scott, Jr. (MD)
Mickey J. Self (GA)
Jeffrey E. Sobczak (WI)
Michael D. Strickland (IL)
Vince D. Venezia (PA)
Jared M. Wabeke (MI)
Marcus D. Wade (IL)
Tanner R. Walsh (MN)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: February 27, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04389 Filed 3–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0248, 400 7th Street SW., Suite 3E–218, mail stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0248, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information that 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. The OCC requests that OMB extend approval of the following information collection.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control No.: 1557–0248.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Frequency of Response: On occasion.

Burden Estimate:

Number of Respondents: 3,000.

Total Annual Burden: 2,350.

Description: This generic information collection request (ICR) provides a means to solicit qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery. Qualitative feedback is information that provides useful insights on perceptions and opinions but does not include statistical survey or quantitative results that can be attributed to the population of study. This qualitative feedback provides insights into customer or stakeholder perceptions, experiences, and expectations; provides an early warning of issues with service; and/or focuses attention on areas where communication, training, or changes in operations might improve delivery of products or services. It also enables

ongoing, collaborative, and actionable communications between the OCC and its customers and stakeholders, while also utilizing feedback to improve program management.

Soliciting feedback targets areas such as timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues related to service delivery. The responses are used to inform and plan efforts to improve or maintain the quality of service offered to the public. If the OCC does not collect this information, it will not have access to vital feedback from customers and stakeholders.

Under this generic ICR, the OCC will submit a specific information collection for approval only if the collection meets the following conditions:

- It is voluntary;
- It imposes a low burden on respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and a low cost on both respondents and the Federal government;
- It is non-controversial and does not raise issues of concern to other Federal agencies;
- It is targeted to solicit opinions from respondents who have experience with the program or will have such experience in the near future;
- It includes personally identifiable information (PII) only to the extent necessary, and the OCC does not retain the PII; [1]
- It gathers information intended to be used internally only for general service improvement and program management purposes and not intended for release outside of the OCC (if released, the OCC must indicate the qualitative nature of the information);
- It does not gather information to be used for the purpose of substantially informing influential policy decisions; and
- It gathers information that will yield qualitative information and will not be designed or expected to yield statistically reliable results or used to reach general conclusions about the population of study.

Feedback collected provides useful information, but it does not yield data that can be attributed to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature.

Comments: The OCC issued a notice for 60 days of comment on December 27, 2016, 81 FR 95301. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

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

(d) Ways to minimize the burden of the collection 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.

Dated: March 1, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–04394 Filed 3–6–17; 8:45 am]

BILLING CODE 4810–33–P

[1] The OCC may retain PII only in limited circumstances, and if it does so, the OCC must comply with applicable requirements, restrictions, and prohibitions of the Privacy Act and other privacy and confidentiality laws that govern the collection, retention, use, and/or disclosure of such PII.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning carryover allocations and other rules relating to the low-income housing credit, and the section 42 utility allowance regulations concerning the low-income housing tax credit.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Carryover Allocations and Other Rules Relating to the Low-Income Housing Credit.

OMB Number: 1545–1102.

Regulation Project Number: TD 8520 (Final), TD 9420 (Final).

Abstract: The regulations provide the Service the information it needs to ensure that low-income housing tax credits are being properly allocated under section 42. This is accomplished through the use of carryover allocation documents, election statements, and binding agreements executed between taxpayers (*e.g.* individuals, businesses, etc.) and housing credit agencies.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 4,430.

Estimated Time per Respondent: 1 hour, 50 minutes.

Estimated Total Annual Burden Hours: 4,008.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 24, 2017.

Tuawana Pinkston,

Supervisory Tax Analyst.

[FR Doc. 2017–04334 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 13094

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 13094, Recommendation for Juvenile Employment with the Internal Revenue Service.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Laurie Brimmer at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5756, or through the internet at *Laurie.E.Brimmer@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Recommendation for Juvenile Employment with the Internal Revenue Service.

