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Contents

Federal Register

Vol. 82, No. 47

Monday, March 13, 2017

Agriculture Department
See Animal and Plant Health Inspection Service
See National Agricultural Statistics Service

Animal and Plant Health Inspection Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Student Outreach Program, 13428

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Low Income Home Energy Assistance Program (LIHEAP) Leveraging Report, 13456–13457

Coast Guard
PROPOSED RULES
Safety Zones:
Xterra Swim, Myrtle Beach, SC Intracoastal Waterway; Myrtle Beach, SC, 13410–13413

Commerce Department
See Economic Development Administration
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Community Living Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Proposed Extension with No Changes of a Currently Approved Collection; National Survey of Older Americans Act Participants, 13457–13458

Defense Department
See Navy Department

Drug Enforcement Administration
NOTICES
Bulk Manufacturers of Controlled Substances; Applications:
Siemens Healthcare Diagnostics, Inc., 13506

Economic Development Administration
NOTICES
Trade Adjustment Assistance Eligibility; Petitions, 13430–13431

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13451–13452
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Grants under the Alaska Native and Native Hawaiian-Serving Institutions Program, Part A/F, 13450
Grant Application Form for Project Objectives and Performance Measures Information, 13451
Applications for New Awards:
Gaining Early Awareness and Readiness for Undergraduate Programs (State Grants), 13442–13450
Indian Education Formula Grants to Local Educational Agencies; Part I of the Formula Grant Electronic Application System for Indian Education Applications, 13438–13442
Waivers:
Comprehensive Centers Program, 13452–13454

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Approval of Air Plan Revisions, Yolo-Solano Air Quality Management District, 13398–13399
California; Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County Fine Particulate Matter Nonattainment Area, 13392–13398
California; Owens Valley Serious Area Plan for the 1987 24-Hour PM10 Standard, 13390–13392
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
California; Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County Fine Particulate Matter Nonattainment Area, 13413

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Airplanes, 13379–13385
Bombardier, Inc. Airplanes, 13385–13388
Restricted Areas:
Modification of R–7201, Farallon De Medinilla Island, Mariana Islands, 13389–13390
PROPOSED RULES
Airworthiness Directives:
Airbus Airplanes, 13405–13407
Establishment of Class E Airspace:
Cisco, TX, 13409–13410
Establishment of Class E Airspace:
Sacramento, CA, 13407–13409

Federal Bureau of Investigation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Incident-Based Reporting System, 13506–13507

Federal Communications Commission
PROPOSED RULES
Connect America Fund:
Universal Service Reform—Mobility Fund, 13413–13418

Federal Deposit Insurance Corporation
NOTICES
Meetings:
Advisory Committee on Community Banking, 13455–13456
Terminations of Receivership:
Marco Community Bank, Marco Island, FL, 13456

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 13456

Federal Emergency Management Agency
RULES
Suspensions of Community Eligibility, 13399–13401
NOTICES
Flood Hazard Determinations, 13472
Flood Hazard Determinations; Changes, 13465–13470, 13473–13482
Flood Hazard Determinations; Proposals, 13470–13471, 13482–13484
Major Disaster Declarations:
Louisiana; Amendment No. 7, 13482

Federal Energy Regulatory Commission
RULES
Safety of Water Power Projects and Project Works; CFR Correction, 13390
NOTICES
Environmental Assessments; Availability, etc.:
Texas Eastern Transmission, LP, Idle Line 1 Abandonment Project, 13455
Filings:
Shults, Emily C., 13454
Hydroelectric Applications:
Public Utility District No. 1 of Pend Oreille County, WA, 13454–13455

Federal Motor Carrier Safety Administration
NOTICES
Qualification of Drivers; Exemption Applications:
Diabetes, 13541–13543

Fish and Wildlife Service
NOTICES
Endangered Species Permits; Applications, 13486–13487
Endangered Species Recovery Permit Applications, 13485–13486
Incidental Take Permit Applications:
American Burying Beetle Amended Oil and Gas Industry Conservation Plan in Oklahoma, 13487–13488

Food and Drug Administration
NOTICES
Meetings:
United States Food and Drug Administration and Health Canada Joint Regional Consultation on International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use, 13458–13459

Foreign-Trade Zones Board
NOTICES
Reorganizations under Alternative Site Framework:
Foreign-Trade Zone 257, Imperial County, CA, 13431
Subzone Approvals:
ExxonMobil Oil Corp., Subzone 115B, Jefferson and Liberty Counties, TX, 13431

Health and Human Services Department
See Children and Families Administration
See Community Living Administration
See Food and Drug Administration
See National Institutes of Health

Historic Preservation, Advisory Council
NOTICES
Meetings:
Quarterly Business, 13461–13462

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
See U.S. Customs and Border Protection

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Large Power Transformers from the Republic of Korea, 13432–13433

International Trade Commission
NOTICES
Complaints:
Certain Mirrors with Internal Illumination and Components Thereof, 13502–13503
Certain Non-Volatile Memory Devices and Products Containing Same, 13505–13506
Certain Semiconductor Devices and Consumer Audiovisual Products Containing the Same, 13501–13502
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same, 13501
Emulsion Styrene-butadiene Rubber from Brazil, Korea, Mexico, and Poland, 13503–13504

Justice Department
See Drug Enforcement Administration
See Federal Bureau of Investigation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Revision of the BJS Confidentiality Pledge, 13507–13509

Land Management Bureau
NOTICES
Meetings:
Nevada Resource Advisory Councils, 13488–13489

National Agricultural Statistics Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13429–13430

National Endowment for the Arts
NOTICES
Meetings:
National Council on the Arts, 13509–13510

National Foundation on the Arts and the Humanities
See National Endowment for the Arts

National Institutes of Health
NOTICES
Government-Owned Inventions; Availability for Licensing, 13460
Meetings:
Center for Scientific Review, 13459–13460
National Institute of Allergy and Infectious Diseases, 13460–13461
National Institute on Drug Abuse, 13461

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Atlantic Bluefish Fishery; 2017 Sector Quota Transfer Adjustment, 13402–13404
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 13434
Take of Steelhead, 13436–13437
Meetings:
North Pacific Fishery Management Council, 13434–13435
Western Pacific Fishery Management Council, 13435–13436

National Park Service
NOTICES
Inventory Completions:
Department of Anthropology, The University of Tulsa, Tulsa, OK, 13490
Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY, 13489–13492
Museum of Northern Arizona, Flagstaff, AZ, 13493–13494
Museum of Northern Arizona, Flagstaff, AZ; Correction, 13494–13495
Nebraska State Historical Society, Lincoln, NE, 13492–13493, 13496–13497
San Diego Museum of Man, San Diego, CA; Correction, 13499–13501
U.S. Department of Agriculture, Forest Service, Ouachita National Forest, Hot Springs, AR, 13497–13499
U.S. Fish and Wildlife Service, Southeast Region, Hardeeville, SC, 13495–13496
Repatriation of Cultural Items:
Denver Museum of Nature and Science, Denver, CO, 13490–13491

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13510–13511

Navy Department
NOTICES
Environmental Impact Statements; Availability, etc.:
Land-Water Interface and Service Pier Extension at Naval Base Kitsap Bangor, WA, 13437–13438

Nuclear Regulatory Commission
NOTICES
Guidance:
Non-Light Water Reactor Security Design Considerations, 13511–13512
License Applications; Amendments:
DTE Electric Company; Fermi, Unit 2, 13512–13515
Standard Review Plans:
Design of Structures, Components, Equipment, and Systems, 13515–13517

Personnel Management Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Former Spouse Survivor Annuity Election; Information on Electing a Survivor Annuity for Your Former Spouse, 13517

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 13526–13527, 13535–13536
Applications:
Advanced Series Trust, et al., 13529–13531
Jeffrey LLC, 13533–13535
Katahdin Asset Management, LLC, 13520–13522
The Jeffrey Co., 13531–13533
Self-Regulatory Organizations; Proposed Rule Changes:
Bats BZX Exchange, Inc., 13536–13540
C2 Options Exchange, Inc., 13518–13520
Chicago Board Options Exchange, Inc., 13527–13529
Financial Industry Regulatory Authority, Inc., 13517–13518
Options Clearing Corp., 13522–13526

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Terracotta Warriors of the First Emperor, 13540–13541
Meetings:
Advisory Committee on Private International Law; Electronic Commerce—Cloud Computing, 13540

Surface Transportation Board
RULES
United States Rail Service Issues—Performance Data Reporting; Correction, 13401–13402

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration

Treasury Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claims Processing and Other Purposes under the Terrorism Risk Insurance Program, 13543–13547
Collection of Data from Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program, 13547
Post-Contract Award Information, 13547–13548

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Bonded Warehouse Proprietor's Submission, 13464–13465
General Declaration, 13463–13464
Determinations:
WorkFit-TL Sit-Stand Desktop Workstation, 13462–13463

Veterans Affairs Department

PROPOSED RULES

Revise and Streamline Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles, 13418–13427

NOTICES

Meetings:

Veterans' Advisory Committee on Rehabilitation, 13548

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR
39 (3 documents) 13379, 13382, 13385
73.....13389
Proposed Rules:
39.....13405
71 (2 documents) 13407, 13409

18 CFR
12.....13390

33 CFR
Proposed Rules:
165.....13410

40 CFR
52 (3 documents) 13390, 13392, 13398
Proposed Rules:
52.....13413

44 CFR
64.....13399

47 CFR
Proposed Rules:
54.....13413

48 CFR
Proposed Rules:
816.....13418
828.....13418
852.....13418

49 CFR
1250.....13401

50 CFR
648.....13402

Rules and Regulations

Federal Register
Vol. 82, No. 47
Monday, March 13, 2017

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9069; Directorate Identifier 2016–NM–012–AD; Amendment 39–18821; AD 2017–05–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2015–16–02 for all Airbus Model A330 series airplanes. AD 2015–16–02 required revising the maintenance or inspection program to incorporate certain maintenance requirements and airworthiness limitations. This new AD requires revising the maintenance or inspection program to incorporate new maintenance requirements and airworthiness limitations. This AD was prompted by a revision of the airworthiness limitations items (ALI) document, which provides new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 17, 2017.

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

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of September 15, 2015 (80 FR 48019, August 11, 2015).

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9069.

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–2016–9069; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2015–16–02, Amendment 39–18227 (80 FR 48019, August 11, 2015) (''AD 2015–16–02''). AD 2015–16–02 applied to all Airbus Model A330 series airplanes. The NPRM published in the **Federal Register** on September 12, 2016 (81 FR 62672). The NPRM was prompted by a revision of the ALI document, which provides new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. The NPRM proposed to require revising the maintenance or inspection program to incorporate new maintenance requirements and airworthiness limitations. We are issuing this AD to prevent reduced structural integrity and reduced control of these airplanes due to the failure of system components.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0011, dated January 13, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330 and A340 series airplanes. The MCAI states:

> The airworthiness limitations are currently defined and published in the Airbus A330 and A340 Airworthiness Limitations Section (ALS) documents. The airworthiness limitations applicable to the System Equipment Maintenance Requirements, which are approved by EASA, are specified in Airbus A330 and A340 ALS Part 4. Failure to comply with these instructions could result in an unsafe condition.
>
> EASA issued AD 2013–0268 (for A330 aeroplanes) [which corresponds to FAA AD 2015–16–02] and AD 2013–0269 (for A340 aeroplanes) [which corresponds to FAA AD 2014–23–17, Amendment 39–18033 (79 FR 71304, December 2, 2014) (''AD 2014–23–17'')] to require the actions as specified in Airbus A330 and A340 ALS Part 4 at Revision 04 and Revision 03, respectively.
>
> Since those [EASA] ADs were issued, Airbus issued Revision 05 and Revision 04, respectively, of Airbus A330 and A340 ALS Part 4, which introduce new and more restrictive maintenance requirements and/or airworthiness limitations.
>
> For the reason described above, this [EASA] AD retains the requirements of EASA AD 2013–0268 and AD 2013–0269, which are superseded, and require accomplishment of the actions specified in Airbus A330 ALS Part 4 Revision 05, or A340 ALS Part 4 Revision 04, as applicable (hereafter collectively referred to as 'the ALS' in this [EASA] AD).

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9069.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Adopt ALS Variation

American Airlines (AAL) requested that Airbus A330 ALS Part 4—System Equipment Maintenance Requirements (SEMR)—Variation 5.1, dated December 20, 2015 (''Variation 5.1''), also be adopted in the final rule. AAL noted that Variation 5.1 was approved as an alternative method of compliance (AMOC) to AD 2015–16–02 via ANM–116–16–272, dated April 13, 2016.

We agree that AMOCs approved previously for AD 2015–16–02 continue to be approved as AMOCs for the corresponding provisions of paragraph (g) of this AD, as stated in paragraph (l)(1)(ii) of this AD. We also agree to include Variation 5.1 as a method of compliance for the requirements of paragraph (j) of this AD for components specified in Variation 5.1. We have revised paragraph (j) of this AD accordingly.

Request To Re-Open the Comment Period

Airbus requested that we re-open the comment period specified in the NPRM in order to introduce Revision 06 of Airbus A330 ALS Part 4—SEMR. Airbus pointed out that, since the MCAI was published, multiple new variations to Airbus A330 ALS Part 4 have been issued and have been or are being approved by EASA. Airbus stated that these variations will be included in Revision 06 of Airbus A330 ALS Part 4—SEMR, which is expected to be approved under Airbus's EASA Design Organization Approval in mid-January 2017. Airbus asserted that a new EASA AD will be issued to supersede EASA AD 2016–0011 once Revision 06 is issued.

We disagree. We have determined that more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems are necessary to prevent reduced structural integrity and reduced control of these airplanes, due to the failure of system components. Therefore, we do not consider that delaying this action by reopening the comment period until such time as the manufacturer's planned service information is released is warranted, since the necessary service information is currently available. However, under the provisions of paragraph (l)(1) of this AD, we will consider requests for approval to use Revision 06 of Airbus A330 ALS Part 4—SEMR once it is approved and available. We have not changed the AD in this regard.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus issued A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015. This service information describes preventative maintenance requirements and associated airworthiness limitations applicable to aircraft systems susceptible to aging effects.

Airbus also issued Airbus A330 ALS Part 4—System Equipment Maintenance Requirements (SEMR)—Variation 5.1, dated December 20, 2015. This service information describes revising the maintenance or inspection program by increasing the life limits for certain components.

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

Costs of Compliance

We estimate that this AD affects 104 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Maintenance or inspection program revision (retained actions from AD 2015–16–02).	1 work-hours × $85 per hour = $85	$0	$85	$8,840
Maintenance or inspection program revision (new action).	1 work-hours × $85 per hour = $85	0	85	8,840

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [[Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) AD 2015–16–02, Amendment 39–18227 (80 FR 48019, August 11, 2015), and adding the following new AD:

2017–05–10 Airbus: Amendment 39–18821; Docket No. FAA–2016–9069; Directorate Identifier 2016–NM–012–AD.

(a) Effective Date

This AD is effective April 17, 2017.

(b) Affected ADs

This AD replaces AD 2015–16–02, Amendment 39–18227 (80 FR 48019, August 11, 2015) (''AD 2015–16–02'').

(c) Applicability

This AD applies to Airbus Model A330–201, A330–202, A330–203, A330–223, A330–243, A330–223F, A330–243F, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342, and A330–343 airplanes, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness issued on or before October 19, 2015.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a revision of the airworthiness limitations items (ALI) document, which provides new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. We are issuing this AD to prevent reduced structural integrity and reduced control of these airplanes due to the failure of system components.

(f) Compliance

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

(g) Retained Maintenance Program Revision and Actions, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2015–16–02, with no changes. Within 6 months after September 15, 2015 (the effective date of AD 2015–16–02), revise the maintenance program or inspection program, as applicable, by incorporating Airbus A330 Airworthiness Limitations Section (ALS) Part 4–Aging Systems Maintenance, Revision 04, dated August 27, 2013; and Airbus A330 ALS Part 4–Aging Systems Maintenance (ASM), Variation 4.1 and Variation 4.2, both dated July 23, 2014. The initial compliance times for the actions are within the applicable compliance times specified in the Record of Revisions pages of Airbus A330 ALS Part 4–Aging Systems Maintenance, Revision 04, dated August 27, 2013; and Airbus A330 ALS Part 4–Aging Systems Maintenance (ASM), Variation 4.1 and Variation 4.2, both dated July 23, 2014; or within 6 months after September 15, 2015; whichever is later; except as required by paragraph (h) of this AD.

(h) Retained Exceptions to Initial Compliance Times, With References to New Service Information

This paragraph restates the requirements of paragraph (h) of AD 2015–16–02, with references to new service information.

(1) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013; or Airbus A330 ALS Part 4—System Equipment Maintenance Requirements (SEMR), Revision 05, dated October 19, 2015; define a calendar compliance time for elevator servo-controls having part number (P/N) SC4800–2, SC4800–3, SC4800–4, SC4800–6, SC4800–7, or SC4800–8 as ''August 31, 2004,'' the calendar compliance time is June 13, 2007 (34 months after August 13, 2004 (the effective date of AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004))).

(2) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013; or Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015; define a calendar compliance time for spoiler servo-controls (SSCs) having P/N 1386A0000–01, 1386B0000–01, 1387A0000–01, or 1387B0000–01 as ''December 31, 2003,'' the calendar compliance time is November 19, 2005 (13 months after October 19, 2004 (the effective date of AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004))).

(3) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013; or Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015; define a calendar compliance time for elevator servo-controls having P/N SC4800–73, SC4800–93, SC4800–103, and SC4800–113 as ''June 30, 2008,'' the calendar compliance time is September 16, 2009 (17 months after April 16, 2008 (the effective date of AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367)))).

(4) The initial compliance time for replacement of the retraction brackets of the main landing gear (MLG) having a part number specified in paragraphs (h)(4)(i) through (h)(4)(xvi) of this AD is before the accumulation of 19,800 total landings on the affected retraction brackets of the MLG, or within 900 flight hours after April 9, 2012 (the effective date of AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012)), whichever occurs later.

(i) 201478303.
(ii) 201478304.
(iii) 201478305.
(iv) 201478306.
(v) 201478307.
(vi) 201478308.
(vii) 201428380.
(viii) 201428381.
(ix) 201428382.
(x) 201428383.
(xi) 201428384.
(xii) 201428385.
(xiii) 201428378.
(xiv) 201428379.
(xv) 201428351.
(xvi) 201428352.

(5) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013; or Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015; define a calendar compliance time for the modification of SSCs on three hydraulic circuits having P/N MZ4339390–01X, MZ4306000–01X, MZ4339390–02X, MZ4306000–02X, MZ4339390–10X, or MZ4306000–10X as ''March 5, 2010,'' the calendar compliance time is April 14, 2011 (18 months after October 14, 2009 (the effective date of AD 2009–18–20, Amendment 39–16017 (74 FR 46313, September 9, 2009))) (''AD 2009–18–20'').

(6) Where Note (6) of ''ATA 27–64–00 Flight Control—Spoiler Hydraulic Actuation,'' of Sub-part 4–2–1, ''Life Limits,'' of Sub-part 4–2, ''Systems Life Limited Components,'' of Airbus A330 ALS Part 4–Aging Systems Maintenance, Revision 04, dated August 27, 2013; or Note (17) of Sub-Part 1, ''Life Limits,'' of Section 3, ''System Life-Limited Components,'' of Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015; define a calendar date of ''September 5, 2008,'' as a date for the determination of accumulated flight cycles since the aircraft initial entry into service, the date is October 14, 2009 (the effective date of AD 2009–18–20).

(7) Where Note (6) of ''ATA 27–64–00 Flight Control—Spoiler Hydraulic Actuation,'' of Sub-part 4–2–1, ''Life Limits,'' of Sub-part 4–2, ''Systems Life Limited Components,'' of Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013; or Note (17) of Sub-Part 1, ''Life Limits,'' of Section 3, ''System Life-Limited Components,'' of Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015; define a calendar compliance time as ''March 5, 2010,'' for the modification of affected servo controls, the calendar compliance time is April 14, 2011 (18 months after October 14, 2009 (the effective date of AD 2009–18–20)).

(i) Retained No Alternative Actions or Intervals, With Revised Compliance Language

This paragraph restates the requirements of paragraph (i) of AD 2015–16–02, with revised compliance language. Except as required by paragraph (j) of this AD: After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(j) New Requirement of This AD: Maintenance or Inspection Program Revision and Actions

Within 90 days after the effective date of this AD, revise the maintenance program or inspection program, as applicable, by incorporating Airbus A330 Airworthiness Limitations Section (ALS) Part 4—SEMR, Revision 05, dated October 19, 2015. The initial compliance times for the actions specified in Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015, are within the applicable compliance times specified in Airbus A330 ALS Part 4—SEMR, Revision 05, dated October 19, 2015, or within 60 days after the effective date of this AD, whichever is later, except as required by paragraph (h) of this AD. Accomplishing the revision of the maintenance program or inspection program, as applicable, required by this paragraph terminates the requirements of paragraph (g) of this AD. Revising the maintenance program or inspection program, as applicable, by incorporating Airbus A330 ALS Part 4—SEMR—Variation 5.1, dated December 20, 2015, is an acceptable method of compliance for the components specified in the variation.

(k) New Requirement of This AD: No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (l)(1) of this AD.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1138; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) 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. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2015–16–02 are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

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

(m) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0011, dated January 13, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9069.

(n) Material Incorporated by Reference

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

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

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 4—System Equipment Maintenance Requirements (SEMR), Revision 05, dated October 19, 2015.

(ii) Airbus A330 ALS Part 4—System Equipment Maintenance Requirements (SEMR)—Variation 5.1, dated December 20, 2015.

(3) The following service information was approved for IBR on September 15, 2015 (80 FR 48019, August 11, 2015).

(i) Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013.

(ii) Airbus A330 ALS Part 4—Aging Systems Maintenance (ASM), Variation 4.1, dated July 23, 2014.

(iii) Airbus A330 ALS Part 4—Aging Systems Maintenance (ASM), Variation 4.2, dated July 23, 2014.

(4) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330–A340@airbus.com;* Internet: *http://www.airbus.com.*

(5) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on February 28, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–04515 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6431; Directorate Identifier 2015–NM–182–AD; Amendment 39–18823; AD 2017–05–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A318–112 airplanes, A319–111, –112, –115, –132, and –133 airplanes, A320–214, –232, and –233 airplanes, and A321–211, –212, –213, –231, and –232 airplanes. This AD was prompted by a quality control review on the final assembly line, which determined that aluminum alloy with inadequate heat treatment had been delivered and used on several structural parts. This AD requires a one-time eddy current conductivity measurement of certain cabin, cargo compartment, and frame structural parts to determine if aluminum alloy with inadequate heat treatment was used, and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 17, 2017.

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

ADDRESSES: For service information identified in this final rule, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6431.

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–2016–6431; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A318–112 airplanes, A319–111, –112, –115, –132, and –133 airplanes, A320–214, –232, and –233 airplanes, and A321–211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on May 11, 2016 (81 FR 29209). The NPRM was prompted by a quality control review on the final assembly line, which determined that aluminum alloy with inadequate heat treatment had been delivered and used on several structural parts. The NPRM proposed to require a one-time eddy current conductivity measurement of certain cabin, cargo compartment, and frame structural parts to determine if aluminum alloy with inadequate heat treatment was used, and replacement if necessary. We are issuing this AD to detect and replace structural parts made of aluminum alloy with inadequate heat treatment. This condition could result in reduced structural integrity of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0219, dated November 3, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A318–112 airplanes, A319–111, –112, –115, –132, and –133 airplanes, A320–214, –232, and –233 airplanes, and A321–211, –212, –213, –231, and –232 airplanes. The MCAI states:

> Following an Airbus quality control review on the final assembly line, it was discovered that aluminum alloy with inadequate heat treatment were delivered by a supplier for several structural parts. The results of the investigations highlighted that 1% of the stock could be impacted by this wrong material.
>
> Structural investigations demonstrated the capability to sustain the static limits loads, and sufficient fatigue life up to a certain inspection threshold.
>
> This condition, if not detected and corrected, could reduce the aeroplane structural integrity following fatigue load.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A320–53–1292, SB A320–53–1293, and SB A320–53–1294 to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time Special Detailed Inspection (SDI) [*i.e.,* eddy current conductivity measurement] of certain cabin, cargo compartment and frame parts [for material identification] and, depending on findings, replacement with serviceable parts.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6431.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM and the FAA's response.

Request To Include the Correction in the Technical Adaptation to Certain Service Information

Virgin America asked that we include the correction in Airbus Technical Adaptation (TA) 80095365/011/2016, Issue 1, dated December 1, 2016, to Figure A–GVAAA and Figure A–GRAAA of Airbus Service Bulletin A320–53–1293, dated July 30, 2015, in this AD. Virgin America stated that the parts shown in Figure A–GVAAA and Figure A–GRAAA and highlighted for inspection are the four hinge brackets identified as having part number (P/N) ''D4918518320201, A-profile.'' However, the correct identification is P/N ''D4918518320200, A-profile.'' Virgin America noted that Airbus issued TA 80095365/011/2016, Issue 1, to update Figure A–GVAAA and Figure A–GRAAA of Airbus Service Bulletin A320–53–1293, dated July 30, 2015, to identify the correct part number. Virgin America also stated that the TA specified that Airbus Service Bulletin A320–53–1293 is currently under revision and the correction will be included when the revision is issued.

We agree with the commenter's request to include the specified correction. We have added a new paragraph (h) to this AD to provide an exception to Figure A–GVAAA of Airbus Service Bulletin A320–53–1293, dated July 30, 2015, which is needed for compliance with paragraph (g) of this AD. However, Figure A–GRAAA, ''Reporting Sheet,'' of Airbus Service Bulletin A320–53–1293, dated July 30, 2015, is not needed for compliance with this AD. We have added a note to paragraph (h) of this AD to provide the information in Airbus Technical Adaptation (TA) 80095365/011/2016, Issue 1, dated December 1, 2016, which specifies the corrected information for Figure A–GVAAA and Figure A–GRAAA of Airbus Service Bulletin A320–53–1293, dated July 30, 2015. We have also added paragraph (j) to clarify that reporting is not required by this AD; however, reporting is recommended for research and tracking. We have redesignated subsequent paragraphs accordingly.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

We reviewed the following service information:

- Airbus Service Bulletin A320–53–1292, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015.
- Airbus Service Bulletin A320–53–1293, dated July 30, 2015; including Appendixes 01 and 02, dated July 30, 2015.
- Airbus Service Bulletin A320–53–1294, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015.

The service information describes procedures for a one-time eddy current conductivity measurement of certain cabin, cargo compartment, and frame structural parts to determine if aluminum alloy with inadequate heat treatment was used, and replacement of any affected part with a serviceable part. These documents are distinct since they

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

Costs of Compliance

We estimate that this AD affects 46 airplanes of U.S. registry.

We also estimate that it takes about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $23,460, or $510 per product.

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

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all available 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

2. Is not a ''significant rule'' under 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–05–12 Airbus: Amendment 39–18823; Docket No. FAA–2016–6431; Directorate Identifier 2015–NM–182–AD.

(a) Effective Date

This AD is effective April 17, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category; manufacturer serial numbers 4895, 4903, 4911, 4919, 4929, 4938, 4942, 4944, 4946, 4948, and 4951, 4956 through 5541 inclusive, 5544, 5547, 5550, 5551, 5553, 5556, 5559, 5561, 5562, 5563, 5565, 5566, 5570, 5572, 5576, and 5578.

(1) Airbus Model A318–112 airplanes.

(2) Airbus Model A319–111, –112, –115, –132, and –133 airplanes.

(3) Airbus Model A320–214, –232, and –233 airplanes.

(4) Airbus Model A321–211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a quality control review on the final assembly line, which determined that aluminum alloy with inadequate heat treatment had been delivered and used on several structural parts. We are issuing this AD to detect and replace structural parts made of aluminum alloy with inadequate heat treatment. This condition could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) One-time Measurement

Within 6 years since the date of issuance of the original certificate of airworthiness or the date of issuance of the original export certificate of airworthiness: Do a one-time eddy current conductivity measurement of the cabin, cargo compartment, and frame structural parts identified in the ''Affected P/N (part number)'' column of tables 1, 2, and 3 to paragraphs (g) and (i) of this AD to determine if aluminum alloy with inadequate heat treatment was used, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, except as required by paragraph (h) of this AD.

(1) For cabin structural parts: Airbus Service Bulletin A320–53–1292, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015.

(2) For cargo compartment structural parts: Airbus Service Bulletin A320–53–1293, dated July 30, 2015; including Appendixes 01 and 02, dated July 30, 2015.

(3) For frame structural parts: Airbus Service Bulletin A320–53–1294, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015.

TABLE 1 TO PARAGRAPHS (g) AND (i) OF THIS AD—*Parts To Be Inspected/Installed*

[*Airbus Service Bulletin A320–53–1292*]

Affected P/N	Acceptable replacement P/N	Area
D2127245500000	D2127245500000	Cabin.
D2127247600200	D2127247600200	Cabin.
D2127247600300	D2127247600300	Cabin.
D2127399900200	D2127399900200	Cabin.
D2127399900300	D2127399900300	Cabin.
D2127698900800	D2127698900800	Cabin.
D2127698902400	D2127698902400	Cabin.
D2527075131200	D2527075131251	Cabin.
D2527075131300	D2527075131351	Cabin.
D2527075138000	D2527075138000	Cabin.
D2527075138100	D2527075138100	Cabin.
D2527075138200	D2527075138200	Cabin.
D2527075138300	D2527075138300	Cabin.
D2527075138600	D2527075138651	Cabin.
D2527075138800	D2527075138851	Cabin.
D2527240220600	D2527240220651	Cabin.
D2527240220700	D2527240220751	Cabin.
D2527240220800	D2527240220851	Cabin.
D9249591201000	D9249591201000	Cabin.
D9249591201800	D9249591201800	Cabin.
D9249591227800	D9249591227851	Cabin.
D9249591227900	D9249591227951	Cabin.
D9249591228000	D9249591228051	Cabin.
D9249591228100	D9249591228151	Cabin.

TABLE 2 TO PARAGRAPHS (g) AND (i) OF THIS AD—*Parts To Be Inspected/Installed*

[*Airbus Service Bulletin A320–53–1293*]

Affected P/N	Acceptable replacement P/N	Area
D2707033520000	D2707033520000	Cargo.
D2827027120000	D2827027120000	Cargo.
D2827093500400	D2827093500400	Cargo.
D2907013701200	D2907013701251	Cargo.
D2907013800400	D2907013800451	Cargo.
D3247012900000	D3247012900051	Cargo.
D3817003820000	D3817003820000	Cargo.
D3817012320200	D3817012320251	Cargo.
D3837021201600	D3837021201600	Cargo.
D3837033300400	D3837033300400	Cargo.
D4918518320200	D4918518320200	Cargo.
D5347043420400	D5347043420451	Cargo.
D9248511000000	D9248511000051	Cargo.
D9249254100200	D9249254100251	Cargo.
D9249282300000	D9249282300000	Cargo.

TABLE 3 TO PARAGRAPHS (g) AND (i) OF THIS AD—*Parts To Be Inspected/Installed*

[*Airbus Service Bulletin A320–53–1294*]

Affected P/N	Acceptable replacement P/N	Area
D2827098326800	D2827098326851	Frame.
D5347051620600	D5347051620651	Frame.
D5347051720600	D5347051720651	Frame.
D5347057120000	D5347057120051	Frame.
D5347067520600	D5347067520651	Frame.
D5347067521400	D5347067521451	Frame.
D5347067520800	D5347067520851	Frame.
D5347067521000	D5347067521051	Frame.
D5347067521600	D5347067521651	Frame.
D5347067620600	D5347067620600	Frame.
D5347067720200	D5347067720251	Frame.
D5347067720400	D5347067720451	Frame.
D5347986520200	D5347986520251	Frame.

(h) Exception to Paragraph (g) of This AD

Where Subtask 531293–832–207–001 of Airbus Service Bulletin A320–53–1293, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015, specifies inspecting Item 19 of Figure A–GVAAA for material heat treatment conformity, and that figure (incorrectly) identifies the inspection area for Item 19 as the four hinge brackets adjacent to the A-profile, this AD requires inspecting part number D491–85183–202–00, which is the A-profile, and not just the brackets.

Note 1 to paragraph (h) of this AD: Airbus Technical Adaptation 80095365/011/2016, Issue 1, dated December 1, 2016 (''TA'') specifies that for Figure A–GVAAA, Sheet 01, of Airbus Service Bulletin A320–53–1293, dated July 30, 2015, Item 19 should point to part number D491–85183–202–00 (and not just to the brackets). The TA also specifies that for Figure A–GRAAA, Sheet 01, of Airbus Service Bulletin A320–53–1293, dated July 30, 2015, the correct Item 19 identification is part number D491–85183–202–00.

(i) Replacement

If during the measurement required by paragraph (g) of this AD, any affected part number specified in table 1, 2, or 3 to paragraphs (g) and (i) of this AD is found to have a measured value greater than that specified in Figure A–GFAAA, Sheet 01, ''Inspection Flowchart,'' of the applicable service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD: Before further flight, replace the affected part with the corresponding acceptable replacement part specified in table 1, 2, or 3 to paragraphs (g) and (i) of this AD, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(j) No Reporting Requirement

Although the service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2015–0219, dated November 3, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6431.

(m) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A320–53–1292, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015.

(ii) Airbus Service Bulletin A320–53–1293, dated July 30, 2015; including Appendixes 01 and 02, dated July 30, 2015.

(iii) Airbus Service Bulletin A320–53–1294, dated July 23, 2015; including Appendixes 01 and 02, dated July 23, 2015.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on March 2, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–04657 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–8183; Directorate Identifier 2015–NM–083–AD; Amendment 39–18822; AD 2017–05–11]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–08–11 for certain Bombardier, Inc. Model DHC–8–400 series airplanes. AD 2012–08–11 required repetitive inspections for defects and damage of the retract port flexible hoses on the main landing gear (MLG) retraction actuators, and replacement if necessary. This AD continues to require the actions in AD 2012–08–11, requires reorientation of the retraction actuator of the MLG, and removes airplanes from the applicability. This AD was prompted by test results that showed that failure of a retract port flexible hose of a MLG retraction actuator could cause excessive hydraulic fluid leakage. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 17, 2017.

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

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of May 29, 2012 (77 FR 24351, April 24, 2012).

ADDRESSES: For Bombardier service information identified in this final rule, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* For Goodrich service information identified in this final rule, contact Goodrich Aerospace Canada Ltd., Landing Systems, 1400 South Service Road, West Oakville, ON, Canada L6L 5Y7; telephone +1–877–808–7575; fax: +1–905–825–6320; email: *crc@utas.utc.com;* Internet: *https://techpubs.goodrich.com/ContactUs.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8183.

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–2016–8183; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–08–11, Amendment 39–17028 (77 FR 24351, April 24, 2012) (''AD 2012–08–11''). AD 2012–08–11 applied to certain Bombardier, Inc. Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on August 5, 2016 (81 FR 51821). The NPRM was prompted by our determination that the left and right MLG retraction actuator ports must be reoriented and the retract port flexible hoses replaced with hydraulic tube assemblies to address the identified unsafe condition. The NPRM proposed to continue to require the actions required by AD 2012–08–11. The NPRM also proposed to require reorientation of the retraction actuator of the MLG, which would terminate the repetitive inspections, and to remove certain airplanes from the applicability. We are issuing this AD to prevent hydraulic fluid leakage in the event of a retract port flexible hose failure; this condition could lead to an undamped extension of the MLG and could result in MLG structural failure, leading to an unsafe, asymmetric landing configuration.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2011–14R1, effective May 21, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes. This AD also removes airplanes from the applicability of AD 2012–08–11. The MCAI states:

> Testing has shown that in the event of a main landing gear (MLG) retraction actuator retract port flexible hose failure, in-flight vibrations may cause excessive hydraulic fluid leakage. This could potentially lead to an undamped extension of the MLG, which may result in MLG structural failure, leading to an unsafe asymmetric landing configuration.
>
> The original issue of this [Canadian] AD mandated the [detailed] inspection [for defects and damage] of the retract port flexible hose and its replacement [installing a new retract port flexible hose], when required, to prevent damage to the MLG caused by undamped gear extensions.
>
> Revision 1 of this [Canadian] AD mandates the reorientation of the MLG Retraction Actuator to prevent hydraulic fluid leakage in the event of a damaged retract port flexible hose.

Airplanes having serial number 4425 and on were modified in production and, therefore, the identified unsafe condition does not apply to these airplanes. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8183.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Refer to Updated Service Information

Horizon Air requested that the NPRM be revised to refer to Bombardier Service Bulletin 84–32–106, Revision B, dated June 18, 2015. As a result, Horizon Air stated that Bombardier Service Bulletin 84–32–106, Revision A, dated April 24, 2015, should be included in paragraph (i), ''Credit for Previous Actions,'' of the proposed AD along with Bombardier Service Bulletin 84–32–106, dated September 28, 2012.

We agree to refer to the latest service information. We have confirmed that the revised service information does not require any work beyond what was published in the NPRM. We have revised this AD to refer to Bombardier Service Bulletin 84–32–106, Revision B, dated June 18, 2015, as the appropriate source of service information for completing certain actions (Modification Summary (ModSum) 4–902418) required by this AD. We have also revised this AD to provide credit for actions done before the effective date of this AD using Bombardier Service Bulletin 84–32–106, Revision A, dated April 24, 2015.

Request To Correct MCAI Number

Contact Air Technik GmbH commented that Canadian AD CF–2011–14R1, effective May 21, 2015, is incorrectly referenced in paragraph (k),

''Related Information,'' of the proposed AD as Canadian AD CF–2011–24R1, effective May 21, 2015.

We agree that paragraph (k)(1) of this AD should refer to Canadian AD CF–2011–14R1, effective May 21, 2015. We have revised paragraph (k)(1) of this AD accordingly.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. has issued the following service information.

- Bombardier Service Bulletin 84–32–105, Revision A, dated April 24, 2015. This service information describes procedures for reworking and reorienting the retraction actuators (ModSum 4–902327).
- Bombardier Service Bulletin 84–32–106, Revision B, dated June 18, 2015. This service information describes procedures for reworking and installing reconfigured hydraulic tube assemblies for the retraction actuators (ModSum 4–902418).

Goodrich Aerospace Canada Ltd. has issued the following service information.

- Goodrich Service Bulletin 46550–32–99 R2, dated February 19, 2015. This service information describes procedures for reworking and reorienting the retraction actuators.
- Goodrich Service Bulletin 46455–32–100 R1, dated March 20, 2013. This service information describes procedures for reworking and installing reconfigured hydraulic tube assemblies for the retraction actuators.

These service bulletins contain different requirements and must be accomplished at the same time. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

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

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained action from AD 2012–08–11).	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle.	$6,970 per inspection cycle.
Reorient MLG retraction actuators (new action).	4 work-hours × $85 per hour = $340	0	$340	$27,880.

We estimate the following costs to do any necessary replacements that will be required based on the results of the required inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the retract port flexible hose (retained action from AD 2012-08-11).	4 work-hours × $85 per hour = $340	$713	$1,053

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–08–11, Amendment 39–17028 (77 FR 24351, April 24, 2012), and adding the following new AD:

2017–05–11 Bombardier, Inc.: Amendment 39–18822; Docket No. FAA–2016–8183; Directorate Identifier 2015–NM–083–AD.

(a) Effective Date

This AD is effective April 17, 2017.

(b) Affected ADs

This AD replaces AD 2012–08–11, Amendment 39–17028 (77 FR 24351, April 24, 2012) (''AD 2012–08–11'').

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 through 4424 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by test reports that showed that failure of a retract port flexible hose of a main landing gear (MLG) retraction actuator could cause excessive hydraulic fluid leakage. We are issuing this AD to prevent hydraulic fluid leakage in the event of a retract port flexible hose failure; this condition could lead to an undamped extension of the MLG and could result in MLG structural failure, leading to an unsafe asymmetric landing configuration.