OMB Number: 1545–1746.

Form Number: Form 13049.

Abstract: The Form ''Recommendation for Juvenile Employment with the Internal Revenue Service'', is used by 13 Delegated Examining Units and 16 Area Personnel Offices throughout the IRS as a mechanism to screen out questionable applicants when considering juveniles for employment in taxpayers remittance and submission processing functions.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 208.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2017.

Tuawana Pinkston,

IRS Tax Analyst.

[FR Doc. 2017–04336 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request on Information Collection Tools Relating to Using Omnibus Surveys

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning an existing data-driven satisfaction surveys to understand customer opinion.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the collection tools should be directed to Laurie Brimmer, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202)317–5756, or through the internet at *Laurie.E.Brimmer@irs.gov.*

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Collection of Qualitative Feedback on Agency Service Delivery.

OMB Number: 1545–2255.

Form Number: N/A.

Abstract: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our programs are effective and meet our customers' needs, The Internal Revenue Service seeks to obtain OMB approval of a generic clearance to collect qualitative

feedback on our service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study.

Current Actions: There are no changes being made to the Omnibus Survey at this time.

Type of Review: Extension without change of currently approved collection.

Affected Public: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Estimated Number of Respondents: 90,000.

Estimated Time per Respondent: 3 min.

Estimated Total Annual Burden Hours: 4,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 27, 2017.

Tuawana Pinkston,

IRS Reports Clearance Officer.

[FR Doc. 2017–04327 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Statements to Recipients of Dividend Payments

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the statements to recipients of dividend payments.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 317–5746, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Statements to recipients of dividend payments.

OMB Number: 1545–0747.

Form Number: 5498.

Abstract: Form 5498 is used by trustees and issuers to report contributions to, and the fair market value of, an individual retirement arrangement (IRA). The information on the form will be used by IRS to verify compliance with the reporting rules under regulation section 1.408–5 and to verify that the participant in the IRA has made the contribution for which he or she is taking a deduction.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 25,000

Estimated Number of Responses: 118,858,000.

Estimated Time per Respondent: 24 minutes.

Estimated Total Annual Burden Hours: 48,731,780.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2017.

R. Joseph Durbala,

Tax Analyst, IRS.

[FR Doc. 2017–04328 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8038–R

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the IRS is soliciting comments concerning Form 8038–R, Request for Recovery of Overpayments Under Arbitrage Rebate Provisions.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, Room 6511, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Recovery of Overpayments Under Arbitrage Rebate Provisions.

OMB Number: 1545–1750.

Form Number: 8038–R.

Abstract: Under Treasury Regulations section 1.148–3(i), bond issuers may recover an overpayment of arbitrage rebate paid to the United States under Internal Revenue Code section 148. Form 8038–R is used to request recovery of any overpayment of arbitrage rebate made under the arbitrage rebate provisions.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 12 hours, 16 minutes.

Estimated Total Annual Burden Hours: 2,458.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2017.

R. Joseph Durbala,

Tax Analyst, IRS.

[FR Doc. 2017–04339 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8838

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8838, Consent To Extend the Time To Assess Tax Under Section 367-Gain Recognition Agreement.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Consent To Extend the Time To Assess Tax Under Section 367-Gain Recognition Agreement.

OMB Number: 1545–1395.

Form Number: 8838.

Abstract: Form 8838 is used to extend the statute of limitations for U.S. persons who transfer stock or securities to a foreign corporation. The form is filed when the transferor makes a gain recognition agreement. This agreement allows the transferor to defer the payment of tax on the transfer. The IRS uses Form 8838 so that it may assess tax against the transferor after the expiration of the original statute of limitations.

Current Actions: There are no changes being made to the Form 8838 at this time.

Type of Review: Extension of a current approval.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 666.

Estimated Time per Respondent: 8 hrs., 14 min.