(f) Compliance

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

(g) Retained Repetitive Inspections and Follow-on Action, With New Reference

This paragraph restates the requirements of paragraph (g) of AD 2012–08–11, with new reference to terminating action. Within 600 flight hours after May 29, 2012 (the effective date of AD 2012–08–11), do a detailed inspection for defects and damage of the retract port flexible hose of the left and right MLG retraction actuators, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–89, dated March 22, 2011. Repeat the inspection thereafter at intervals not to exceed 600 flight hours. If any defect or damage is found, before further flight, replace the retract port flexible hose with a new or serviceable retract port flexible hose, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–32–89, dated March 22, 2011. Doing the actions required by paragraph (h) of this AD terminates the inspections required by this paragraph.

(h) New Requirement of This AD: Reorient MLG Retraction Actuators

Within 6,000 flight hours or 36 months, whichever occurs first after the effective date of this AD: Reorient the MLG retraction actuator by incorporating Bombardier Modification Summaries 4–902418 and 4–902327, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (h)(1) and (h)(2) of this AD. Accomplishment of the actions required by this paragraph terminates the actions required by paragraph (g) of this AD.

(1) Bombardier Service Bulletin 84–32–105, Revision A, dated April 24, 2015; and Goodrich Service Bulletin 46550–32–99 R2, dated February 19, 2015.

(2) Bombardier Service Bulletin 84–32–106, Revision B, dated June 18, 2015; and Goodrich Service Bulletin 46455–32–100 R1, dated March 20, 2013.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (i)(1), (i)(2), or (i)(3) of this AD, as applicable.

(1) Bombardier Service Bulletin 84–32–105, dated September 28, 2012.

(2) Bombardier Service Bulletin 84–32–106, dated September 10, 2012.

(3) Bombardier Service Bulletin 84–32–106, Revision A, dated April 24, 2015.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(i) 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.

(ii) AMOCs approved previously for AD 2012–08–11 are approved as AMOCs for the corresponding provisions of this AD.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2011–14R1, dated May 21, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8183.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(4), (l)(5), and (l)(6) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 84–32–105, Revision A, dated April 24, 2015.

(ii) Bombardier Service Bulletin 84–32–106, Revision B, dated June 18, 2015.

(iii) Goodrich Service Bulletin 46550–32–99 R2, dated February 19, 2015.

(iv) Goodrich Service Bulletin 46455–32–100 R1, dated March 20, 2013.

(3) The following service information was approved for IBR on May 29, 2012 (77 FR 24351, April 24, 2012).

(i) Bombardier Service Bulletin 84–32–89, dated March 22, 2011.

(ii) Reserved.

(4) For Bombardier service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(5) For Goodrich service information identified in this AD, contact Goodrich Aerospace Canada Ltd., Landing Systems, 1400 South Service Road, West Oakville, ON, Canada L6L 5Y7; telephone +1–877–808–7575; fax: +1–905–825–6320; email: *crc@utas.utc.com;* Internet: *https://techpubs.goodrich.com/ContactUs.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on February 28, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–04514 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–0739; Airspace Docket No. 14–AWP–11]

Modification of Restricted Area R–7201; Farallon De Medinilla Island, Mariana Islands

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action expands the restricted airspace at Farallon De Medinilla Island, Mariana Islands, by designating a new area, R–7201A, that surrounds the existing R–7201. R–7201A encompasses that airspace between a 3 nautical mile (NM) radius and a 12–NM radius of lat. 16°01′04″ N., long. 146°03′31″ E. The new restricted airspace provides the required airspace to conduct military training scenarios using air-to-ground ordnance delivery, naval gunfire, lasers and special operations training.

DATES: Effective date 0901 UTC, June 22, 2017.

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

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 the 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 modifies special use airspace to support military training and readiness requirements.

History

On August 25, 2015, the FAA published in the **Federal Register** a notice proposing to expand the lateral boundaries of restricted area R–7201, and redesignate the area as R–7201A (80 FR 51498), Docket No. FAA–2015–0739. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

The NPRM proposed to expand the lateral boundary of restricted area R–7201, which consists of that airspace within a 3–NM radius of lat. 16°01′04″ N., long. 146°03′31″ E., from the current 3–NM to 12–NM radius and rename the restricted area R–7201A.

Subsequently, the FAA decided to retain R–7201, with its 3–NM radius, and designate a new restricted area to surround R–7201, naming the new restricted area R–7201A. R–7201A contains that airspace from a 3–NM radius, out to a 12–NM radius of the same center point. This configuration allows for the activation of either R–7201 or R–7201A alone, or to activate them both simultaneously. The flexibility enables more efficient use of airspace by allowing the using agency to activate only that amount of restricted airspace required for the particular mission to be conducted. The configuration proposed in the NPRM would have resulted in all airspace within a 12–NM radius of the above point being activated even for those missions that would only require a 3–NM radius. Therefore, the FAA determined it is in the public interest to retain R–7201 and establish R–7210A, as described herein, to facilitate the real-time release of airspace when the full 12–NM radius is not required by the user.

Additionally, the using agency name for R–7201 is updated from ''Commander, Naval Forces, Marianas,'' to ''Commander, Joint Region Marianas.'' This reflects the current organizational title and matches the using agency for R–7201A.

The Rule

The FAA is amending 14 CFR part 73 by expanding the restricted airspace at Farallon De Medinilla Island, Mariana Islands. This action designates a new restricted area, R–7201A, consisting of the airspace between a 3–NM radius and a 12–NM radius of lat. 16°01′04″ N., long. 146°03′31″ E. It extends from the surface to FL 600. The time of designation is ''By NOTAM, 12 hours in advance.'' R–7201A surrounds the existing restricted area, R–7201. R–7201 continues to consist of the airspace within a 3–NM radius of the above point.

This change will accommodate Department of the Navy training involving the use of advanced weapons systems which the current R–7201A airspace does not sufficiently and safely provide. The new restricted airspace also enables the using agency to activate only that amount of restricted airspace needed for the particular mission.

In addition, the using agency name for R–7201 is updated to reflect the current organizational title as described above.

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. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 proposed 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 conducted an independent written re-evaluation and adoption of the Department of the Navy's Final Environmental Assessment (EA)/Overseas Environmental Assessment (OEA) for the Establishment of Mariana Islands Range Complex (MIRC) airspace, dated June 13, 2013 (hereinafter ''the FEA/OEA''), for which the FAA was a cooperating agency, and which included the environmental analysis of the establishment of Restricted Area R–7201A at Farallon De Medinilla Island, Marianas Islands, to support the Navy's MIRC airspace requirements. Based on its environmental review, the FAA has determined that the action that is the subject of this rule does not present the potential for significant impacts to the human environment. The FAA's ''Written Re-evaluation, Adoption of the EA, Finding of No Significant Impact and Record of Decision (FONSI–ROD),'' dated January 26, 2017, is included in the docket for this rulemaking. The FEA/OEA is available at *www.MIRCairspaceEA.com.*

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.72 [Amended]

■ 2. § 73.72 is amended as follows:

R–7201 Farallon De Medinilla Island, Mariana Islands [Amended]

By removing ''Using agency. Commander, Naval Forces, Marianas,'' and adding in its place ''Using agency. Commander, Joint Region, Marianas.''

R–7201A Farallon De Medinilla Island, Mariana Islands [New]

Boundaries. That airspace between a 3 NM radius and a 12 NM radius of lat. 16°01′04″ N., long. 146°03′31″ E.

Designated altitudes. Surface to FL 600.

Time of designation. By NOTAM 12 hours in advance.

Controlling agency. FAA, Guam CERAP.

Using agency. Commander, Joint Region Marianas.

Issued in Washington, DC, on March 7, 2017.

Gemechu Gelgelu,

Acting Manager, Airspace Policy Group.

[FR Doc. 2017–04892 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 12

Safety of Water Power Projects and Project Works

CFR Correction

■ In Title 18 of the Code of Federal Regulations, Parts 1 to 399, revised as of April 1, 2016, the term ''Energy Projects Licensing'' is replaced by the term ''Energy Projects'' in the following locations: Page 214, § 12.2(a) and (b) and § 12.3(b)(3); page 218, § 12.22(a)(1) introductory text and (a)(2) introductory text; and page 221, § 12.31(e), § 12.33(a), and § 12.34.

[FR Doc. 2017–04952 Filed 3–10–17; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0660; FRL–9958–80–Region 9]

Approval of California Air Plan; Owens Valley Serious Area Plan for the 1987 24-Hour PM_{10} Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a state implementation plan (SIP) revision submitted by the State of California to meet Clean Air Act (CAA or ''Act'') requirements applicable to the Owens Valley PM_{10} nonattainment area (NA). The Owens Valley PM_{10} NA is classified as a ''Serious'' nonattainment area for the national ambient air quality standards (NAAQS) for particulate matter of ten microns or less (PM_{10}). The submitted SIP revision is the ''Great Basin Unified Air Pollution Control District 2016 Owens Valley Planning Area PM_{10} State Implementation Plan'' (''2016 PM_{10} Plan'' or ''Plan''). The State's obligation to submit the 2016 PM_{10} Plan was triggered by the EPA's 2007 finding that the Owens Valley PM_{10} NA had failed to meet its December 31, 2006, deadline to attain the PM_{10} NAAQS. The CAA requires a Serious PM_{10} nonattainment area that fails to meet its attainment deadline to submit a plan providing for attainment of the PM_{10} NAAQS and for an annual reduction in PM_{10} emissions of not less than five percent until attainment of the PM_{10} NAAQS. The EPA is approving the 2016 PM_{10} Plan because it meets all relevant statutory and regulatory requirements.

DATES: This rule is effective on April 12, 2017.

ADDRESSES: The EPA has established a docket for this action, identified by Docket ID Number EPA–R09–OAR–2016–0660. The index to the docket is available electronically at *http://www.regulations.gov* or in hard copy at the EPA Region IX office, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available in either location (*e.g.,* confidential business information). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed below.

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, EPA Region IX, 415–972–3964, *vagenas.ginger@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' mean EPA.

Table of Contents

I. Summary of Proposed Action
II. Public Comments and the EPA's Response to Comments
III. EPA's Final Action
IV. Statutory and Executive Order Reviews

I. Summary of Proposed Action

On December 12, 2016, the EPA proposed to approve the Owens Valley 2016 PM_{10} Plan, which the State of California submitted on June 9, 2016, as meeting all relevant statutory and regulatory requirements under the CAA.[1] As discussed in our proposed rule, the Owens Valley PM_{10} NA is a Serious PM_{10} nonattainment area that is located in the southern portion of the Owens Valley in Inyo County, California.[2]

California's obligation to submit the 2016 PM_{10} Plan was triggered by the EPA's June 6, 2007 finding that the Owens Valley PM_{10} NA had failed to meet its December 31, 2006 deadline to attain the PM_{10} NAAQS.[3] The CAA requires a Serious PM_{10} NA that fails to meet its attainment deadline to submit a plan providing for attainment of the PM_{10} NAAQS and for an annual emission reduction in PM_{10} or PM_{10} precursors of not less than five percent per year until attainment. Our December 12, 2016 proposed rule provides the background and rationale for this action.

II. Public Comments and the EPA's Response to Comments

The EPA provided a 30-day public comment period on our proposed action. The comment period ended on January 11, 2017. We received two public comment letters: One from the Timbisha Shoshone Tribe and one from the Big Pine Paiute Tribe of the Owens Valley. The submitted comment letters, which we have summarized and responded to below, are in our docket.

Comment 1: The Timbisha Shoshone Tribe expressed its support for our approval of the 2016 PM_{10} Plan.

Response 1: The EPA appreciates the Timbisha Shoshone Tribe's support of our approval.

Comment 2: The Big Pine Paiute Tribe's (''Tribe'') comment letter acknowledged the effectiveness of the

[1] 81 FR 89407.

[2] The boundary of the Owens Valley PM_{10} nonattainment area is defined in 40 CFR 81.305 as Hydrologic Unit #18090103.

[3] 72 FR 31183.

dust control measures that have been required under the 2016 PM_{10} Plan and the progress that has been made in improving air quality in the Owens Valley over the past 20 years. The Tribe's comment letter did not raise any objections to our determination that the Plan meets the CAA requirements or to our approval of the 2016 PM_{10} Plan. The Tribe articulated a number of concerns regarding the broader context of the historical events resulting in the desiccation of the Owens Lake bed, which are discussed in our specific responses below.

Response 2: The EPA appreciates the Tribe's acknowledgement of the effectiveness of the dust control measures and agrees that the air quality in the Owens Valley has improved significantly over the past 20 years.

Comment 3: The Tribe considers the EPA's action in this rulemaking to be too narrow to address all of the environmental and cultural issues caused by Los Angeles Department of Water and Power's (LADWP) historic and on-going diversion of water from the Owens Valley. The Tribe states that the diversion of water from the Owens Lake bed should be defined as a ''project'' and therefore subject to the California Environmental Quality Act (CEQA).

Response 3: The EPA understands the Tribe's concern with LADWP's diversion of water from the Owens Valley. The EPA's role under the CAA, however, is to review attainment plans to determine their compliance with the applicable provisions of the Act. If a plan meets those provisions, the CAA requires that we approve it so that it becomes enforceable under the Act. Such approval ensures the control measures adopted by a state will be implemented so that air quality will be improved and the NAAQS will be attained. The EPA is finalizing our proposed approval of the 2016 PM_{10} Plan because it meets the requirements of the CAA.

We also recognize the Tribe's comment concerning the scope of the definition of a ''project'' under CEQA. CEQA is a state law, and the EPA does not have a role in implementing it.

Comment 4: The Tribe commented that mitigation measures that have been implemented on the Owens Lake bed may have resulted in the disruption or destruction of cultural sites and artifacts. The Tribe states that ''sites previously regarded as not significant (or ''eligible'' for the national or California register of historic resources) were undoubtedly destroyed before they were seen in their true context.'' The Tribe notes that ''relatively recently, the Owens Lake Cultural Resources Task Force (CRTF) was formed to address cultural resources affected by the dust control effort and make recommendations on protection.'' While the Tribe views the formation of the CRTF as ''too little too late,'' it acknowledges that ''at least it is now an attempt to protect what remains and to pursue adequate compensatory mitigation.'' The Tribe recommends continuation of the CRTF and expansion of its scope beyond the Owens Lake bed. Finally, the Tribe requests the EPA's participation on the CRTF.

Response 4: The EPA agrees that the CRTF has a significant role to play in the preservation of cultural resources. We encourage all parties to continue these efforts. In consultation with the CRTF, the EPA will consider the Tribe's invitation to participate.

Comment 5: The Tribe states that the laws that ''are supposed to protect the environment and allow for tribal consultation are not always effective in practice and thus often fail to truly protect the environment and foster meaningful government to government consultation.'' The Tribe views the law protecting air quality as ''strong'' but states that the law is ''weaker when it comes to tribal consultation and protecting cultural resources.'' The Tribe notes that it appreciated the EPA's consultation teleconference on December 21, 2016, but that the consultation was ''too little too late.'' Finally, the Tribe notes that ''resources important to tribes (and all people) should be protected under the public trust doctrine the same as air quality.''

Response 5: The EPA acknowledges the Tribe's concerns and encourages all stakeholders to work together to address the environmental and cultural issues highlighted by the Tribe. We take our role in implementing the CAA and our role in fostering timely and meaningful consultation seriously. We consider our approval of the 2016 PM_{10} Plan as a critical step in protecting human health and the environment. We also believe that, given the scope of this action, consultation was timely and appropriate. We invited the Tribe to consult with us on December 1, 2016, and consultation was held on December 21, 2016. In this particular instance, we consulted with the Tribe regarding our specific proposed action to approve the Owens Valley PM_{10} Plan as meeting all requirements of the CAA. We understand the Tribe's view that because the water diversions and subsequent impacts began ''decades before the state or the nation had environmentally protective laws'' in place, consultation is ''too little, too late.'' As we expressed during our consultation teleconference, we appreciate the concerns the Tribe explained in consultation and in its comment letter. We also note that the Tribe generally supports our approval of the 2016 PM_{10} Plan and its effect of improved air quality and attainment of the PM_{10} NAAQS.

III. EPA's Final Action

The EPA is approving the Serious area 2016 PM_{10} Plan submitted by the State of California for the Owens Valley PM_{10} nonattainment area. Specifically, the EPA is approving the 2016 PM_{10} Plan with respect to the following CAA requirements: Public notice and involvement under section 110(a)(1); emissions inventories under section 172(c)(3); the control measures in Rule 433 under section 110(k)(3) as meeting the requirements of sections 110(a) and 189(b)(1)(B); reasonable further progress and quantitative milestones under section 189(c); the contingency measure in Rule 433 under section 172(c)(9); and the demonstration of attainment under section 189(b)(1)(A). The EPA is also approving the State's request for an extension of the attainment date to June 6, 2017, pursuant to CAA sections 188 and 179.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described

in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). We notified local tribes of our proposed approval and held two tribal consultations during the comment period.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 12, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: January 13, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Section 52.220 is amended by revising paragraph (c)(483) introductory text and by adding paragraph (c)(483)(ii) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(483) The following plan was submitted on June 9, 2016, by the Governor's designee. * * *

(ii) Additional materials.

(A) Great Basin Unified Air Pollution Control District (GBUAPCD).

(*1*) ''2016 Owens Valley Planning Area PM_{10} State Implementation Plan,'' adopted April 13, 2016, excluding all of the following: Section 10.1 (''Proposed Rule 433''); Appendix I–1 (''2006 Settlement Agreement''); Appendix II–1 (''2014 Stipulated Judgement''); Appendices D (''2008 GBUAPCD Board Order No. 080128–01''), E (''2013 GBUAPCD Board Order No. 130916–01''), and F (''GBUAPCD Fugitive Dust Rules (400, 401, 402)'') of Appendix V–1 (''Owens Valley Planning Area 2016 State Implementation Plan BACM Assessment); Appendix VI–2 (''Owens Lake Dust Mitigation Program Phase 9/10 Project—Final Environmental Impact Report (May 2015)''); and Appendix X–1 (''Proposed Rule 433'').

[FR Doc. 2017–04804 Filed 3–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0772; FRL–9958–21–Region 9]

Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Imperial County, California Moderate nonattainment area (''the Imperial County NA'') has attained the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS or ''standard''). This determination, also known as a clean data determination (CDD), is based upon complete, quality-assured, and certified ambient air monitoring data showing that the area has monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS based on the 2013–2015 data available in the EPA's Air Quality System database. As a consequence of this determination of attainment, certain Clean Air Act (CAA) requirements that apply to the Imperial County Air Pollution Control District (ICAPCD or ''District'') shall be suspended for so long as the area continues to meet the 2006 24-hour $PM_{2.5}$ NAAQS. The area remains nonattainment for the 2012 annual $PM_{2.5}$ NAAQS. The EPA is also approving a revision to California's state implementation plan (SIP) consisting of the 2008 emissions inventory for the Imperial County NA submitted by the California Air Resources Board (CARB or ''State'') on January 9, 2015. This action is being taken under the CAA. Elsewhere in this issue of the **Federal Register**, we are proposing approval and soliciting written comment on these actions. If we receive adverse comments on this direct final rule that result in withdrawal of the entire rule or any part(s) of it, we will address those comments when we finalize the proposal. The EPA does not plan to institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: This rule is effective on May 12, 2017 without further notice, unless the EPA receives adverse comments by April 12, 2017. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2016–0772, at *http://www.regulations.gov,* or via email to *Vagenas.Ginger@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the EPA's full public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, EPA Region IX, 415–972–3964, *Vagenas.Ginger@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' mean EPA.

Table of Contents

I. Background for the EPA's Proposed Action
II. Clean Data Determination
III. Analysis of Emissions Inventories
IV. Final Action
V. Statutory and Executive Order Reviews

I. Background for the EPA's Proposed Action

On July 18, 1997, the EPA established NAAQS for particles less than or equal to 2.5 micrometers (μm) in diameter ($PM_{2.5}$), including an annual standard of 15.0 micrograms per cubic meter (μg/m³) based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour (daily) standard of 65 μg/m³ based on a 3-year average of 98th percentile 24-hour $PM_{2.5}$ concentrations.[1] Effective December 18, 2006, the EPA revised the $PM_{2.5}$ standard by lowering the level of the 24-hour $PM_{2.5}$ standard to 35 μg/m³ (''2006 $PM_{2.5}$ standard'') but retained the annual standard at 15 μg/m³.[2] [3]

Following promulgation of a new or revised NAAQS, the EPA is required under CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. On January 5, 2005, the EPA published initial air quality designations for the 1997 annual and 24-hour $PM_{2.5}$ NAAQS.[4] We designated Imperial County as ''Unclassifiable/Attainment'' for both the 1997 annual and 24-hour $PM_{2.5}$ standards under subpart 1 of the CAA. We subsequently designated a portion of Imperial County as nonattainment under subpart 1 of the CAA for the 2006 24-hour standard effective December 13, 2009 (74 FR 58688, November 13, 2009).[5]

On June 2, 2014 (79 FR 31566), in response to a decision by the United States Court of Appeals for the District of Columbia, the EPA published a final rule classifying all areas then designated nonattainment for the 1997 and/or 2006 $PM_{2.5}$ standards as ''Moderate'' under subpart 4 and establishing a deadline of December 31, 2014 for states to submit any attainment-related SIP elements required for these areas pursuant to subpart 4.[6] The EPA provided its rationale for these actions in both the proposed and final classification/deadline rule.[7]

Under EPA's longstanding Clean Data Policy, EPA may issue a determination of attainment after notice and comment rulemaking determining that a specific area is attaining the relevant standard.[8] [9] The effect of a CDD is to suspend the requirement for the area to submit an attainment demonstration, reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and any other planning requirements related to attainment for as long as the area continues to attain the standard.

The EPA issued the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements on July 29, 2016 (effective October 24, 2016).[10] In that rule, the EPA reaffirmed the Clean Data Policy at 40 CFR 51.1015, as follows:

> Upon a determination by EPA that a moderate $PM_{2.5}$ nonattainment area has attained the $PM_{2.5}$ NAAQS, the requirements for the state to submit an attainment demonstration, provisions demonstrating that reasonably available control measures (including reasonably available control technology for stationary sources) shall be implemented no later than 4 years following the date of designation of the area, reasonable further progress plan, quantitative milestones and quantitative milestone reports, and contingency measures for the area shall be suspended until such time as: (1) The area is redesignated to attainment, after which such requirements are permanently discharged; or, (2) EPA determines that the area has re-violated the $PM_{2.5}$ NAAQS, at which time the state shall submit such attainment plan elements for the moderate nonattainment area by a future date to be determined by EPA and announced through publication in the **Federal Register** at the time EPA determines the area is violating the $PM_{2.5}$ NAAQS. See 40 CFR 51.1015.

A CDD does not suspend the requirements for an emissions inventory or new source review.[11]

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[1] 62 FR 36852 (July 18, 1997) and 40 CFR 50.7.

[2] 71 FR 61144 (October 17, 2006).

[3] Effective March 18, 2013, the EPA strengthened the primary annual $PM_{2.5}$ NAAQS by lowering the level to 12.0 μg/m³ while retaining the secondary annual $PM_{2.5}$ NAAQS at the level of 15.0 μg/m³. 78 FR 3086 (January 15, 2013) and 40 CFR 50.18.

[4] 70 FR 944 (January 5, 2005).

[5] In 2015, the EPA designated a portion of Imperial County nonattainment for the 2012 annual $PM_{2.5}$ NAAQS. The CDD that is the subject of this direct final rule pertains only to the 2006 24-hour $PM_{2.5}$ standard. The area remains nonattainment for the 2012 annual $PM_{2.5}$ standard. *See* 80 FR 2206 (January 15, 2015).

[6] In April 2007, the EPA issued an implementation rule to assist states with the development of SIP submissions to meet attainment planning requirements of the 1997 standards (the ''2007 $PM_{2.5}$ Implementation Rule''). 72 FR 20583 (April 25, 2007). The EPA premised the 2007 $PM_{2.5}$ Implementation Rule on its interpretation that nonattainment areas for the $PM_{2.5}$ standards were subject solely to the general nonattainment plan requirements of subpart 1, part D of title 1 of the CAA (''subpart 1''). On January 4, 2013, the D.C. Circuit Court of Appeals issued its decision in a challenge to our 2007 $PM_{2.5}$ implementation rule. *See NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). In *NRDC,* the court held that the EPA erred in implementing the 1997 $PM_{2.5}$ standard pursuant only to the general implementation requirements of subpart 1, rather than also to the implementation requirements specific to particulate matter in subpart 4, part D of title 1 of the CAA (''subpart 4''). The court remanded the rule and instructed the EPA ''to repromulgate these rules pursuant to Subpart 4 consistent with this opinion.'' This reasoning applies to all $PM_{2.5}$ standards.

[7] *See* 78 FR 69806, 69809 (November 21, 2013) and 79 FR 31566, 31568 (June 2, 2014).

[8] ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards,'' Memorandum from Stephen D. Page, December 14, 2004.

[9] In a separate action mandated by CAA section 188(b)(2), the EPA has proposed to determine that Imperial County attained the 2006 24-hour $PM_{2.5}$ standard by the applicable attainment deadline of December 31, 2015. *See* 81 FR 91088 (December 16, 2016). A determination that an area has attained by the applicable attainment date does not constitute a redesignation to attainment.

[10] 81 FR 58010 (August 24, 2016).

[11] On December 8, 2016, the EPA proposed action on three rules that update the ICAPCD's NSR program. Specifically, we have proposed to fully approve Rules 204 (Applications) and 206

Continued

II. Clean Data Determination

A. Criteria for Determining Attainment

Under EPA regulations in 40 CFR part 50, section 50.18 and in accordance with appendix N, the 2006 24-hour $PM_{2.5}$ standard is met when the design value is less than or equal to 35 μg/m[3] (based on the rounding convention in 40 CFR part 50, appendix N) at each eligible monitoring site within the area.[12] Data completeness requirements for a given year are met when at least 75 percent of the scheduled sampling days for each quarter have valid data. A determination of whether an area's air quality currently meets the $PM_{2.5}$ NAAQS is generally based upon the most recent three years of complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in a nonattainment area and entered into the EPA's Air Quality System (AQS) database.[13] Data from ambient air monitors operated by state/local agencies in compliance with the EPA monitoring requirements must be submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining the attainment status of areas.[14]

B. Monitoring Network and Data Considerations

The State and the District are the governmental agencies with the authority and responsibility under state law for collecting ambient air quality data within the Imperial County NA. Annually, CARB and the ICAPCD submit monitoring network plans to the EPA. These plans discuss the status of the air monitoring network as required under 40 CFR part 58. The EPA reviews these annual network plans for compliance with the applicable reporting requirements in 40 CFR 58.10. With respect to $PM_{2.5}$, we have found that the annual network plans submitted by CARB and the ICAPCD meet the applicable requirements under 40 CFR part 58.[15] Furthermore, we concluded in our Technical System Audit Report of CARB's and ICAPCD's ambient air quality monitoring program that the ambient air monitoring network currently meets or exceeds the requirements for the minimum number of monitoring sites designated as SLAMS for $PM_{2.5}$ in the Imperial County NA.[16] CARB annually certifies that the data it submits to AQS are quality-assured.[17]

During the 2013–2015 period, CARB and ICAPCD operated three SLAMS within the Imperial County NA; all three sites are located in the southern portion of Imperial County. The Calexico-Ethel monitoring site is operated by CARB and is located approximately 0.7 miles north of the United States-Mexico border. The Calexico-Ethel monitoring site is the design value site for $PM_{2.5}$ and the only violating SLAMS in Imperial County. ICAPCD operates two additional SLAMS: the Brawley monitoring site, located in the City of Brawley, 9 miles north of the border, and the El Centro monitoring site, located in the City of El Centro, 22 miles north of the border.

For the purposes of this proposed action, we reviewed the data for the most recent three-year period (2013–2015) for completeness and determined that the data collected by CARB and the ICAPCD meet the completeness criterion for all 12 quarters at $PM_{2.5}$ monitoring sites in the Imperial County NA.[18]

C. Evaluation of Current Attainment

The EPA's evaluation of whether the Imperial County NA has attained the 2006 24-hour $PM_{2.5}$ NAAQS is based on our review of the monitoring data and takes into account the adequacy of the $PM_{2.5}$ monitoring network in the nonattainment area and the reliability of the data collected by the network, as previously discussed.

Table 1 shows the 24-hour $PM_{2.5}$ design values at each of the three monitoring sites within the Imperial County NA for the most recent three-year period (2013–2015).

TABLE 1—2013–2015 24-HOUR $PM_{2.5}$ DESIGN VALUES FOR THE IMPERIAL COUNTY NA

Local site name	Site (AQS ID)	98th percentile (μg/m[3])			2013–2015 24-hour design values (μg/m[3])
		2013	2014	2015	
Calexico Ethel	06–025–0005	27.4	36.3	34.6	33
El Centro	06–025–1003	19.0	19.6	14.1	18
Brawley	06–025–0007	17.2	19.9	12.4	17

Source: EPA, Design Value Report, December 2, 2016.

The data show that the 24-hour design value for the 2013–2015 period was equal to or less than 35 μg/m[3] at all monitors. Therefore, we are proposing to determine, based on complete, quality-assured, and certified data for 2013–2015, that the Imperial County NA has attained the 2006 24-hour $PM_{2.5}$ standard. Preliminary data available in AQS for 2016 (January through August) indicate that the area continues to attain the standard and are consistent with the

(Processing of Applications), and proposed a limited approval/limited disapproval of Rule 207 (New and Modified Stationary Source Review). We expect this proposed action to be published in the **Federal Register** in the near future. Today's action includes our proposed approval of the emissions inventories included in the attainment plan for the Imperial County NA submitted on January 9, 2015. See Section III below.

[12] The 24-hour $PM_{2.5}$ standard design value is the 3-year average of annual 98th percentile 24-hour average values recorded at each eligible monitoring site, and the 2006 24-hour $PM_{2.5}$ NAAQS is met when the 24-hour standard design value at each monitoring site is less than or equal to 35 μg/m[3].

[13] AQS is the EPA's repository of ambient air quality data.

[14] *See* 40 CFR 50.7; 40 CFR part 50, appendix L; 40 CFR part 53; 40 CFR part 58, and 40 CFR part 58, appendices A, C, D, and E.

[15] *See, e.g.,* letter from Meredith Kurpius, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Brad Poiriez, Air Pollution Control Officer, ICAPCD, dated October 24, 2014.

[16] *See, e.g.,* letter from Elizabeth J. Adams, Acting Director, Air Division, U.S. EPA Region IX, to Richard Corey, Executive Officer, CARB, dated August 31, 2016.

[17] *See, e.g.,* letter from Ravi Ramalingam, Chief, Consumer Products and Air Quality Assessment Branch, CARB, to Elizabeth Adams, Director, Air Division, U.S. EPA Region IX, dated May 10, 2016.

[18] The EPA notes that CARB and ICAPCD did not start daily sampling until 2014; however, daily sampling was not required under the monitoring regulations that applied at the time. Further, a separate calculation based on daily sampling data collected in 2013 at a collocated non-regulatory monitor yields a 98th percentile value for 2013 similar to that of the primary regulatory monitor. *See* memorandum from Michael Flagg, U.S. EPA, Region IX, Air Quality Analysis Office, ''Implementation of $PM_{2.5}$ sampling frequency requirements in Imperial County,'' November 1, 2016. This memorandum is included in the rulemaking docket for this action.

determination of attainment. Additional preliminary data available on CARB's real-time Web site for September through December are also consistent with attainment.[19]

III. Analysis of Emissions Inventories

A. California's SIP Submittal for the 2006 $PM_{2.5}$ Standard for the Imperial County NA

Today's action also concerns the emissions inventories included in the ''Imperial County 2013 State Implementation Plan for the 2006 24-Hour $PM_{2.5}$ Moderate Nonattainment Area'' (''2013 $PM_{2.5}$ Plan'' or ''Plan'') adopted by the District on December 2, 2014 and submitted to the EPA as a SIP revision on January 9, 2015.[20]

B. Public Notice, Public Hearing, and Completeness Requirements for SIP Submittals

CAA sections 110(a)(1) and (2) and 110(l) require each state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submission of a SIP or SIP revision to the EPA. To meet this requirement, every SIP submission should include evidence that adequate public notice was given and an opportunity for a public hearing was provided consistent with the EPA's implementing regulations in 40 CFR 51.102.

Both the District and the State satisfied applicable statutory and regulatory requirements for reasonable public notice and hearing prior to adoption and submission of the 2013 $PM_{2.5}$ Plan. The District provided a public comment period and held a public hearing prior to the adoption of the SIP submission on December 2, 2014.[21] CARB provided the required public notice and opportunity for public comment prior to its December 18, 2014 public hearing and adoption of the SIP submission.[22] The submission includes proof of publication of notices for the respective public hearings. We find, therefore, that the 2013 $PM_{2.5}$ Plan meets the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l).

CAA section 110(k)(1)(B) requires the EPA to determine whether a SIP submission is complete within 60 days of receipt. This section of the CAA also provides that any plan that the EPA has not affirmatively determined to be complete or incomplete will become complete by operation of law six months after the date of submission. The EPA's SIP completeness criteria are found in 40 CFR part 51, Appendix V. The January 9, 2015 SIP submission became complete by operation of law on July 9, 2015.

C. Requirements for Emissions Inventories

CAA section 172(c)(3) requires that each SIP include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the area. By requiring an accounting of actual emissions from all sources of the relevant pollutants in the area, this section ensures that the base year inventory will include all emissions that contribute to the formation of a particular NAAQS pollutant. For the 2006 24-hour $PM_{2.5}$ NAAQS, this includes directly emitted $PM_{2.5}$ (referred to as primary or direct $PM_{2.5}$) as well as the main chemical precursors to the formation of secondary $PM_{2.5}$: Nitrogen oxides (NO_X), sulfur oxides (SO_x), volatile organic compounds (VOC), and ammonia (NH_3). Primary $PM_{2.5}$ includes condensable and filterable particulate matter.

A state should include in its SIP submittal documentation explaining how the emissions data were calculated. In estimating mobile source emissions, a state should use the latest emissions models and planning assumptions available at the time the SIP is developed. At the time the 2013 $PM_{2.5}$ Plan was developed, California was required to use the model EMFAC2011 to estimate tailpipe and brake and tire wear emissions of $PM_{2.5}$, NO_X, SO_x, and VOC from on-road mobile sources (78 FR 14533, March 6, 2013). States are required to use the EPA's AP–42 road dust method for calculating re-entrained road dust emissions from paved roads (76 FR 6328, February 4, 2011).

D. Emissions Inventories in the 2013 $PM_{2.5}$ Plan

The annual average planning inventories for direct $PM_{2.5}$ and all $PM_{2.5}$ precursors (NO_X, SO_x, VOC, and ammonia) for the Imperial County $PM_{2.5}$ NA, together with documentation for the inventories, are found in Chapter 3 of the 2013 $PM_{2.5}$ Plan. CARB and the District worked together to develop a complete inventory for all sources in Imperial County using activity information and emission factors. Activity data may come from national survey data or reports (*e.g.,* from the United States Department of Agriculture Economic Research Service) or local sources such as the Southern California Gas Company, paint suppliers, and District databases. Emission factors can be based on a number of variables including source tests, compliance reports, and the EPA's AP–42.

CARB provided annual average and winter daily average inventories for 2008, which it designated as the base year for the 2006 $PM_{2.5}$ Plan. CARB included both annual average and winter daily average inventories because a majority of the exceedances addressed by the 2013 $PM_{2.5}$ Plan occurred in the winter (November through April). Each inventory includes emissions from point, area, on-road, and non-road sources. Stationary sources include point and area sources. Point sources in the Imperial County air basin that emit 10 tons per year or more of VOC, NO_X, SO_x, or $PM_{2.5}$ report annual emissions to the District.

The District and CARB develop an annual emissions inventory for all sources in Imperial County, including separate inventories for winter and summer and an annual average inventory. Point source emissions for the 2008 base year emission inventories were based on this information. Area sources include smaller emissions sources distributed across the nonattainment area. Many small point sources and facilities that are not inventoried individually are estimated as a group and are included in the area source category.

The source categories that generate the most emissions (unpaved roads and tilling and harvesting operations) reflect implementation of PM_{10} Best Available Control Measures (BACM) approved rules. Agricultural burning is regulated under both ICAPCD's EPA-approved Rule 701 and its CARB-approved Smoke Management Plan.

[19] CARB's real-time AQMIS (Air Quality and Meteorological Information System) database can be found at: *https://www.arb.ca.gov/aqmis2/aqmis2.php.* AQMIS provides a combination of preliminary real-time data and historical regulatory data.

[20] As provided in 40 CFR 51.1015, our clean data determination for the Imperial County NA suspends requirements to submit an attainment demonstration, associated RACM, RFP plan, contingency measures, and other SIP revisions related to the attainment of the 2006 24-hour $PM_{2.5}$ NAAQS, but does not suspend the requirement for an inventory. Therefore, in conjunction with our clean data determination for the Imperial County NA, we are also approving the 2008 base year inventories submitted with the 2013 $PM_{2.5}$ Plan.

[21] ICAPCD, ''Notice of Public Hearing for Adoption of Imperial County 2013 State Implementation Plan for the 2006 24-Hour $PM_{2.5}$ Moderate Nonattainment Area,'' published October 24, 2014 and November 2, 2014.

[22] CARB, ''Notice of Public Meeting to Consider Approval of the Imperial County 2013 State Implementation Plan for the 2006 24-Hour $PM_{2.5}$ Moderate Nonattainment Area,'' November 18, 2014; and CARB Board Resolution 14–43, ''Imperial County 2013 State Implementation Plan for the 2006 24-Hour $PM_{2.5}$ Moderate Nonattainment Area,'' December 18, 2014.

The on-road mobile inventories use EMFAC2011 for estimating motor vehicle emissions.[23] EMFAC2011 calculates emission rates from all motor vehicles that operate on highways, freeways, and local roads in California. EMFAC2011 uses California Department of Motor Vehicle registration data for the number of vehicles, the Southern California Association of Governments travel demand output model for the number of vehicle miles traveled, and California Bureau of Automotive Repair for odometer readings and for emission factors derived from vehicle surveillance programs and dynamometer readings.

Off-road emissions such as construction, aircraft (military, commercial, and civil), gardening equipment, agricultural equipment, and recreational vehicle emissions were calculated using CARB's 2011 Off-Road Model.[24] The off-road model uses source population, activity, and emission estimates for all off-road vehicles, including boats, outdoor recreational vehicles, industrial and construction equipment, farm equipment, lawn and garden equipment, aircraft, and trains.

A summary of the Plan's 2008 winter and annual base year inventories is provided in Table 2 below. For a more detailed discussion of the inventories, see the 2013 $PM_{2.5}$ Plan, Chapter 3.

TABLE 2—$PM_{2.5}$ EMISSIONS INVENTORY BY SOURCE CATEGORY, WINTER AND ANNUAL PLANNING EMISSIONS INVENTORIES

[tpd (tons per day)]

Source category	Winter average 2008	Annual average 2008
Direct $PM_{2.5}$		
Stationary Sources	0.495	0.508
Area-Wide Sources	10.786	10.933
Mobile Sources:		
On-Road Vehicles	0.302	0.301
Other Mobile Sources:		
Aircraft	0.759	0.760
Off-Road, Trains, Recreational Boats, and Farm Equipment	0.277	0.322
Total Direct $PM_{2.5}$	12.619	12.824
Nitrogen Oxides		
Stationary Sources	1.836	1.875
Area-Wide Sources	0.423	0.462
Mobile Sources:		
On-Road Vehicles	8.608	8.425
Other Mobile Sources:		
Aircraft	1.523	1.524
Off-Road, Trains, Recreational Boats, and Farm Equipment	6.053	6.502
Total Nitrogen Oxides	18.443	18.788
Volatile Organic Compounds		
Stationary Sources	1.059	1.071
Area-Wide Sources	7.639	9.069
Mobile Sources:		
On-Road Vehicles	1.996	2.072
Other Mobile Sources:		
Aircraft	2.186	2.189
Off-Road, Trains, Recreational Boats, and Farm Equipment	2.657	3.624
Total Volatile Organic Compounds	15.537	18.025
Sulfur Oxides		
Stationary Sources	0.079	0.081
Area-Wide Sources	0.058	0.068
Mobile Sources:		
On-Road Vehicles	0.015	0.015
Other Mobile Sources:		
Aircraft	0.204	0.205
Off-Road, Trains, Recreational Boats and Farm Equipment	0.026	0.026
Total Sulfur Oxides	0.382	0.395
Ammonia		
Stationary Sources	3.142	3.100
Area-Wide Sources	27.622	31.693
Mobile Sources:		
On-Road Vehicles	0.166	0.166
Other Mobile Sources:		
Aircraft	0.000	0.000
Off-Road, Trains, Recreational Boats and Farm Equipment	0.002	0.002
Total Ammonia	30.932	34.961

Source: 2013 $PM_{2.5}$ Plan, Chapter 3, Tables 3.1, 3.7, 3.8, 3.9, and 3.10.