Estimated Total Annual Burden Hours: 5,482.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All

comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2017.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2017–04340 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8886–T

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Currently, the IRS is soliciting comments concerning Form 8886–T, Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6141, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 317–5746, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disclosure by Tax-Exempt Entity Regarding Prohibited Tax Shelter Transaction.

OMB Number: 1545–2078.

Form Number: Form 8886–T.

Abstract: Certain tax-exempt entities are required to file Form 8886–T to disclose information for each prohibited tax shelter transaction to which the entity was a party.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 6,500.

Estimated Time per Respondent: 10 hours 49 minutes.

Estimated Total Annual Burden Hours: 70,395.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2017.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2017–04335 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8941

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8941, Credit for Small Employer Health Insurance Premiums.

DATES: Written comments should be received on or before May 8, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to Tuawana Pinkston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Credit for Small Employer Health Insurance Premiums.

OMB Number: 1545–2198.

Form Number: Form 8941.

Abstract: Section 1421 of the Patient Protection and Affordable Care Act, PL 111–148, allows qualified small employers to elect, beginning in 2010, a tax credit for 50% of their employee health care coverage expenses. Form 8941, Credit for Small Employer Health Insurance Premiums, has been developed to help employers compute the tax credit.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of previously approved collection.

Affected Public: Individuals or households, Business or other for-profit groups, Not-for-profit institutions, Farms, Federal Government, State, Local, or Tribal Governments.

Estimated Number of Responses: 3,046,964.

Estimated Time per Respondent: 14 hours 46 minutes.

Estimated Total Annual Burden Hours: 34,278,346.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2017.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2017–04338 Filed 3–6–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Change in Minimum Funding Method

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request(s) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on the collection(s) listed below.

DATES: Comments should be received on or before April 6, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Change in Minimum Funding Method (Rev. Proc. 2000–41).

OMB Control Number: 1545–1704.

Type of Review: Reinstatement of a previously approved collection.

Abstract: This revenue procedure provides a mechanism whereby a plan sponsor or plan administrator may obtain a determination from the Internal Revenue Service that its proposed change in the method of funding its pension plan(s) meets the standards of sections 412 of the Internal Revenue Code. This updates Rev. Proc. 2000–41 based on changes in law primarily due to the Pension Protection Act of 2006.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 5,400.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 1, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–04321 Filed 3–6–17; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee Public Meeting

Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for March 15, 2017.

Date: March 15, 2017.

Time: 10:00 a.m. to 2:30 p.m.

Location: Conference Room A&B, United States Mint, 801 9th Street NW., Washington, DC 20220.

Subject: Review and discussion of candidate designs for the 2018 World War I Armed Forces Silver Medals, and the American Eagle Palladium Bullion Coin; and a discussion of concepts and themes for the Filipino Veterans of World War II Congressional Gold Medal.

Interested members of the public may either attend the meeting in person or dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

Members of the public interested in attending the meeting in person will be admitted into the meeting room on a first-come, first-serve basis as space is limited. Conference Room A&B can accommodate up to 50 members of the public at any one time. In addition, all persons entering a United States Mint facility must adhere to building security protocol. This means they must consent to the search of their persons and objects in their possession while on government grounds and when they

enter and leave the facility, and are prohibited from bringing the following items into the facility:

- Illegal drugs, drug paraphernalia, and contraband;
- Weapons of any type.

The United States Mint Police Officer conducting the screening will evaluate whether an item may enter into or exit from a facility based upon federal law, Treasury policy, United States Mint Policy, and local operating procedure; and all prohibited and unauthorized items will be subject to confiscation and disposal.

For Further Information Contact: Betty Birdsong, Acting United States Mint Liaison to the CCAC; 801 9th Street NW., Washington, DC 20220; or call 202–354–7200.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: March 2, 2017.

David Motl,

Acting Principal Deputy Director, United States Mint.

[FR Doc. 2017–04466 Filed 3–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0051]

Agency Information Collection Activity Under OMB Review: Supporting Statement for State Approving Agency Reports and Notices

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0051'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.*

Please refer to ''OMB Control No. 2900–0094.''