[23] 2013 $PM_{2.5}$ Plan, p. 21–22.

[24] *Id.*

E. EPA's Evaluation and Final Action

The inventories in the 2013 $PM_{2.5}$ Plan are based on the most current and accurate information available to the State and District at the time the Plan and its inventories were being developed, including the latest EPA-approved version of California's mobile source emissions model, EMFAC2011, and the EPA's most recent AP–42 methodology for paved road dust. The inventories comprehensively address all source categories in the Imperial County NA and were developed consistent with the EPA's inventory guidance. For these reasons, we are approving the 2013 $PM_{2.5}$ Plan's annual average and winter daily average inventories for 2008 as meeting the requirements of CAA section 172(c)(3).

IV. Final Action

The EPA is determining that the Imperial County NA has attained the 2006 24-hour $PM_{2.5}$ NAAQS. As provided in 40 CFR 51.1015, this clean data determination suspends the requirements for this area to submit an attainment demonstration, associated RACM, RFP plan, contingency measures, and any other planning SIP revisions related to the attainment of the 2006 24-hour $PM_{2.5}$ NAAQS, so long as this area continues to meet the standard. This clean data determination does not constitute a redesignation to attainment. The Imperial County NA will remain designated nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS until such time as the EPA determines, pursuant to sections 107 and 175A of the CAA, that the Imperial County NA meets the CAA requirements for redesignation to attainment, including an approved maintenance plan showing that the area will continue to meet the standard for 10 years. We are also approving the 2013 $PM_{2.5}$ Plan's annual average and winter daily average inventories for 2008 as meeting the requirements of CAA section 172(c)(3).

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted base year emissions inventory because we believe it fulfills all relevant requirements. We do not think anyone will object to this inventory approval or the CDD, so we are finalizing them without proposing in advance. However, in the Proposed Rules section of this issue of the **Federal Register**, we are simultaneously proposing to make a CDD and proposing approval of the same submitted emissions inventory. If we receive adverse comments by April 12, 2017, we will publish a timely withdrawal in the **Federal Register** to notify the public that some or all of the provisions of the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on May 12, 2017.

V. Statutory and Executive Order Reviews

This action makes a clean data determination based on air quality and suspends certain federal requirements, and thus, does not impose additional requirements beyond those imposed by state law. In addition, under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves State law as meeting federal requirements and does not impose additional requirements beyond those imposed by State law. For these reasons, this proposed action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: January 3, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(484) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(484) The following plan was submitted on January 9, 2015, by the Governor's designee.

(i) [Reserved]

(ii) Additional materials.

(A) Imperial County Air Pollution Control District.

(*1*) ''Imperial County 2013 State Implementation Plan for the 2006 24-Hour $PM_{2.5}$ Moderate Nonattainment Area,'' adopted December 2, 2014, Chapter 3 (''Emissions Inventory'') excluding: Section 3.4.1 (''Determination of Significant Sources of $PM_{2.5}$ Precursors''); the 2011 and 2012 winter and annual average inventories in Table 3.1 (''$PM_{2.5}$ Emissions Inventory by Major Source Category 2008, 2011 and 2012 Winter and Annual

Planning Emissions Inventories''); the 2011 and 2012 winter and annual average inventories in Table 3.7 (''NO_X Emissions Inventory by Major Source Category 2008, 2011 and 2012 Winter and Annual Planning Emissions Inventories''); the 2011 and 2012 winter and annual average inventories in Table 3.8 (''VOCs Emissions Inventory by Major Source Category 2008, 2011 and 2012 Winter and Annual Planning Emissions Inventories''); the 2011 and 2012 winter and annual average inventories in Table 3.9 (''SO_X Emissions Inventory by Major Source Category 2008, 2011 and 2012 Winter and Annual Planning Emissions Inventories''); and the 2011 and 2012 winter and annual average inventories in Table 3.10 (''Ammonia Emissions Inventory by Major Source Category 2008, 2011 and 2012 Winter and Annual Planning Emissions Inventories'').

■ 3. Section 52.247 is amended by adding paragraph (i) to read as follows:

§ 52.247 Control strategy and regulations: Fine Particle Matter.

* * * * *

(i) *Determination of attainment.* Effective May 12, 2017, EPA has determined that, based on 2013 to 2015 ambient air quality data, the Imperial County $PM_{2.5}$ nonattainment area has attained the 2006 24-hour $PM_{2.5}$ NAAQS. Under the provisions of EPA's $PM_{2.5}$ implementation rule (see 40 CFR 51.1015), this determination suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment for as long as this area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 2006 24-hour $PM_{2.5}$ NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

[FR Doc. 2017–04780 Filed 3–10–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0245; FRL–9958–43–Region 9]

Approval of California Air Plan Revisions, Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) and particulate matter (PM) from confined animal facilities (CAFs). We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on April 12, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2016–0245. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly-available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly-available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972–3848, *levin.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On December 1, 2016 (81 FR 86662), the EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
YSAQMD	11.2	Confined Animal Facilities Permit Program	06/14/06	10/05/06

We proposed to approve this rule because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the YSAQMD rule described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under

Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 12, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: January 6, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(347)(i)(E) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(347) * * *

(i) * * *

(E) Yolo Solano Air Quality Management District.

(1) Rule 11.2, ''Confined Animal Facilities Permit Program,'' adopted on June 14, 2006.

* * * * *

[FR Doc. 2017–04778 Filed 3–10–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–8469]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Patricia Suber, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 646–4149.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public

body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region X				
Washington:				
Bonney Lake, City of, Pierce County	530274	October 14, 1982, Emerg; April 26, 1983, Reg; March 7, 2017, Susp.	.....do	Do.
Buckley, City of, Pierce County	530139	November 5, 1975, Emerg; May 1, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Coupeville, Town of, Island County	530281	N/A, Emerg; October 15, 1997, Reg; March 7, 2017, Susp.	.....do	Do.
Eatonville, Town of, Pierce County	530283	N/A, Emerg; May 29, 2001, Reg; March 7, 2017, Susp.	.....do	Do.
Edgewood, City of, Pierce County	530328	N/A, Emerg; April 10, 1997, Reg; March 7, 2017, Susp.	.....do	Do.
Fife, City of, Pierce County	530140	May 21, 1975, Emerg; November 5, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Fircrest, City of, Pierce County	530141	June 4, 1975, Emerg; February 3, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Gig Harbor, City of, Pierce County	530142	June 28, 1974, Emerg; September 2, 1981, Reg; March 7, 2017, Susp.	.....do	Do.
Island County, Unincorporated Areas ...	530312	March 27, 1975, Emerg; December 1, 1981, Reg; March 7, 2017, Susp.	.....do	Do.
Lakewood, City of, Pierce County	530333	N/A, Emerg; November 28, 1997, Reg; March 7, 2017, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Langley, City of, Island County	530292	July 2, 1975, Emerg; September 24, 1984, Reg; March 7, 2017, Susp.	.....do	Do.
Milton, City of, King and Pierce Counties.	530294	April 26, 1982, Emerg; April 26, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Oak Harbor, City of, Island County	530068	May 5, 1975, Emerg; January 15, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Orting, City of, Pierce County	530143	July 17, 1974, Emerg; September 27, 1985, Reg; March 7, 2017, Susp.	.....do	Do.
Pierce County, Unincorporated Areas	530138	February 15, 1974, Emerg; August 19, 1987, Reg; March 7, 2017, Susp.	.....do	Do.
Puyallup, City of, Pierce County	530144	April 16, 1975, Emerg; August 15, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Roy, City of, Pierce County	530262	April 26, 1982, Emerg; April 26, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Ruston, City of, Pierce County	530300	N/A, Emerg; December 3, 2008, Reg; March 7, 2017, Susp.	.....do	Do.
South Prairie, Town of, Pierce County	530145	June 30, 1980, Emerg; December 15, 1981, Reg; March 7, 2017, Susp.	.....do	Do.
Steilacoom, Town of, Pierce County	530146	June 4, 1975, Emerg; July 19, 1982, Reg; March 7, 2017, Susp.	.....do	Do.
Sumner, City of, Pierce County	530147	October 4, 1974, Emerg; December 16, 1980, Reg; March 7, 2017, Susp.	.....do	Do.
Tacoma, City of, Pierce County	530148	July 2, 1974, Emerg; December 1, 1983, Reg; March 7, 2017, Susp.	.....do	Do.
University Place, City of, Pierce County	530332	N/A, Emerg; November 28, 1997, Reg; March 7, 2017, Susp.	.....do	Do.
Wilkeson, Town of, Pierce County	530268	August 17, 1976, Emerg; March 1, 1982, Reg; March 7, 2017, Susp.	.....do	Do.

*.....do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 2, 2017.

Michael M. Grimm,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2017–04832 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1250

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

United States Rail Service Issues—Performance Data Reporting

AGENCY: Surface Transportation Board.

ACTION: Final rule; technical correction.

SUMMARY: The Surface Transportation Board (STB or Board) is correcting the final rule served on November 30, 2016, by including one additional Standard Transportation Commodity Code (STCC) to the group of 14 previously included in the final rule.

DATES: This rule is effective on March 21, 2017. Initial reporting under the final rule will begin on March 29, 2017.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher at (202) 245–0355. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On November 30, 2016, the Board adopted a final rule to establish new regulations requiring all Class I railroads and the Chicago Transportation Coordination Office, through its Class I members, to report certain service performance metrics on a weekly, semiannual, and occasional basis.[1] Among other things, the final rule adopted requirements for the reporting of cars in fertilizer service, with fertilizer being defined by 14 STCCs that The Fertilizer Institute (TFI) provided in its comments. *U.S. Rail Serv. Issues—Performance Data Reporting* (*November Decision*), EP 724 (Sub-No. 4), slip op. at 15 (STB served Nov. 30, 2016); 81 FR 87472 (Dec. 5, 2016). On December 20, 2016, TFI petitioned the Board to reconsider the final rule on the ''grounds that the decision will be affected by new evidence that renders it materially incomplete.'' (TFI Pet. 1.) TFI asserts that to complete the definition of fertilizer, the Board must add STCC 2871313 to the 14 STCCs that TFI previously provided. (*Id.*)

On January 9, 2017, the Association of American Railroads (AAR) replied to the petition, stating that ''despite the fact that TFI's submission hardly constitutes new evidence, the AAR does not object'' to the additional STCC. (AAR Reply 1, Jan. 9, 2017.) The Board received no other replies.

The Board will make the technical correction that TFI requests.[2] In the *November Decision,* the Board adopted TFI's proposal to define fertilizer, for reporting purposes, as 14 fertilizer STCC codes intended to represent the most commonly used codes for fertilizer shipments. *See November Decision,* slip op. at 15; TFI Reply 4, June 28, 2016. To ensure that the primary fertilizer STCC codes are included in the initial implementation of the reporting rules,

[1] On January 27, 2017, the Board extended the effective date of the final rule to March 21, 2017, and set initial reporting under the final rule to begin on March 29, 2017. *See U.S. Rail Serv. Issues—Data Collection,* EP 724 (Sub-No. 3) et al., slip op at 2 (STB served Jan. 27, 2017); 82 FR 9529 (Feb. 7, 2017) (corrected at 82 FR 11515 (Feb. 24, 2017)).

[2] Although TFI filed its request as a petition for reconsideration, the Board will treat it as a request for a technical correction to the final rule.

the Board will add the additional fertilizer STCC that TFI now proposes.

The Board will make this correction without additional notice and public comment. As noted, this technical correction to the fertilizer STCCs in 49 CFR pt. 1250 is not contested. The correction is also non-substantive in that it merely corrects the fertilizer STCC list to include all of the relevant codes in accordance with the Board's decision to require certain reporting on fertilizer traffic. *See November Decision,* EP 724 (Sub-No. 4), slip op. at 15. Accordingly, for good cause shown, the Board finds that notice and public comment on this correction is unnecessary. *See* 5 U.S.C. 553(b)(3)(B).

The change to the final rule is set forth in the Appendix to this decision. The only correction to the final rule served on November 30, 2016, is the addition of STCC 2871313 to 49 CFR 1250.2(a)(6). The Board certifies that there is no change to its Regulatory Flexibility or Paperwork Reduction Act analyses in the *November Decision,* EP 724 (Sub-No. 4), slip op. at 24–25.

It is ordered:

1. The Board will grant the unopposed request for a technical correction of the final rule.

2. The final rule set forth below is adopted and will be effective on March 21, 2017. The initial reporting date will be March 29, 2017. Notice of the rule adopted here will be published in the **Federal Register**.

3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

List of Subjects in 49 CFR Part 1250

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

Decided: March 7, 2017.

By the Board, Board Members Begeman, Elliott, and Miller.

Kenyatta Clay,

Clearance Clerk.

For the reasons set forth in the preamble, title 49, chapter X, subchapter D, part 1250 of the Code of Federal Regulations is corrected as follows:

PART 1250—RAILROAD PERFORMANCE DATA REPORTING

■ 1. The authority citation for part 1250 continues to read as follows:

Authority: 49 U.S.C. 1321 and 11145.

■ 2. In 1250.2, paragraph (a)(6) is revised to read as follows:

§ 1250.2 Railroad performance data elements.

(a) * * *

(6) The weekly average of loaded and empty cars, operating in normal movement and billed to an origin or destination, which have not moved in 48 hours or more sorted by service type (intermodal, grain, coal, crude oil, automotive, ethanol, fertilizer (the following Standard Transportation Commodity Codes (STCCs): 2871236, 2871235, 2871238, 2819454, 2812534, 2818426, 2819815, 2818170, 2871315, 2818142, 2818146, 2871244, 2819173, 2871313, and 2871451), and all other). In order to derive the averages for the reporting period, carriers should run a same-time snapshot each day of the reporting period, capturing cars that have not moved in 48 hours or more. The number of cars captured on the daily snapshot for each category should be added, and then divided by the number of days in the reporting period. In deriving this data, carriers should include cars in normal service anywhere on their system, but should not include cars placed at a customer facility; in constructive placement; placed for interchange to another carrier; in bad order status; in storage; or operating in railroad service (*e.g.,* ballast).

* * * * *

[FR Doc. 2017–04841 Filed 3–10–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151130999–6594–02]

RIN 0648–XF247

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2017 Sector Quota Transfer Adjustment

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

ACTION: Temporary rule; quota transfer adjustment.

SUMMARY: This action adjusts the previously established 2017 Atlantic bluefish sector transfer amount from the recreational fishery to the commercial fishery. Updated information from 2016 catch estimates indicate that the 2017 transfer amount may be increased, which adjusts the 2017 bluefish recreational harvest limit and commercial quota values. This action notifies the public of these adjustments.

DATES: This action is effective March 10, 2017, through December 31, 2017.

ADDRESSES: The Atlantic bluefish specifications final rule (81 FR 51370; August 4, 2016) that established the initial 2017 commercial quota and recreational harvest limit is accessible via the Internet at *www.regulations.gov.* Copies of the original specifications document, including the Environmental Assessment and Initial Regulatory Flexibility Analysis (EA/IRFA), and other supporting documents, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the Internet at *http://www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION:

Background

The regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. In August 2016, we implemented the Atlantic bluefish fishery specifications for the 2016 through 2018 fishing years. These specifications, consistent with the Atlantic Bluefish Fishery Management Plan (FMP) specification setting process, included the contingency that the estimated sector transfer of quota for 2017 would be re-evaluated and adjusted with realized recreational landings from the preceding year (2016). The process to transfer quota from the recreational to the commercial sector of the bluefish fishery is described in § 648.162(b)(2).

Final Sector Transfer and Specification Adjustments

A transfer of quota from the recreational fishery to the commercial fishery is permitted under the FMP up to a commercial fishery quota of 10.5 million lb (4,763 mt), provided the combined expected recreational landings and the commercial quota do not exceed the total allowable landings (TAL), and the recreational fishery is not projected to exceed its harvest limit. The initial 2017 bluefish specifications contained an estimated sector quota transfer based on recreational catch data projected from available 2015 recreational landings. That transfer amount (2,561,747 lb; 1,161 mt) was calculated so that the initial 2017 recreational harvest limit was equal to the expected 2015 recreational landings,

and the final commercial quota did not exceed 10.5 million lb, consistent with the FMP requirement outlining the transfer process. This resulted in an initial 2017 commercial quota of 6,070,867 lb (2,753 mt) and an initial 2017 recreational harvest limit of 11,581,548 lb (5,253 mt). The bluefish quota management system for the commercial fishery has been timely and effective at constraining catch in the past, and no state is expected to exceed their quota. However, recreational bluefish catches can be more variable, so the Mid-Atlantic Fishery Management Council recommended that we re-evaluate the suggested sector quota transfer each year, consistent with the FMP requirements, as additional, updated recreational fishery data become available.

The preliminary 2016 Marine Recreational Information Program (MRIP) catch estimates for the full year became available in February, providing the most recent complete recreational data for 2016. The 2016 recreational bluefish catch estimate (see Table 1) is lower than the 2015 projected value (11,581,548 lb, 5,253 mt) used to calculate the initial 2017 transfer in the 2016–2018 bluefish specifications, so we are adjusting the transfer amount and resulting quotas accordingly in this notice. Using these updated recreational landings to project 2017 catch, we are implementing an adjusted transfer of 5,033,101 lb (2,282 mt) from the recreational to commercial sector; resulting in a revised harvest limit of 9,653,715 lb (4,379 mt), and a revised commercial quota of 8,542,221 lb (3,874 mt). Consistent with the FMP protocol, we calculated the size of the transfer so that the 2017 recreational harvest limit is equal to the updated 2016 recreational landings estimate, and the final commercial quota does not exceed 10.5 million lb. The adjusted 2017 specifications are shown in Table 1. When final data become available later this spring, we will determine if any adjustments to this transfer amount are necessary.

TABLE 1—ADJUSTED 2017 ATLANTIC BLUEFISH SPECIFICATIONS

	2017	
	lb	mt
OFL	26,444,448	11,995
ABC	20,641,883	9,363
ACL	20,641,883	9,363
Management Uncertainty	0	0
Commercial ACT	3,509,120	1,592
Recreational ACT	17,132,763	7,770
Commercial Discards	0	0
Recreational Discards*	2,445,947	1,109
Commercial TAL	3,509,120	1,592
Recreational TAL*	14,686,816	6,661
Combined TAL	18,195,936	8,253
Expected Recreational Landings	9,653,715	4,379
Transfer	5,033,101	2,282
Commercial Quota	8,542,221	3,874
Recreational Harvest Limit	9,653,715	4,379

* Recreational discards and TAL have also been updated from those outlined in the 2016–2018 specifications based on updated 2016 MRIP information.

This sector transfer is included in the Atlantic bluefish regulations, and is therefore consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act.

Final Recreational Possession Limit

As a result of the revised sector transfer of 5,033,101 lb (2,282 mt) described above, the final, adjusted recreational harvest limit for the 2017 bluefish fishery is 9,653,715 lb (4,379 mt). Regardless of this adjustment, and consistent with the recommendation of the Council, the daily recreational possession limit for 2017 remains up to 15 fish per person, with a year-round open recreational season.

Final State Commercial Allocations

As required by regulations and described in § 648.162, the 2016–2018 bluefish specifications set an initial distribution of commercial quota for 2017 among the coastal states from Maine through Florida. Due to the increase in the 2017 commercial quota resulting from this sector quota transfer, these state-by-state allocations are also revised based on percentages specified in the FMP. The final, adjusted state commercial quotas for 2017 are shown in Table 2. No states exceeded their quota in 2016, so we are not implementing any accountability measures for the 2017 fishing year.

TABLE 2—FINAL 2017 BLUEFISH COMMERCIAL STATE-BY-STATE ALLOCATIONS

State	FMP percent share	2017 Quota	
		kg	lb
ME	0.6685	25,902	57,105
NH	0.4145	16,061	35,408
MA	6.7167	260,251	573,755
RI	6.8081	263,793	581,563
CT	1.2663	49,065	108,170
NY	10.3851	402,390	887,118
NJ	14.8162	574,081	1,265,633
DE	1.8782	72,774	160,440

TABLE 2—FINAL 2017 BLUEFISH COMMERCIAL STATE-BY-STATE ALLOCATIONS—Continued

State	FMP percent share	2017 Quota	
		kg	lb
MD	3.0018	116,310	256,420
VA	11.8795	460,293	1,014,773
NC	32.0608	1,242,255	2,738,704
SC	0.0352	1,364	3,007
GA	0.0095	368	812
FL	10.0597	389,782	859,322
Total	100.0001	3,874,690	8,542,230

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: March 7, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–04864 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 47
Monday, March 13, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9572; Directorate Identifier 2016–NM–151–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–08–02 for certain Airbus Model A300 B4–600 and A300 B4–600R series airplanes. AD 2014–08–02 requires modifying the profile of stringer run-outs of both wings, including a high frequency eddy current (HFEC) inspection of the fastener holes for defects, and repairs if necessary. Since we issued AD 2014–08–02, further analysis in the context of widespread fatigue damage (WFD) concluded that a shorter compliance time is necessary to meet specified requirements to address WFD. This proposed AD would retain the actions required by AD 2014–08–02 and would revise the compliance times. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 27, 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 Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9572; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2016–9572; Directorate Identifier 2016–NM–151–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that design approval holders (DAHs) establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

On April 2, 2014, we issued AD 2014–08–02, Amendment 39–17826 (79 FR 21392, April 16, 2014) (''AD 2014–08–02''), for certain Airbus Model A300 B4–600 and A300 B4–600R series airplanes. AD 2014–08–02 was prompted by reports of cracks found in certain bottom wing skin stringers during full-scale fatigue testing and in service. AD 2014–08–02 requires modifying the profile of stringer run-outs of both wings, including a high frequency eddy current inspection of the fastener holes for defects, and repairs if necessary. We issued AD 2014–08–02 to prevent cracking in the bottom wing skin stringers, which could result in reduced structural integrity of the wings.

Since we issued AD 2014–08–02, further analysis in the context of WFD concluded that a shorter compliance time is necessary to meet specified requirements to address WFD.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0174, dated August 30, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 B4–600 and A300 B4–600R series airplanes. The MCAI states:

> During full-scale fatigue testing, cracks were detected in the bottom wing skin stringers at Rib 14. In addition, operators have also reported finding cracks in the same area on in-service aeroplanes.
>
> This condition, if not detected and corrected, could impair the structural integrity of the wings.
>
> Additional analysis results showed that the improved design of the stringer run-out was necessary for aeroplanes operating beyond the Extended Service Goal 1.
>
> To address this unsafe condition, Airbus issued Service Bulletin (SB) A300–57–6046 Revision 01 to provide modification instructions, and EASA issued AD 2013–0008 (later revised) [which corresponds to FAA AD 2014–08–02], to require the removal of the stringer end run-out plate at stringer 19 on the bottom wing skin and a re-profiling modification of the stringers 10, 11, 12, 17 and 19.
>
> Since that [EASA] AD was issued, further analysis in the context of Widespread Fatigue Damage (WFD), concluded that a threshold reduction is necessary to meet the WFD requirements. Consequently, Airbus revised SB A300–57–6046 accordingly (now at Revision 03).
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2013–0008R1, which is superseded, but reduces the modification threshold, and introduces a pre-mod High Frequency Eddy Current (HFEC) inspection.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9572.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–57–6046, Revision 03, including Appendix 01, dated February 4, 2015. The service information describes procedures to modify the profile of stringer run-outs of both wings, including a HFEC inspection of the fastener holes for defects, and repairs. It also describes new compliance times for completing the modifications. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 29 airplanes of U.S. registry.

The actions required by AD 2014–08–02, and retained in this proposed AD, take about 63 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $2,360 per product. Based on these figures (accounting for updated work-hour and parts cost estimates), the estimated cost of this proposed AD on U.S. operators is $7,715 per product.

We have received no definitive data that would enable us to provide cost estimates for any on-condition actions specified in this proposed AD. We have no way of determining the number of aircraft that might need this repair.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–08–02, Amendment 39–17826 (79 FR 21392, April 16, 2014), and adding the following new AD:

Airbus: Docket No. FAA–2016–9572; Directorate Identifier 2016–NM–151–AD.

(a) Comments Due Date

We must receive comments by April 27, 2017.

(b) Affected ADs

This AD replaces AD 2014–08–02, Amendment 39–17826 (79 FR 21392, April 16, 2014) (''AD 2014–08–02'').

(c) Applicability

This AD applies to Airbus Model A300–B4–601, B4–603, B4–620, and B4–622 airplanes, and Model A300–B4–605R and B4–622R airplanes, certificated in any category, except airplanes on which Airbus Modification 10324 or 10325 has been embodied in production.

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the wing skin stringers are subject to widespread fatigue damage (WFD). We are issuing this AD to prevent cracking in the bottom wing skin stringers, which could result in reduced structural integrity of the wings.

(f) Compliance

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

(g) Retained Modification of Rib 14, With Revised Compliance Time and Service Information

This paragraph restates the requirements of paragraph (g) of AD 2014–08–02, with revised compliance time and service information. At the time specified in paragraph (g)(1) or (g)(2) of this AD, whichever occurs earlier, modify the profile of stringer run-outs at rib 14 of both wings, including a high frequency eddy current inspection of the fastener holes for defects and all applicable repairs, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013; or Revision 03, including Appendix 01, dated February 4, 2015; except as required by paragraph (h) of this AD. Do all applicable repairs before further flight. As of the effective date of this AD, only Airbus Service Bulletin A300–57–6046, Revision 03, including Appendix 01, dated February 4, 2015, may be used.

(1) Before the accumulation of 42,500 total flight cycles, or within 2,000 flight cycles after May 21, 2014 (the effective date of AD 2014–08–02), whichever occurs later.

(2) Before the accumulation of 30,000 total flight cycles, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later.

(h) Retained Exception to the Service Information, With Revised Service Information

This paragraph restates the requirements of paragraph (h) of AD 2014–08–02, with revised service information.

(1) Where Airbus Mandatory Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013, specifies to contact Airbus for repair instructions, this AD requires contacting the Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, or the European Aviation Safety Agency (EASA) (or its delegated agent) for repair instructions and doing those repairs before further flight.

(2) Where Airbus Service Bulletin A300–57–6046, Revision 03, including Appendix 01, dated February 4, 2015, specifies to contact Airbus for appropriate action: Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (j)(2) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD.

(1) Airbus Service Bulletin A300–57–6046, Revision 01, dated April 18, 2011, which is not incorporated by reference in this AD.

(2) Airbus Service Bulletin A300–57–6046, dated January 18, 1994, which is not incorporated by reference in this AD.

(3) Airbus Service Bulletin A300–57–6046, Revision 02, dated June 21, 2013, which was incorporated by reference in AD 2014–08–02.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (h) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0174, dated August 30, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9572.

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

Issued in Renton, Washington, on January 12, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–03032 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9476; Airspace Docket No. 16–AWP–28]

Proposed Establishment of Class E Airspace, Sacramento, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E en route airspace extending upward from 1,200 feet above the surface to accommodate Instrument

Flight Rules (IFR) aircraft under control of the Oakland Air Route Traffic Control Center (ARTCC), centered near Sacramento, CA. Establishment of this airspace area would ensure controlled airspace exists in those areas where the Federal airway structure is inadequate.

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

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2016–9476; Airspace Docket No. 16–AWP–28, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4511.

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 would establish Class E en route airspace at Sacramento, CA, to ensure controlled airspace exists in those areas where the Federal airway structure is inadequate.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9476/Airspace Docket No. 16–AWP–28.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend 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.

Background

Current airspace design is primarily based on airport terminal areas and airways, often leaving small areas of uncontrolled airspace between airports. Class E en route domestic airspace provides controlled airspace in those areas where there is a requirement to provide IFR en route air traffic control services but the Federal airway structure is inadequate.

Numerous smaller Class E en route areas have been established to provide controlled airspace where the airway structure is inadequate; however, as aging ground-based navigation aids are removed from service, the airway structure is reduced, uncovering larger areas of uncontrolled airspace. This action would provide the airway structure necessary for the safe and efficient flow of aircraft within the National Airspace System (NAS).

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 to establish Class E en route airspace extending upward from 1,200 feet above the surface centered near Sacramento, CA, to support en route IFR operations where the airway structure is inadequate. The en route airspace area would extend from the southern border of the Rogue Valley en route airspace area near Redding, CA, west to include that airspace within 12 miles of the shore line, south to the southern boundary of the Oakland Air Route Traffic Control Center near Monterey, CA, east to the western boundary of the Coaldale en route airspace area, and northeast to near Reno, NV. This proposal would allow the most efficient routing between airports without reducing margins of safety or requiring additional

coordination and pilot/controller workload. This action is necessary to ensure the safety and management of controlled airspace within the NAS as it transitions from ground based navigation aids to satellite-based Global Navigation Satellite System for navigation.

Class E airspace designations are published in paragraph 6006 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.

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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 14 CFR 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 6006 En Route Domestic Airspace Areas.

* * * * *

AWP CA E6 Sacramento, CA [New]

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 39°05′16″ N., long. 124°05′00″ W.; to lat. 38°50′52″ N., long. 123°58′27″ to lat. 37°55′05″ N., long. 123°16′37″ W.; to lat. 37°05′15″ N., long. 122°43′32″ W.; to lat. 36°06′41″ N., long. 122°02′23″ W.; to lat. 35°36′08″ N., long. 121°31′31″ W.; to lat. 35°22′02″ N., long. 121°13′48″ W.; to lat. 35°32′00″ N., long. 120°51′00″ W.; to lat. 36°45′00″ N., long. 120°07′00″ W.; to lat. 35°38′00″ N., long. 119°30′00″ W.; to lat. 36°08′00″ N., long. 119°10′00″ W.; to lat. 36°08′00″ N., long. 118°52′00″ W.; to lat. 37°47′57″ N., long. 120°22′00″ W.; to lat. 38°53′30″ N., long. 119°49′00″ W.; to lat. 39°39′28″ N., long. 117°59′55″ W.; to lat. 40°27′51″ N., long. 119°37′10″ W.; to lat. 39°33′53″ N., long. 120°19′02″ W.; thence to the point of beginning, excluding that airspace offshore beyond 12 miles from the shoreline.

Issued in Seattle, Washington, on March 1, 2017.

Tracey Johnson,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–04783 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9421; Airspace Docket No. 16–ASW–17]

Proposed Establishment Class E Airspace; Cisco, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Gregory M. Simmons Memorial Airport, Cisco, TX, to accommodate new special instrument approach procedures at the airport for safety and management of instrument flight rules (IFR) operations at the airport.

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

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or 1–800–647–5527. You must identify FAA Docket No. FAA–2016–9421; Airspace Docket No. 16–ASW–17, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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 would establish Class E airspace at Gregory M. Simmons Memorial Airport, Cisco, TX.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2016–9421/Airspace Docket No. 16–ASW–17.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend 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 Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Gregory M. Simmons Memorial Airport, Cisco, TX, due to the establishment of special instrument approach procedures at the airport. Controlled airspace is necessary for the safety and management of instrument approach procedures for IFR operations at the airport.

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.

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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 14 CFR 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 TX E5 Cisco, TX [New]

Gregory M. Simmons Airport, TX

(Lat. 32°21′57″ N., long. 99°01′25″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Gregory M. Simmons Airport.

Issued in Fort Worth, Texas, on March 6, 2017.

Walter Tweedy,

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

[FR Doc. 2017–04793 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0031]

RIN 1625–AA00

Safety Zone; Xterra Swim, Myrtle Beach, SC Intracoastal Waterway; Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on

certain waters of the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina. This proposed safety zone is necessary to provide for the safety of the swimmers, participant vessels, spectators, and the general public during the swim portion of the Xterra Triathalon. This rule is intended to prohibit non-participant vessels and persons from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 12, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0031 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: If you have questions about this proposed rulemaking, call or email Lieutenant Commander John Downing, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *John.Z.Downing@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background, Purpose, and Legal Basis

On January 10, 2017, Set Up Events notified the Coast Guard that it will be sponsoring the Xterra Myrtle Beach Triathalon from 7 a.m. to 9 a.m. on April 23, 2017. Approximately 75 swimmers are anticipated to participate in the swim portion of the event, located on certain waters of the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina. The Captain of the Port Charleston (COTP) has determined that the potential hazards associated with the swim portion of the Triathalon constitute a safety concern for anyone within the proposed safety zone. The purpose of the proposed rule is to ensure safety of life on the navigable water of the United States during the event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The Coast Guard proposes to establish a temporary safety zone on the Atlantic Intracoastal Waterway in Myrtle Beach, South Carolina during the Xterra Myrtle Beach Triathlon, on April 23, 2017. The duration of the safety zone is intended to ensure the safety of life on the navigable waters of the Intracoastal before, during, and after the scheduled 7 a.m. to 9 a.m. swim portion of the Triathalon. Approximately 75 participants are expected to participate in the swim portion of the race. No vessel or person would be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document. The Coast Guard would provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of two hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; and (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

B. Impact on Small Entities

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

We have considered the impact of this proposed rule on small entities. This rule may affect the following entities, some of which may be small entities: The owner or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during the enforcement period. For the reasons stated in section IV.A. above, this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a temporary safety zone with a two-hour enforcement period that would prohibit entry to certain waters of the Atlantic Intracoastal waterway during the swim portion of a Triathalon. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.1D. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; and Department of Homeland Security Delegation No. 0170.

■ 2. Add a temporary § 165.35T07–0031 to read as follows:

§ 100.T07–0031 Safety Zone; Xterra Swim, Myrtle Beach SC.

(a) *Location.* The rule establishes a temporary safety zone on certain waters of the Atlantic Intracoastal Waterway, Myrtle Beach, South Carolina. The temporary safety zone consists of the following two points of position and the North shore: 33°45.076 N., 78°50.790 W. to 33°45.323 N., 78°50.214 W. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the

Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This rule will be enforced on from 7 a.m. until 9 a.m. on April 23, 2017.

Dated: March 7, 2017.

G. L. Tomasulo,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2017–04878 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0772; FRL–9958–18–Region 9]

Determination of Attainment and Approval of Base Year Emissions Inventories for the Imperial County, California Fine Particulate Matter Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is determining that the Imperial County, California Moderate nonattainment area (''the Imperial County NA'') has attained the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). The EPA is also approving a revision to California's state implementation plan (SIP) consisting of the 2008 winter and annual base year emissions inventories for the Imperial County NA submitted by California Air Resources Board on January 9, 2015.

DATES: Any comments on this proposal must arrive by April 12, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0772 at *http://www.regulations.gov,* or via email to Ginger Vagenas, at *vagenas.ginger@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Ginger Vagenas, EPA Region IX, (415) 972–3964, *vagenas.ginger@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA. This proposal pertains to the 2008 winter and annual base year emissions inventories in a plan submitted by the California Air Resources Board to address the attainment planning requirements for the Imperial County NA. It also addresses our determination (also referred to as a clean data determination or CDD) that the Imperial County NA has attained the 2006 24-hour $PM_{2.5}$ NAAQS. In the Rules and Regulations section of this issue of the **Federal Register**, we are approving the 2008 winter and annual base year emissions inventories and making this CDD in a direct final action without prior proposal because we believe this SIP revision and CDD are not controversial. If, however, we receive adverse comments we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. If we receive adverse comment on a distinct provision of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provision we are withdrawing. The provision that is not withdrawn will become effective on the date set out above, notwithstanding adverse comment on the other provision.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: January 3, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–04782 Filed 3–10–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90, WT Docket No. 10–208; FCC 17–11]

Connect America Fund; Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on the parameters for the process in determining whether areas are eligible for funding under the Mobility Fund Phase II. The Commission established the framework for the Mobility Fund Phase II in a Report and Order—adopted concurrently with the Further Notice of Proposed Rulemaking (*Further Notice*)—but had remaining questions regarding the process in which entities may challenge the areas eligible for support. Therefore, the Commission anticipates that additional comment will allow it to make more informed decisions on the challenge process, thereby making a more robust, targeted challenge process that efficiently resolves disputes about areas eligible for MF–II support.

DATES: Comments are due on or before April 12, 2017, and reply comments are due on or before April 27, 2017.

ADDRESSES: All filings in response to the *Further Notice* must refer to WC Docket No. 10–90 and WT Docket No. 10–208. The Commission strongly encourages parties to develop responses to the Further Notice that adhere to the organization and structure of the Further Notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS):

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing ECFS: *http://fjallfoss.fcc.gov/ecfs2.*
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing. Filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All

filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

- *People with Disabilities*: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auction and Spectrum Access Division, Mark Montano, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (*Further Notice*) in WC Docket No. 10–90, WT Docket No. 10–208, FCC 17–11, adopted on February 23, 2017, and released on March 7, 2017. The proceeding related to this *Further Notice* shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule section 1.1206(b). In proceedings governed by rule section 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

Initial Paperwork Reduction Act of 1995 Analysis

The Further Notice contains proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

I. Introduction

1. In the *Further Notice,* the Commission seeks further comment on the parameters for the process in determining whether areas are eligible for funding under the Mobility Fund Phase II (MF–II). In the months leading up to adoption of the *MF–II Order,* the Commission received a number of specific record filings, including detailed, technical proposals, regarding the process for challenging whether areas will be eligible for MF–II funding. In order to make more informed decisions on the challenge process, the Commission sought further comment on the parameters for the challenge process for MF–II.

2. The Commission commits to a robust, targeted challenge process that efficiently resolves disputes about areas eligible for MF–II support. The Commission's overarching objective is to quickly transition away from the legacy competitive eligible telecommunications carrier (CETC) support system, where support was never awarded based on the need to support the deployment of mobile broadband, to a system directed to that policy goal. The Commission's commitment to fiscal responsibility requires that it not fund areas that already have 4G LTE from an unsubsidized provider. At the same time, the Commission wants to ensure that areas that may require support for qualified 4G LTE are eligible for, and potentially receive, MF–II support. The challenge process is an integral part of that determination, to build upon and improve provider-filed and -certified Form 477 data, which remain the best available data source.

3. The Commission recognizes that any challenge process will necessarily involve tradeoffs in terms of burdens imposed on interested parties and the Commission, as well as the timeliness and accuracy. As such, the Commission is committed to designing the challenge process so that it is as efficient as possible. It does not want to unduly burden challenging parties by creating so high an evidentiary standard that it deters stakeholders from challenging even the most obviously mis-categorized areas. Conversely, the Commission is cognizant of the burdens imposed on parties whose coverage is challenged merely on the basis of anecdotal, unsystematic claims—the burdens of having to spend resources to defend coverage areas in Form 477 filings that they have already certified as accurate. The Commission also will take into account that smaller providers will have fewer resources available, and therefore specifically seeks comment on ways in which the burden of the challenge process can be reduced for smaller providers.

4. Additionally, the challenge process must be administratively efficient. As discussed in the *MF–II Order,* there is a need to move forward rapidly with MF–II to retarget universal service support being provided to mobile carriers; the challenge process must not impede the implementation of MF–II support. There is a demonstrated need for MF–II support in many areas of the country where support is not provided today, and that support must be disbursed to unserved areas without unreasonable delay.

5. The Commission seeks comment on these guiding principles for the challenge process and whether it should take into consideration additional principles as it designs the process. In addition, the Commission seeks comment on the extent to which these principles are furthered by the specific parameters for the challenge process outlined in the Further Notice.