SUPPLEMENTARY INFORMATION:

Title: Supporting Statement for State Approving Agency Reports and Notices 38 CFR 21.4154, 21.4250(b), 21.4258, 21.4259.

OMB Control Number: 2900–0051.

Type of Review: Revision of a currently approved collection.

Abstract: 2900–0051 is for information reports provided by State Approving Agencies. VA will use data collected to determine the number of annual disapprovals and approvals for programs of education.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on Vol. 81, No. 248, Tuesday, December 27, 2016, pages 95313 and 95314.

Affected Public: State Approving Agencies.

Estimated Annual Burden: 97,012 hours.

Estimated Average Burden per Respondent: 11 hours.

Frequency of Response: Annual.

Estimated Number of Respondents: 53.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Agency Clearance Officer, Office of Privacy and Records Management, Department of Veteran Affairs.

[FR Doc. 2017–04428 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0043]

Agency Information Collection Activity Under OMB Review (Declaration of Status of Dependents (VA Form 21–686c))

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0043'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0043'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Declaration of Status of Dependents (VA Form 21–686c).

OMB Control Number: 2900–0043.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–686c is necessary to obtain current marital and dependency information in order to determine the proper rate of payment for Veterans and surviving spouses who are entitled to an additional allowance for dependents.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 81 FR 240, on December 14, 2016, page 90411.

Affected Public: Individuals or Households.

Estimated Annual Burden: 56,500.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 226,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04344 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0809]

Agency Information Collection Activity (Hand and Finger Conditions Disability Benefits Questionnaire (VA Form 21–0960M–7))

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–7, Hand and Finger Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a hand or finger condition.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 8, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0809'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: (Hand and Finger Conditions Disability Benefits Questionnaire (VA Form 21–0960M–7)).

OMB Control Number: 2900–0809.

Type of Review: Extension without change of an approved collection.

Abstract: VA Form 21–0960 series is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations. VA gathers medical information related to the claimant that is necessary to adjudicate the claim for VA disability benefits. The Disability Benefit Questionnaire title will include the name of the specific disability for which it will gather information. VAF 21–0960M–7, Hand and Finger Conditions Disability Benefits Questionnaire, will gather information related to the claimant's diagnosis of a hand or finger condition.

Affected Public: Individuals or households.

Estimated Annual Burden: 15,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 30,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04348 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0659]

Agency Information Collection Activity Under OMB Review: Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) and Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0659'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0659'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) (VA Form 21–0781) and Support of Claim for Service

Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault (VA Form 21–0781a).

OMB Control Number: 2900–0659.

Type of Review: Revision of a currently approved collection.

Abstract: VA Forms 21–0781 and 21–0781a are used to gather specific information about in-service stressors, so VA can assist claimants in obtaining credible supporting evidence that the claimed stressors occurred. In-service stressors reported by veterans must be verifiable. VA cannot thoroughly research military records and other sources of information for credible supporting evidence unless the veteran provides VA with specific information about the in-service stressors. The forms request information that is necessary to conduct meaningful research of records.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 81 FR 241 on December 15, 2016, pages 90922 and 90923.

Affected Public: Individuals or Households.

Estimated Annual Burden: 17,780.

Estimated Average Burden per Respondent: 70 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 15,240.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04429 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0404]

Agency Information Collection Activity: Application for Increased Compensation Based on Unemployability (VA Form 21–8940)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–8940 is used by veterans to apply for increased VA disability compensation based on the inability to secure or follow a substantially gainful occupation due to service connected disabilities. Without the information, entitlement to individual unemployability benefits could not be determined.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 8, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0404'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veteran's Application for Increased Compensation Based on Unemployability (VA Form 8940).

OMB Control Number: 2900–0404.

Type of Review: Extension of an approved collection.