6. In addition, the Commission recognizes that no matter how well engineered, no wireless network has 100 percent reliability. Even in areas of generally good coverage there may be small regions where performance is less than desired, especially due to natural or manufactured obstructions, areas far inside buildings, basements, and so forth. In light of these network characteristics, the Commission asks what standards and guidance will help staff in the Commission's Wireless Telecommunications Bureau evaluate challenges and expedite their resolution?

7. The Commission seeks general comment on a couple of potential structures for the challenge process. While the *Further Notice* presents them as separate options, the Commission makes clear that it is not proposing to adopt either option wholesale. Rather, the Commission intends to take the most effective parameters from these various options, as well as possible additional alternatives, to assemble a ''best in class'' structure for the challenge process.

II. Option A

8. *Initial Challenge.* The challenge would consist of a certification by the challenging party that in a specific area, the party has a good faith belief, based on actual knowledge or past data collection, that there is not 4G LTE with at least 5 Mbps download speed coverage as depicted on Form 477. The specific area challenged may be for a partial census block or full census block(s). In support of such a challenge, the party would need to file a shapefile in a standard format of the challenged area. What, if any, evidence should be required in support of an initial challenge? What standards should be required for the submission of an initial challenge?

9. A challenge of an area could be made by either a carrier that is submitting a challenge within its licensed area or a state or local government that is submitting a challenge within its jurisdiction, potentially through a state public utilities commission (PUC). The Commission seeks comment on whether additional parties (carriers that are potential entrants, consumers, etc.) should be allowed to submit challenges.

10. The Commission seeks comment regarding whether it should require that the challenged area be at least a minimum size. Would automatically dismissing de minimis challenges (*e.g.,* challenges that address a very small percentage of the square miles in a given census block group or census tract) further administrative efficiency? If so, what should the Commission set as the minimum size for a challenge?

11. Moreover, the Commission seeks comment regarding whether it should permit challenges for areas that the Wireless Telecommunications Bureau and the Wireline Competition Bureau (the Bureaus) identify as eligible (*i.e.,* areas where the Form 477 data show no qualified 4G LTE coverage from an unsubsidized carrier). The Commission anticipates that there would be far fewer such challenges than for ineligible areas since the challenging party would likely be the same carrier that submitted—and certified—the Form 477 data that allegedly shows too small a coverage area. Should the Commission's challenge process allow what are in essence Form 477 corrections? Should those challenges be limited to corrections in the Bureaus' processing of the Form 477 data as filed?

12. *Propagation Map Response.* A challenged carrier may respond by submitting an engineering (propagation) map that demonstrates expected coverage for the challenged area. The submission must be substantiated by the certification of a qualified engineer, under penalty of perjury. The Commission seeks comment on the specific technical parameters for the propagation model and the shapefile, and how much time challenged carriers would require to respond. Should the Commission adopt a signal strength threshold for the map? Should the measure be −90 dB (Received Signal Strength Indicator or RSSI) or a different amount? One commenter, for example, has proposed that a coverage map for the challenge process use a −85 dB measure. Should any signal strength be set based on RSSI or Reference Signal Received Power (RSRP) measurements? Is there a particular resolution that the Commission should require for the shapefile? Should the Commission specify any other parameters?

13. The Commission seeks comment on the utility of such shapefiles in the challenge process. It recognizes that such maps do not actually portray the consumer's experience throughout the area at issue, given in part that a consumer's experience depends on variables other than signal strength. Nevertheless, such maps may be a reasonable step to build into the challenge process for the purpose of narrowing the areas requiring further evidence to resolve the challenge.

14. *Submission of Evidence of Actual Speeds Being Provided to Consumers.* Once the challenged carrier has timely submitted a map that shows the challenged area to be within the contour of coverage, the original challenger may submit actual speed data (potentially with supporting signal strength data) from hardware- or software-based drive tests or app-based tests (*e.g.,* such as those from established companies such as Ookla, Rootmetrics, Nielsen, and Mosaik) that spatially cover the challenged area. This submission must also be substantiated by the certification of a qualified engineer, under penalty of perjury. What parameters should be specified to ensure that the evidence accurately reflects consumer experience in the challenged area? For instance, should the number of test locations be proportionate to the amount of area challenged? How many tests should be done per location? What other parameters should be included in specifying how these tests are done?

15. Once a challenger submits evidence of actual speeds, what evidence of actual speeds should be accepted from the provider whose coverage is being challenged? How much time should be allowed for the submission of actual speed data?

16. *Resolution of Challenge.* A party seeking to challenge the Bureaus' initial determination of eligibility for MF–II support would have the burden of proving its claims by a preponderance of the evidence (*i.e.,* enough evidence to make it more likely than not that the status the claimant seeks to prove is true). The Commission seeks comment on this evidentiary standard. Should it require challengers to meet a higher standard, such as clear and convincing evidence? Should the submission of evidence of actual speeds be permitted, or required, and how should that affect the resolution of challenges?

III. Option B

17. In a recent filing, a large, mid-sized, and small provider submitted a joint proposal for how the Commission should structure the challenge process. The following parameters are based on that joint proposal.

18. *Challenge.* Under the joint proposal, challenging parties would have 60 days following the Commission's release of a list of eligible areas to submit evidence, which would be filed in the public record. Parties would be permitted to challenge areas

that they claim are incorrectly identified as ineligible or eligible. Service providers and governmental entities located in or near the relevant areas would be only parties eligible to participate.

19. Also under the joint proposal, the evidence submitted in a challenge must include a map(s) in shapefile format, of the challenged area. In addition, challenging parties must report actual download speed test data using either actual speed tests or transmitter monitoring data. For the actual speed tests, data from app-based tests (many of which are freely available on consumer devices), and both hardware- and software-based drive tests would be permitted, so long as they met certain standards. For example, with app-based tests and software-based drive tests, late-model LTE devices compatible with a particular carrier's LTE network could be used to measure the speed. What requirements should the Commission adopt for speed tests to ensure that they will be representative of coverage in a disputed area, including those pertaining to time and distance between tests? In considering these issues, the Commission will need to balance the accuracy of any challenge, the burdens on affected parties, and the timeliness of resolution. The challenge evidence must be certified under penalty of perjury.

20. *Response.* Under the joint proposal, challenged parties would have 30 days to file their certified responses. The responses must meet the same requirements as those for challenging parties—*i.e.,* coverage shapefiles and speed test data.

21. The Commission seeks comment on the burden of requiring this level of response from challenged parties. In particular, should the Commission require the same or reduced evidence from those parties that do not have the burden of proof? The Commission acknowledges that requiring equivalent data from both parties is likely to assist the Bureaus in resolving challenges more efficiently. However, are those efficiency gains outweighed by the burden placed on the challenged party?

22. *Resolution.* Under the joint proposal, the Commission would reach decisions based on the weight of the evidence and determine whether any changes to its initial list of eligible areas is warranted.

IV. Additional Options

23. The Commission seeks comment as well on any additional options that parties may wish to propose. For example, one proposal would require all Form 477 filers whose filings represent a basis for declaring certain areas not eligible for MF–II support to (1) supplement those filings within 60 days of the release of a preliminary list of areas not eligible for MF–II support and (2) notify other service providers in those areas of their supplemented Form 477 filings and their declaration that they provide voice and LTE service in those areas. Those other service providers would have 30 days to challenge those declarations of service.

24. The Commission reiterates that it is not necessarily going to adopt either of the options discussed in the *Further Notice* and summarized above. Therefore, the Commission urges commenters to come up with additional proposals, including consensus proposals that accommodate the interests of multiple parties. This is particularly important to the extent the options discussed above do not adequately address issues that are essential to the structuring of an effective and efficient challenge process.

V. Initial Regulatory Flexibility Analysis

25. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities from the policies and rules proposed in this Further Notice of Proposed Rulemaking (*Further Notice*). The Commission requests written public comment on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided in the Further Notice. The Commission will send a copy of the Further Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

A. Need for, and Objectives of, the Proposed Rules

26. In the *MF–II Order,* the Commission adopted the framework for moving forward with the Mobility Fund Phase II (MF–II) and Tribal Mobility Fund Phase II, which will allocate up to $4.53 billion over the next decade to advance the deployment of 4G LTE service to areas that are so costly that the private sector has not yet deployed there and to preserve such service where it might not otherwise exist. The funding for this effort will come from the redirection of legacy subsidies and distributed using a market-based, multi-round reverse auction and will come with defined, concrete compliance requirements so that rural consumers will be adequately served by the mobile carriers receiving universal service support.

27. In the *Further Notice,* the Commission proposes a robust challenge process to supplement the Commission's coverage maps and to ensure that it is targeting support where it is most needed. Specifically, because record filings have become more specific the past several months, including detailed, technical proposals regarding the challenge process in the past few weeks, the Commission seeks further comment on the parameters for the challenge process for MF–II. The Commission is committed to a robust, targeted challenge process that efficiently resolves disputes about areas eligible for MF–II support. Its overarching objective is to quickly transition away from the legacy CETC support system, where support was never awarded based on the need to support the deployment of mobile broadband, to a system directed to that policy goal. The challenge process is an integral part of that determination, to build upon and improve provider-filed and -certified Form 477 data, which remain the best available data source. The Commission, therefore, seeks general comment on a couple of potential structures for the challenge process. While the Commission has presented them in this *Further Notice* as separate options, it is not proposing to adopt either option wholesale. Rather, the Commission intends to take the most effective parameters from these various options, as well as possible additional alternatives, to assemble a ''best in class'' structure for the challenge process.

B. Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

28. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

29. *Small Entities, Small Organizations, Small Governmental Jurisdictions.* The Commission's proposed actions, over time, may affect

small entities that are not easily categorized at present. The Commission therefore describe, at the outset, three comprehensive small entity size standards that could be directly affected herein. As of 2014, according to the SBA, there were 28.2 million small businesses in the U.S., which represented 99.7% of all businesses in the United States. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,215 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2012 indicate that there were 89,476 local governmental jurisdictions in the United States. The Commission estimates that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, the Commission estimates that most governmental jurisdictions are small.

30. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had employment of 999 or fewer employees and 12 had employment of 1000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service, and Specialized Mobile Radio Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

31. *Internet Service Providers.* Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such firms having 1,500 or fewer employees. Census Bureau data for 2012 shows that there were 3,117 firms that operated for the entire year. Of this total, 3,083 firms had employment of 999 or fewer employees, and 34 firms had employment of 1,000 employees or more. Thus, under this size standard, the majority of firms in this industry can be considered small. In addition, while Internet Service Providers (broadband) are a subcategory of the broader category of Wired Telecommunications Carrier, there is Census Bureau data specific to Internet Service Providers (broadband). For 2012, Census Bureau data shows there were a total of 1,180 firms in the subcategory of Internet Service Providers (broadband) that operated for the entire year. Of this total, 1,178 firms had employment of 999 or fewer employees, and two firms had employment of 1000 employees or more. Consequently, the Commission estimates that the majority of these firms are small entities that may be affected by rules adopted pursuant to the *MF–II Order.*

C. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

32. In the *Further Notice,* the Commission seeks further comment on the parameters for the challenge process for MF–II. It seeks general comment on a couple of potential structures for the challenge process: (1) A proposal by one mobile provider (Option A); and (2) a joint proposal by three providers (Option B). The Commission seeks comment as well on any additional options that parties may wish to propose, such as, for instance, a proposal that would require all Form 477 filers whose filings represent a basis for declaring certain areas not eligible for MF–II support to supplement those filings within 60 days of the release of a preliminary list of areas not eligible for MF–II support. The Commission urges commenters to come up with additional proposals, including consensus proposals that accommodate the interests of multiple parties.

33. Under Option A, the challenge would consist of a certification by the challenging party that in a specific area, the party has a good faith belief, based on actual knowledge or past data collection, that there is not 4G LTE with at least 5 Mbps download speed coverage as depicted on Form 477. In support of such a challenge, the party would need to file a shapefile in a standard format of the challenged area. A challenge of an area could be made by either a carrier that is submitting a challenge within its license area or a state or local government that is submitting a challenge within its jurisdiction, potentially through a state PUC. A challenged carrier may respond by submitting an engineering (propagation) map that demonstrates expected coverage for the challenged area. The submission must be substantiated by the certification of a qualified engineer, under penalty of perjury. Once the challenged carrier has timely submitted a map that shows the challenged area to be within the contour of coverage, the original challenger may submit actual speed data (potentially with supporting signal strength data) from hardware- or software-based drive tests or app-based tests (*e.g.,* such as those from established companies such as Ookla, Rootmetrics, Nielsen, and Mosaik) that spatially cover the challenged area. This submission must also be substantiated by the certification of a qualified engineer, under penalty of perjury. A party seeking to challenge the Bureaus' initial determination of eligibility for MF–II support would have the burden of proving its claims by a preponderance of the evidence.

34. Under Option B, challenging parties would have 60 days following the Commission's release of a list of eligible areas to submit evidence, which would be filed in the public record. Service providers and governmental entities located in or near the relevant areas would be only parties eligible to participate. The evidence submitted in a challenge must include a map(s) in shapefile format, of the challenged area. In addition, challenging parties must report actual download speed test data using either actual speed tests or transmitter monitoring data. For the actual speed tests, data from app-based tests (many of which are freely available on consumer devices), and both hardware- and software-based drive

tests would be permitted, so long as they met certain standards. The challenge evidence must be certified under penalty of perjury. Challenged parties would have 30 days to file their certified responses. The responses must meet the same requirements as those for challenging parties—*i.e.,* coverage shapefiles and speed test data. The Commission would reach decisions based on the weight of the evidence and determine whether any changes to its initial list of eligible areas is warranted.

D. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

35. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives, among others: ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.'' The Commission expects to consider all these factors when it has received substantive comment from the public and potentially affected entities.

36. The Commission has made an effort to anticipate the challenges faced by small entities in complying with its rules. For example, the Commission specifically notes that smaller providers will have fewer resources available, and therefore specifically seeks comment on ways in which it can reduce the burden of the challenge process on smaller providers. The Commission also seeks comment on specific principles of the challenge proposals and ways to make them as efficient as possible for all interested parties, including small entities.

37. *Option A.* In order to further administrative efficiency, the *Further Notice* seeks comment on whether the Commission should require that the challenged area be at least a minimum size and whether it should automatically dismiss de minimis challenges (*e.g.,* challenges that address a very small percentage of the square miles in a given census block group or census tract). The *Further Notice* also seeks comment regarding whether the Commission should permit challenges for areas that the Bureaus identify as eligible (*i.e.,* areas where the Form 477 data show no qualified 4G LTE coverage from an unsubsidized carrier), which could further promote efficiencies for all parties, including small entities. The Commission emphasizes that there would be far fewer such challenges than for ineligible areas since the challenging party would likely be the same carrier that submitted—and certified—the Form 477 data that allegedly shows too small a coverage area. Recognizing the burden that may be placed on parties responding to challenges and rebuttals, including small entities, the *Further Notice* requests comment on the specific technical parameters that must be provided and how much time challenged carriers, or original challengers, would require to respond.

38. *Option B.* In addition to seeking comment on the proposals of Option B, the Commission asks what requirements it should adopt for speed tests to ensure that they will be representative of coverage in a disputed area, including those pertaining to time and distance between tests. The Commission notes that it will need to balance the accuracy of any challenge with the burdens on affected parties, including small entities, and the timeliness of resolution. The Commission also seeks comment on whether the burden of proof should be the same or reduced for challenged parties, including small entities, recognizing that efficiency gains could be outweighed by the burden placed on the challenged party.

39. More generally, the Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the Further Notice and the IRFA contained therein, in reaching its final conclusions and taking action in this proceeding. The proposals and questions laid out in the *Further Notice* were designed to ensure the Commission has a complete understanding of the benefits and potential burdens associated with the different actions and methods.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–04988 Filed 3–10–17; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 816, 828 and 852

RIN 2900–AP82

Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V002—Parts 816, 828)

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR). Under this initiative, all parts of the regulation are being reviewed in phased increments to revise or remove any policy that has been superseded by changes in Federal Acquisition Regulation (FAR), to remove any procedural guidance that is internal to the VA, and to incorporate any new regulations or policies.

Acquisition regulations become outdated over time and require updating to incorporate additional policies, solicitation provisions, or contract clauses that implement and supplement the FAR to satisfy VA mission needs, and to incorporate changes in dollar and approval thresholds, definitions, and VA position titles and offices. This Proposed Rule will correct inconsistencies, remove redundant and duplicate material already covered by the FAR, delete outdated material or information, and appropriately renumber VAAR text, clauses and provisions where required to comport with FAR format, numbering and arrangement.

This Proposed Rule will streamline the VAAR to implement and supplement the FAR only when required, and remove internal agency guidance as noted above in keeping with the FAR principles concerning agency acquisition regulations.

DATES: Comments must be received on or before May 12, 2017 to be considered in the formulation of the final rule.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AP82—Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation

Principles (VAAR Case 2014–V002—parts 816, 828).'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. This is not a toll-free number. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Ricky Clark, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW., Washington, DC 20001, (202) 632–5276. This is not a toll-free telephone number.

SUPPLEMENTARY INFORMATION:

Background

This action is being taken under the authority of the Office of Federal Procurement Policy Act which provides the authority for an agency head to authorize the issuance of agency acquisition regulations that implement or supplement the FAR. This authority ensures that Government procurements are handled fairly and consistently, that the Government receives overall best value, and that the Government and contractors both operate under a known set of rules.

The Proposed Rule updates the VAAR to current FAR titles, requirements, and definitions; it updates VA titles and offices; it corrects inconsistencies, removes redundancies and duplicate material already covered by the FAR; it deletes outdated material or information and appropriately renumbers VAAR text, clauses, and provisions where required to comport with FAR format, numbering and arrangement. All amendments, revisions, and removals have been peer reviewed and concurred with by an Integrated Product Team of agency stakeholders.

The VAAR uses the regulatory structure and arrangement of the FAR and headings and subject areas are broken up consistent with the FAR content. The VAAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.

The Office of Federal Procurement Policy Act provides the authority for the Federal Acquisition Regulation and for the issuance of agency acquisition regulations consistent with the FAR.

When Federal agencies acquire supplies and services using appropriated funds, the purchase is governed by the FAR, set forth at Title 48 Code of Federal Regulations (CFR), chapter 1, parts 1 through 53, and the agency regulations that implement and supplement the FAR. The VAAR is set forth at Title 48 CFR, chapter 8, parts 801 to 873. These authorities are designed to ensure that Government procurements are handled fairly and consistently, that the Government receives overall best value, and that the Government and contractors both operate under a known set of rules.

VA is proposing to revise the VAAR to add new policy or regulatory requirements and to remove any guidance that is applicable only to VA's internal operating processes or procedures. Codified acquisition regulations may be amended and revised only through formal rulemaking under the Office of Federal Procurement Policy Act. This proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This proposed rule will generally be small business neutral. VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined this rule is not a significant regulatory action.

Discussion and Analysis

VA proposes to make the following changes to the VAAR in this phase of its revision and streamlining initiative. For procedural guidance cited below that is proposed to be deleted from the VAAR, each section cited for removal is being considered for inclusion in VA's internal agency operating procedures in accordance with FAR 1.301(a)(2). Similarly, delegations of authorities that are removed from the VAAR will be included in the VA Acquisition Manual (VAAM) as internal agency guidance.

VAAR Part 816—Types of Contracts

In subpart 816.1, Selecting Contract Types, we propose to delete 816.102, Policies, since it contains procedural guidance and a delegation of authority that is internal to VA and will be in the VA Acquisition Manual (VAAM).

We propose to add a new subpart: 816.2, Fixed-Price Contracts. This subpart 816.2 includes one subsection, 816.203–4, Contract clauses, which prescribes the various Economic Price Adjustment (EPA) clauses.

In subpart 816.5, Indefinite-Delivery Contracts, we propose to delete 816.504, Indefinite-quantity contracts, due to the issuance of a Class Deviation from VAAR 816.504, which prohibited the use of estimated quantity clauses.

In subpart 816.5, Infinite-Delivery Contracts, we propose to amend section 816.505, Ordering, to include the title and office of the Task and Delivery Order Ombudsman.

We propose to add a new subpart 816.7, Agreements, that includes one section, 816.770, Consignment agreements, which defines and describes the consignment agreement acquisition method used for satisfying the need for immediate and on-going requirements.