Abstract: VA Form 21–8940 is used by veterans to apply for increased VA disability compensation based on the inability to secure or follow a substantially gainful occupation due to service connected disabilities. Without the information, entitlement to individual unemployability benefits could not be determined.

Affected Public: Individuals or households.

Estimated Annual Burden: 18,000 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 24,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04346 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0808]

Agency Information Collection Activity Under OMB Review: (Back (Thoracolumbar Spine) Conditions Disability Benefits Questionnaire (VA Form 21–0960M–14)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB

Control No. 2900–0808'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0808'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: (Back (Thoracolumbar Spine) Conditions Disability Benefits Questionnaire (VA Form 21–0960M–14).

OMB Control Number: 2900–0808.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 21–0960M–14 is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Vol. 81, No. 250, Thursday, December 29, 2016, page 96202.

Affected Public: Individuals or Households.

Estimated Annual Burden: 37,500.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04423 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0810]

Agency Information Collection Activity Under OMB Review: (Foot Conditions Including Flatfoot (Pes Planus) Disability Benefits Questionnaire (VA Form 21–0960M–6)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0810'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0810'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: (Foot Conditions Including Flatfoot (Pes Planus) Disability Benefits Questionnaire (VA Form 21–0960M–6).

OMB Control Number: 2900–0810.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 21–0960M–6 is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Vol. 81, No. 250, Thursday, December 29, 2016, pages 96201 and 96202.

Affected Public: Individuals or Households.

Estimated Annual Burden: 40,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 80,000.

By direction of the Secretary:

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04424 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0655]

Agency Information Collection Activity Under OMB Review (Residency Verification Report—Veterans and Survivors (FL 21–914))

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0655'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0655'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Residency Verification Report—Veterans and Survivors (FL 21–914).

OMB Control Number: 2900–0655.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form Letter 21–914 gathers the information necessary to

verify that a Filipino veteran or beneficiary who is receiving benefits at the full-dollar rate based on U.S. residency continues to meet the residency requirements. The proper rate of payment could not be determined without this information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 81 FR 240, on Dec 14, 2016, pages 90411 and 90412.

Affected Public: Individuals or Households.

Estimated Annual Burden: 417.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,250.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04345 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Cost of Living Adjustments Effective December 1, 2016

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by law, the Department of Veterans Affairs (VA) is hereby giving notice of cost-of-living adjustments (COLAs) in certain benefit rates and income limitations. These COLAs affect the pension, and parents' dependency and indemnity compensation (DIC) programs. The rate of the adjustment is tied to the increase in Social Security benefits effective December 1, 2016, as announced by the Social Security Administration (SSA). SSA has announced an increase of 0.3%.

DATES: The COLAs are effective December 1, 2016.

FOR FURTHER INFORMATION CONTACT: Daniel McCargar, Pension Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (612–713–8911).

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 5312 and section 306 of Public Law 95–588, VA is required to increase the benefit rates and income limitations in the pension and parents' DIC programs by the same percentage, and effective the same date, as increases in the benefit amounts payable under title II of the Social Security Act. The increased rates and income limitations are also required to be published in the **Federal Register**.

The Social Security Administration has announced that there will be a 0.3% COLA increase in Social Security benefits effective December 1, 2016. Therefore, applying the same percentage and rounding in accordance with 38 CFR 3.29, the following increased rates and income limitations for the VA pension and parents' DIC programs will be effective December 1, 2016:

Pension

Maximum Annual Rates

(1) Veterans permanently and totally disabled (38 U.S.C. 1521):
Veteran with no dependents, $12,907
Veteran with one dependent, $16,902
For each additional dependent, $2,205

(2) Veterans in need of aid and attendance (38 U.S.C. 1521):
Veteran with no dependents, $21,531
Veteran with one dependent, $25,525
For each additional dependent, $2,205

(3) Veterans who are housebound (38 U.S.C. 1521):
Veteran with no dependents, $15,773
Veteran with one dependent, $19,770
For each additional dependent, $2,205

(4) Two veterans married to one another, combined rates (38 U.S.C. 1521):
Neither veteran in need of aid and attendance or housebound, $16,902
Either veteran in need of aid and attendance, $25,525
Both veterans in need of aid and attendance, $34,153
Either veteran housebound, $19,770
Both veterans housebound, $22,634
One veteran housebound and one veteran in need of aid and attendance, $28,385
For each dependent child, $2,205
Mexican border period and World War I veterans: The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this table shall be increased by $2,932. (38 U.S.C. 1521(g))

(5) Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 1541):
Surviving spouse alone, $8,656
Surviving spouse and one child in his or her custody, $11,330
For each additional child in his or her custody, $2,205

(6) Surviving spouses in need of aid and attendance (38 U.S.C. 1541):
Surviving spouse alone, $13,836
Surviving spouse with one child in custody, $16,506
Surviving Spouse of Spanish-American War veteran alone, $14,397
Surviving Spouse of Spanish-American War veteran with one child in custody, $17,006
For each additional child in his or her custody, $2,205

(7) Surviving spouses who are housebound (38 U.S.C. 1541):
Surviving spouse alone, $10,580
Surviving spouse and one child in his or her custody, $13,249
For each additional child in his or her custody, $2,205

(8) Surviving child alone (38 U.S.C. 1542), $2,205
Reduction for income: The rate payable is the applicable maximum rate minus the countable annual income of the eligible person. (38 U.S.C. 1521, 1541 and 1542).

Parents' DIC

DIC shall be paid monthly to parents of a deceased veteran in the following amounts (38 U.S.C. 1315):

One parent (38 U.S.C. 1315(b)): If there is only one parent, the monthly rate of DIC paid to such parent shall be $622 reduced on the basis of the parent's annual income according to the following formula:

For each $1 of annual income which is more than $0.00 but not more than $800, the $622 monthly rate shall not be reduced.

For each $1 of annual income which is more than $800 but not more than $8,512, the monthly rate shall be reduced by $0.08.

For each $1 of annual income which is more than $8,512 but not more than $8,513, the monthly rate shall be reduced by $0.04.

For each $1 of annual income which is more than $8,513, the monthly rate will not be reduced.

No Parents' DIC is payable under this table if annual income exceeds $14,680.

One parent who has remarried: If there is only one parent and the parent has remarried and is living with the parent's spouse, DIC shall be paid under 38 U.S.C. 1315(b) or under 38 U.S.C. 1315(d), whichever shall result in the greater benefit being paid to the veteran's parent. In the case of remarriage, the total combined annual income of the parent and the parent's spouse shall be counted in determining the monthly rate of DIC.

One of two parents not living with spouse (38 U.S.C. 1315(c)): The rates in Table 3 apply to (1) two parents who are

not living together, or (2) an unmarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $450 reduced on the basis of each parent's annual income, according to the following formula:

For each $1 of annual income which is more than $0 but not more than $800, the $450 monthly rate shall not be reduced.

For each $1 of annual income which is more than $800 but not more than $900, the monthly rate shall be reduced by $0.06.

For each $1 of annual income which is more than $900 but not more than $1,100, the monthly rate shall be reduced by $0.07.

For each $1 of annual income which is more than $1,100 but not more than $6,412, the monthly rate shall be reduced by $0.08.

For each $1 of annual income more than $6,412 but not more than $6,413, the monthly rate shall be reduced by $0.04.

For each $1 of annual income which is more than $6,413, the monthly rate shall not be reduced.

No Parents' DIC is payable under this table if annual income exceeds $14,680.

One of two parents living with spouse or other parent (38 U.S.C. 1315(d)): The rates below apply to each parent living with another parent; and each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $423 reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For each $1 of annual income which is more than $0 but not more than $1,000, the $423 monthly rate shall not be reduced.

For each $1 of annual income which is more than $1,000 but not more than $1,500, the monthly rate shall be reduced by $0.03.

For each $1 of annual income which is more than $1,500 but not more than $1,900, the monthly rate shall be reduced by $0.04.

For each $1 of annual income which is more than $1,900 but not more than $2,400, the monthly rate shall be reduced by $0.05.

For each $1 of annual income which is more than $2,400 but not more than $2,900, the monthly rate shall be reduced by $0.06.

For each $1 of annual income which is more than $2,900 but not more than $3,200, the monthly rate shall be reduced by $0.07.

For each $1 of annual income which is more than $3,200 but not more than $7,087, the monthly rate shall be reduced by $0.08.

For each $1 of annual income which is more than $7,087 but not more than $7,088, the monthly rate shall be reduced by $0.04.

For each $1 of annual income which is more than $7,088, the monthly rate shall not be reduced.

No Parents' DIC is payable if the annual income exceeds $19,733.

These rates are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in Table 2 for one parent.

Aid and attendance: The monthly rate of DIC payable to a parent under Tables 2 through 4 shall be increased by $337 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

Minimum rate: The monthly rate of DIC payable to any parent under Tables 2 through 4 shall not be less than $5.

Section 306 Pension Income Limitations

Veteran or surviving spouse with no dependents, $14,680 (Pub. L. 95–588, section 306(a))

Veteran in need of aid and attendance with no dependents, $15,208 (38 U.S.C. 1521(d) as in effect on December 31, 1978

Veteran or surviving spouse with one or more dependents, $19,733 (Pub. L. 95–588, section 306(a))

Veteran in need of aid and attendance with one or more dependents, $20,260 (38 U.S.C. 1521(d) as in effect on December 31, 1978)

Child (no entitled veteran or surviving spouse), $12,003 (Pub. L. 95–588, section 306(a))

Spouse income exclusion (38 CFR 3.262), $4,688 (Pub. L. 95–588, section 306(a)(2)(B))

Old-Law Pension Income Limitations

Veteran or surviving spouse without dependents or an entitled child, $12,854 (Pub. L. 95–588, section 306(b))

Veteran or surviving spouse with one or more dependents, $18,528 (Pub. L. 95–588, section 306(b))

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on February 16, 2017, for publication.

Dated: February 16, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–04356 Filed 3–6–17; 8:45 a.m.]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0114]

Agency Information Collection Activity: Statement of Marital Relationship (VA Form 21–4170)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

VA Form 21–4170 is used to gather information that is necessary to determine whether a valid common law marriage was established. The form is used by persons claiming to be common law widows/widowers of deceased veterans and by veterans and their claimed common law spouses. Benefits cannot be authorized unless a valid marriage is established.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 8, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0114'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement of Marital Relationship (VA Form 21–4170).

OMB Control Number: 2900–0114.

Type of Review: Revision of an approved collection.

Abstract: VA Form 21–4170 is used to gather information that is necessary to determine whether a valid common law marriage was established. The form is used by persons claiming to be common law widows/widowers of deceased veterans and by veterans and their claimed common law spouses. Benefits cannot be authorized unless a valid marriage is established.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,708 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 6,500.

By direction of the Secretary.

Cynthia Harvey-Pryor

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04349 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0811]

Agency Information Collection Activity Under OMB Review: (Hip and Thigh Conditions Disability Benefits Questionnaire (VA Form 21–0960M–8)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th Street NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0811'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0811'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Hip and Thigh Conditions Disability Benefits Questionnaire (VA Form 21–0960M–8).

OMB Control Number: 2900–0811.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 21–0960M–8 is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Vol. 81, No. 249, Wednesday, December 28, 2016, page 95735.

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04425 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0215]

Agency Information Collection Activity Under OMB Review: Request for Information To Make Direct Payment to Child Reaching Majority

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0215'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB

Control No. 2900–0215'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Request for Information to Make Direct Payment to Child Reaching Majority (FL 21–863).

OMB Control Number: 2900–0215.

Type of Review: Extension of a currently approved collection.

Abstract:

VA Form Letter 21–863 is used to gather the necessary information to determine a schoolchild's continued eligibility to VA death benefits and eligibility to direct payment at the age of majority.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 81 FR 240 on December 14, 2016, page 90412.

Affected Public: Individuals or Households.

Estimated Annual Burden: 3 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 20.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04430 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity Under OMB Review (Application for Approval of a Program in a Foreign Country, VA Form 22–0976)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–NEW'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or FAX (202) 632–8925, or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–NEW.''

SUPPLEMENTARY INFORMATION:

Title: Application for Approval of a Program in a Foreign Country, VA Form 22–0976.

OMB Control Number: 2900–NEW.

Type of Review: New Information Collection Request.

Abstract: This form (VA Form 22–0976) is used by foreign educational institutions seeking approval for their postsecondary programs. VA uses the information to determine if a program offered by the foreign educational institution is approvable under CFR 21.4260.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Volume 81, No. 213, Thursday, November 3, 2016, pages 76698 and 76699.

Affected Public: Not-for-profit Institutions.

Estimated Annual Burden: 50.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 150.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04431 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0812]

Agency Information Collection Activity Under OMB Review: (Elbow and Forearm Conditions Disability Benefits Questionnaire (VA Form 21–0960M–4)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0812'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0812'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: (Elbow and Forearm Conditions Disability Benefits Questionnaire (VA Form 21–0960M–4).

OMB Control Number: 2900–0812.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 21–0960M–4 is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period

soliciting comments on this collection of information was published at Vol. 81, No. 249, Wednesday, December 28, 2016, pages 95734 and 95735.

Affected Public: Individuals or Households.

Estimated Annual Burden: 10,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 20,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04426 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0813]

Agency Information Collection Activity Under OMB Review: Knee and Lower Leg Conditions Disability Benefits Questionnaire (VA Form 21–0960M–9)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 6, 2017.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0813'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0813'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: (Knee and Lower Leg Conditions Disability Benefits Questionnaire (VA Form 21–0960M–9).

OMB Control Number: 2900–0813.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 21–0960M–9 is used to gather necessary information from a claimant's treating physician regarding the results of medical examinations.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at Vol. 81, No. 249, Wednesday, December 28, 2016, pages 95734.

Affected Public: Individuals or Households.

Estimated Annual Burden: 25,000.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04427 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0474]

Agency Information Collection Activity: Create Payment Request for the VA Funding Fee Payment System (VA Form 26–8986)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) or 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed *extension,* of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice.

This notice solicits comments on information needed to exempt a veteran from paying a funding fee.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 8, 2017.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0474'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Create Payment Request for the VA Funding Fee Payment System (VA Form 26–8986).

OMB Control Number: 2900–0474.

Type of Review: Revision of an approved collection.

Abstract: A funding fee must be paid to VA before a loan can be guaranteed. The funding fee is payable on all VA-guaranteed loans, *i.e.,* Assumptions, Manufactured Housing, Refinances, and Real Estate purchase and construction loans. The funding fee is not required from veterans in receipt of compensation for service connected disability or veterans in receipt of

compensation for service connected disability of veterans who, but for receipt of retirement pay, would be entitled to receive compensation for their service connected disability. Loans made to the unmarried surviving spouses of veterans (who have died in service or from service connected disability) are exempted from payment of the funding fee, regardless of whether the spouse has his/her own eligibility, provided that the spouse has used his/her eligibility to obtain a VA-guaranteed loan. For a loan to be eligible for guaranty, lender's must provide a copy of the Funding Fee Receipt or evidence the veteran is exempt from the requirement of paying the funding fee. The receipt is computer generated and mailed to the lender ID number address that was entered into an Automated Clearing House (ACH) service.

Affected Public: Business or other for profit.

Estimated Annual Burden: 13,334 hours.

Estimated Average Burden Per Respondent: 2 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 400,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2017–04347 Filed 3–6–17; 8:45 am]

BILLING CODE 8320–01–P

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