We propose to delete subpart 816.70, Unauthorized Agreements, since the only section included, 816.7001, Letters of availability, covers a procurement method that is no longer in use in VA.

VAAR Part 828—Bonds and Insurance

In subpart 828.1, Bonds and Other Financial Protections, we propose to delete section 814.101, Bid guarantees, and subsection 828.101–2, Solicitation provision or contract clause, because the FAR guidance is sufficient in this area. We also propose to delete subsection 828.101–70, Safekeeping and return of bid guarantee, because the information included is considered to be procedural guidance and it will be moved to the VAAM.

In section 828.106, Administration, we propose to delete subsection 828.106–6, Furnishing information, since it includes an internal delegation of authority.

In section 828.106, Administration, we propose to amend subsection 828.106–70, Bond premium adjustment, to clarify the clause prescription.''

In subpart 828.2, Sureties and Other Security for Bonds, we propose to delete the entire subpart since it contains only internal procedural guidance and it will be moved to the VAAM.

In subpart 828.3, Insurance, we propose to amend section 828.306, Insurance under fixed-price contracts, to clarify the clause prescription.

In subpart 828.71, Indemnification of Contractors, Medical Research or Development Contracts, we propose to delete section 828.7101, Approval for indemnification, as it contains only internal procedural information.

In subpart 828.71, Indemnification of Contractors for Medical Research or Development Contracts, we propose to revise the numbering from 828.71 to 828.70 to conform to the FAR drafting guide. Accordingly, under this subpart, we propose to revise the numbering for section 828.7100, Scope of part, to 828.7000; to change the numbering for section 828.7102, Extent of indemnification, to 828.7001; and to revise the numbering of section

828.7103, Financial protection, to 828.7002.

In the proposed subpart 828.70, Indemnification of Contractors for Medical Research or Development Contracts, we propose to add a new subsection, 828.7003, Indemnification clause, which prescribes the use of clause 852.228–73, Indemnification of Contractor—Hazardous Research Projects, when certain conditions apply.

VAAR Part 852—Solicitation Provisions and Contract Clauses

In subpart 852.2, we propose to remove clause 852.216–70, Estimated Quantities, as it includes language that codifies contracting practices that are not recommended as they increase the risk level for VA procurements. In this subpart we propose to add clause 852.216–71, Economic price adjustment of contract price(s) based on a price index.

We propose to add the following clauses which are based on VA-specific clauses that were previously uncodified: 852.216–72, Proportional economic price adjustment of contract price(s) based on a price index;'' clause 852.216–73, Economic price adjustment—state nursing home care for veterans (ALT #1); add clause 852.216–74, Economic price adjustment—Medicaid labor rates (ALT #2), and clause 852.216–75, Economic price adjustment clause—fuel surcharge.

In subpart 252.2, we propose to amend 852.228–71, Indemnification and insurance, to correct minor typographical and grammatical errors. We propose to add clause 852.228–73, Indemnification of contractor-hazardous research projects, which requires contractors to have appropriate insurance coverage when performing work of a hazardous nature which protects the Government's interest.

Effect of Rulemaking

Title 48, Federal Acquisition Regulations System, Chapter 8, Department of Veterans Affairs, of the Code of Federal Regulations, as revised by this proposed rulemaking, represents VA's implementation of its legal authority and publication of the Department of Veterans Affairs Acquisition Regulation (VAAR) for the cited applicable parts. Other than future amendments to this rule or governing statutes for the cited applicable parts, or as otherwise authorized by approved deviations or waivers in accordance with Federal Acquisition Regulation (FAR) subpart 1.4, Deviations from the FAR, and as implemented by VAAR subpart 801.4, Deviations from the FAR or VAAR, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with the rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking as pertains to the cited applicable VAAR parts.

Executive Orders 12866 and 13563

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 12866, Regulatory Planning and Review defines ''significant regulatory action'' to mean any regulatory action that is likely to result in a rule that may: ''(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.''

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined this rule is not a significant regulatory action under E.O. 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date.

Paperwork Reduction Act

Although this action contains provisions constituting collections of information at 48 CFR 828.306 and 852.228–71, under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), no new or proposed revised collections of information are associated with this proposed rule. The information collection requirements for §§ 48 CFR 828.306 and 852.228–71 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0590.

Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule will generally be small business neutral. The overall impact of the proposed rule will be of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to remove extraneous procedural information that applies only to VA's internal operating procedures. VA estimates no cost impact to individual business resulting from these rule updates. On this basis, the adoption of this proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule will have no such effect on State, local, and tribal Governments or on the private sector.

List of Subjects

38 CFR Part 816

Government procurement.

38 CFR Part 828

Government procurement, Insurance, Surety bonds.

38 CFR Part 852

Government procurement. Reporting and recordkeeping requirements.

Signing Authority

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 January 12, 2017, for publication.

Janet Coleman,

Chief, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, VA proposes to amend 48 CFR, chapter 8, parts 816, 828, and 852 as follows:

PART 816—TYPES OF CONTRACTS

■ 1. The authority citation for part 816 continues to read as follows:

Authority: 40 U.S.C. 121(c) and 48 CFR 1.301–1.304.

Subpart 816.1 [Removed and Reserved]

■ 2. Subpart 816.1 is removed and reserved.

■ 3. Subpart 816.2 is added to read as follows:

Subpart 816.2—Fixed-Price Contracts

816.203 Fixed-price contracts with economic price adjustment.

816.203–4 Contract clauses.

(e) The contracting officer shall, when contracting by negotiation, use the following clauses.

(1) The contracting officer shall insert the clause at 852.216–71, Economic Price Adjustment of Contract Price(s) based on a Price Index, in solicitations and firm-fixed-price contracts, subject to FAR 16.203–4(d)(1) and when changes to a price index will be used to calculate corresponding changes to the total contract price or unit prices of the contract.

(i) Exceptions:

(A) Do not use this clause when changes to the price index will apply to only a component part of the contract price.

(B) Do not publish or include the footnotes in the solicitation, they are only included herein to provide guidance to contracting officers.

(2) The contracting officer shall insert the clause at 852.216–72, Proportional Economic Price Adjustment of Contract Price(s) based on a Price Index, in solicitations and firm-fixed-price contracts, and subject to FAR 16.203–4(d)(1) when changes to an industry price index shall be used to calculate changes to only a portion of the contract price or the unit prices of the contract.

(i) Exceptions:

(A) The clause should not be used when a change in the index price will be applied directly and totally to the contract price or the unit prices, *i.e.,* when the Consumer Price Index (CPI) is used to calculate changes and a 5% increase in the CPI would result in a 5% increase in the total contract price of the unit prices.

(B) Do not publish or include the footnotes in the solicitation, as they are only provided herein for the guidance to the contracting officer.

(3) The contracting officer shall Insert the clause at 852.216–73, Economic Price Adjustment—State Nursing Home Care for Veterans (ALT #1) in solicitations and firm-fixed-price contracts subject to FAR 16.203–4(d)(1) and the following circumstance: When changes to the Medicaid rate as authorized by the State Medicaid Agency (SMA) shall be used to calculate corresponding changes in the total contract price or the per diem prices of the agreement.

(4) The contracting officer shall insert the clause at 852.216–74, Economic Price Adjustment—Medicaid Labor Rates (ALT #2) in solicitations and firm fixed price contracts when the conditions specified in FAR 16.203–4(c)(1) exist. The clause is modifiable by increasing the 10-percent maximum limit on aggregate increases specified in subparagraph (c)(4), upon the approval by the Head of the Contracting Activity (HCA) or designee.

(5) The contracting officer shall insert the clause at 852.216–75, Economic Price Adjustment—Fuel Surcharge, in solicitations and firm fixed price contracts when contracting by negotiation is subject to changes in the cost of fuel increases. The clause is subject to the conditions at FAR 16.203–4(d)(1).

(f) The contracting officer shall follow procedures as prescribed in FAR 16.203–4(c) and 38 CFR 51.41(b)(1)(c) for EPA fixed price contracts based on Medicaid rates. These procedures shall be used when contracting by negotiation between the VA and the State Veteran Home for both making payments under contracts or under a VA provider agreement for nursing home care for veterans.

Subpart 816.5—Indefinite-Delivery Contracts

Subpart 816.504 [Removed]

■ 4. Subpart 816.504 is removed.

■ 5. Section 803.505 is revised to read as follows:

816.505 Ordering.

(b)(8) Task-order and delivery-order ombudsman. The task-order contract and delivery-order ombudsman for VA is the Associate Deputy Assistant Secretary (ADAS) for Procurement Policy, Systems and Oversight. The VA Ombudsman shall review and resolve complaints from contractors concerning all task and delivery order actions. If any corrective action is needed after reviewing complaints from contractors, the VA Ombudsman shall provide a written determination of such action to the contracting officer. Contracting officers shall be notified of any complaints submitted to the VA Ombudsman.

■ 6. Subpart 816.7 is added to read as follows:

Subpart 816.7—Agreements

816.770 Consignment agreements.

A consignment agreement is not a contract. It is defined as a delivery method for a specified period of time in which the contractor provides an item/s for Government use and the contractor receives reimbursement only if and when the item is used by the Government. Consignment agreements are allowable and shall be considered in those instances when the requirement for an item will be immediate and on-going and when it is impossible to predetermine the type or model of a particular item until the need is established, and it is determined to be in the best interest of the VA.

Subpart 816.70 [Removed and Reserved]

■ 7. Subpart 816.70 is removed and reserved.

PART 828—BONDS AND INSURANCE

■ 8. The authority citation for part 828 continues to read as follows:

Authority: 38 U.S.C. 501, 8127, 8128 and 8151–8153; 40 U.S.C. 121(c); and 48 CFR 1.301–1.304.

828.101 [Removed]

■ 9. Section 828.101 is removed.

828.101–2 [Removed]

■ 10. Section 828.101–2 is removed.

828.101–70 [Removed]

■ 11. Section 828.101–70 is removed.

828.106–6 [Removed]

■ 12. Section 828.106–6 is removed.

828.106–70 [Amended]

■ 13. Section 828.106–70 is revised to read as follows:

828.106–70 Bond premium adjustment.

The contracting officer shall insert the clause at 852.228–70, Bond Premium

Adjustment, in solicitations and contracts when performance and payment bonds, or payment protection is required.

828.2 [Removed]

■ 14. Subpart 828.2 is removed.

Subpart 828.3—Insurance

828.306 [Amended]

■ 15. Section 816.306 is amended by revising paragraph (a) to read as follows:

828.306 Insurance under fixed-price contracts.

(a) The contracting officer shall insert the provision at 852.228–71, Indemnification and insurance, in solicitations when utilizing term contracts, or contracts of a continuing nature, for ambulance, automobile and aircraft service.

* * * * *

Subpart 828.71 [Redesignated and Amended]

■ 16. Subpart 828.71 is redesignated as subpart 828.70 and the subpart heading of newly redesignated subpart 828.70 is revised to read as follows:

Subpart 828.70—Indemnification of Contractors, for Medical Research or Development Contracts

828.7100 [Redesignated and Amended]

■ 17. Section 828.7100 is redesignated as section 828.7000 and revised to read as follows:

828.7000 Scope of subpart.

(a) As used in this subpart, the term ''contractor'' includes subcontractors of any tier under a contract containing an indemnification provision under 38 U.S.C. 7317.

(b) This subpart sets forth the policies and procedures concerning indemnification of contractors performing contracts involving medical research or research and development that involve risks of an unusually hazardous nature, as authorized by 38 U.S.C. 7317.

(c) The authority to indemnify the contractor under this subpart does not create any rights to third parties that do not exist by law.

828.7101 [Removed]

■ 18. Section 828.7101 is removed.

828.7102 [Redesignated and amended]

■ 19. Section 828.7102 is redesignated as section 828.7001 and paragraph (a)(3) is revised to read as follows:

828.7001 Extent of indemnification.

* * * * *

(a) * * *

(3) The losses or liability are not covered by the financial protection required under 828.7002.

* * * * *

828.7103 [Redesignated]

■ 20. Section 828.7103 is redesignated as section 828.7002.

■ 21. Section 828.7003 is added to read as follows:

828.7003 Indemnification Clause.

The contracting officer shall include the clause, 852.228–73, Indemnification of contractor—Hazardous Research Projects, in contracts and solicitations that indemnify a contractor for liability (including reasonable expenses of litigation or settlement) to third person for death, bodily injury, or loss of or damage to property from a risk that the contract defines in the performance work statement, the statement of work, or the statement of objectives as unusually hazardous.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 22. The authority citation for 48 CFR part 852 continues to read as follows:

Authority: 38 U.S.C. 501, 8127, 8128, and 8151–8153; 40 U.S.C. 121(c); and 48 CFR 1.301–1.304.

Subpart 852.2—Text of Provisions and Clauses

852.216–70 [Removed and reserved]

■ 23. Section 852.216–70 is removed and reserved.

■ 24. Section 852.216–71 is added to read as follows:

852.216–71 Economic price adjustment of contract price(s) based on a price index.

As prescribed in 816.203–4(e)(1), insert the following clause:

Economic Price Adjustment of Contract Price(s) Based on a Price Index (Date)

(a) To the extent that contract cost increases are provided for by this economic price adjustment clause, the contractor warrants that the prices in this contract for the base period and any option periods do not include any amount to protect against such contingent cost increases.

(b) The Base and Adjusting Indexes, for the purpose of price adjustment under this clause, shall be_____,[1] as contained in_____,[2] as published by _____.[3] All adjustments authorized under this clause shall be made by using the Base Index and Adjusting Indexes, which are published_____.[4]

(1) The Base Index, for the purposes of price adjustment under this clause, shall be the most recent Index published prior to the date for receipt of offers, or the due date for receipt of best and final offers if discussions were held whichever is later. The Base Index shall remain constant for the entire term of the contract, including all option periods.

(2) The Adjusting Index shall be the most recent Index published prior to the date of contract adjustment, as specified in paragraph (d) of this clause.

(c) The percentage difference between the Base Index and the Adjusting Index, rounded to the nearest .01 percent (*e.g.,* 4.57%), will be used in calculating all adjustments to the following line items: _____[5] The prices for these line items will be multiplied by the percentage increase or decrease and the resulting amount will be added to or deducted from the original line item price for that contract period (*e.g.,* Base Year) to arrive at the new contract price for those line items from the effective date of the adjustment to the beginning of the next contract adjustment period, rounded to the same number of decimal points as the prices originally bid. Calculations for option year contract terms will be based on the prices in the schedule for those option years.

(d) The dates of contract adjustment shall be_____[6] and the starting dates of each option year, if not already included in these dates. The contracting officer shall retain a copy of the Base Index in the contract file and, on each date of adjustment specified in this paragraph (d), shall obtain a copy of the Adjusting Index. The contracting officer shall calculate the adjustment due and shall, within 5 business days, issue a modification to the contract adjusting the unit or contract prices, as specified in paragraph (c). The adjusted unit or contract prices shall be effective for all orders placed or services provided after the date of contract adjustment as specified in this paragraph (d) until the

[1] The contracting officer shall conduct market research to determine a suitable Consumer Price Index or other independent broad-based index to use for the solicitation. For example, for medical services, an appropriate index may be the Consumer Price Index that tracks medical services.

[2] Specify where the Index can be found, such as in a solicitation for laboratory services, the contracting officer might enter ''Table 1, CPI–U: U.S. City Average, by expenditure category and commodity and service group, found at *http://www.bls.gov/news.release/cpi.t01.htm*''.

[3] Provide the information on who publishes the applicable Index used *e.g.,* in the example for laboratory services, ''the U.S. Department of Labor''.

[4] State how often the Index is published, such as ''monthly, around the middle of the month''. Note that some Consumer Price Indexes are not published monthly. Ensure that the correct information is provided for the specific Index used.

[5] Enter the line items that will be subject to adjustment or revise this paragraph to otherwise state what prices are subject to adjustment under this clause.

[6] Establish time periods for when the contracting officer will process adjustments. This could be ''the first day of every quarter, January, April, July, and October'' or ''Annually on October 1st. or some other similar time periods. Since the contracting officer is responsible for initiating the change, the contracting officer must establish a reminder mechanism to ensure that the adjustments are accomplished within the time period specified.

beginning of the next contract adjustment period. If the contracting officer fails to act, the contractor shall request in writing a contract adjustment and any subsequent adjustment shall be retroactive to the applicable date of contract adjustment specified in this paragraph (d). The contractor's entitlement to price increases for a prior contract period (base year or option year) is waived unless the contractor's written request for an adjustment under this clause is received by the contracting officer no later than 30 days following the end of the base year for changes applicable to the base year, or 30 days following the end of each option year for changes applicable to that option year. The Government's right to contract decreases for prior contract periods (base year or option year) is waived unless the contracting officer processes a contract modification no later than 30 days following the end of the base year for changes applicable to the base year, or 30 days following the end of each option year for changes applicable to that option year.

(e) An example of an adjustment calculation is provided herein for informational purposes only.

(1) The original contract price or line item prices for that contract term (*e.g.,* base year) shall be used for all calculations during that particular contract term and new calculations shall be made for each and every contract adjustment period specified in paragraph (d) during that contract term.

(2) For purposes of this example, the contract prices for the line items as specified in paragraph (c) will be adjusted by the percentage calculated as follows:

Adjusting Index for the current period.	196.6
Minus the Base Index	−188.0
Equals the Index Point Change.	8.6
Index Point Change Divided by the Base Index.	8.6/188.0 = .0457 *
Result Multiplied by 100 Equals the Percentage Change (The Index Point Change Percentage).	4.57%

*This figure shall be rounded to the fourth decimal place. When the fifth decimal is 1 to 4, the figure shall be rounded down, 5 to 9, rounded up.

(3) For a line item with an original bid price of $25.00 and a 4.57 percent Index Point Change increase as of the first contract adjustment period, as shown above, the calculations for a new contract price for the first contract adjustment period would be as follows: $25.00 × .0457 = $1.14, $25 + $1.14 = $26.14 **. The new contract price for this line item from the beginning of that first contract adjustment period until the start of the next contract adjustment period would be $26.14 and the contracting officer would issue a contract modification reflecting this price change.

** The unit price adjustment shall be rounded up or down, as in paragraph (e)(1) above, to match the number of decimal places in the original bid.

(4) If the Adjusting Index went down for the second adjustment period, reflecting only a 3 percent Index Point Change increase over the Base Index, the new price for this sample line item would be reduced for the second contract adjustment period from $26.14 to $25.75 as follows: $25 × .03 = $0.75, $25 + $0.75 = $25.75. Note that the calculations for the second contract adjustment period are based on the original contract price for that contract term of $25.00. The contract price for this line item is modified to reflect this new price for the second contract adjustment period.

(5) At the start of the first option year and each subsequent option year period (as well as for each contract adjustment period specified in paragraph (d) during that option year, if different), the contracting officer shall recalculate the contract or unit prices for that first option year based on any changes between the Adjusting Index and the Base Index, from the original contract award date to the start of the first option period, and based on the contractor's new option year prices. Assume the contractor's bid price for the first option year for the above sample line item was $25.50 and the calculations shown in paragraph (e)(1) above at the start of the first option period reflected a 6 percent Index Point Change. The new contract price for this sample line item at the start of the first option period would be calculated as follows: $25.50 × .06 = $1.53, $25.50 + $1.53 = $27.03. The contracting officer would process a contract modification reflecting a revised contract price of $27.03 for the first contract adjustment period in the first option year.

(f) Price adjustments pursuant to this clause, shall be documented by a contract modification issued by the contracting officer, show the Base Index (see paragraph (b)(1)), the Adjusting Index, the adjusted contract prices (see paragraph (c)), the mathematical calculations used to arrive at the adjusted contract prices, and the effective date of the adjustment (see paragraph (d)).

(g) At the start of each option year, the contracting officer shall, within 5 days of the start of the option year period, process a contract modification adjusting the option year prices by the then current Index Point Change percentage, if any, reflecting the new adjusted prices for that first contract adjustment period in that option year.

(h) In the event that _____[7] discontinues, or alters substantially, its method of calculating the Index cited herein, the parties shall mutually agree upon an appropriate substitute for determining the price adjustment described herein. If the contracting officer determines that the Index consistently and substantially fails to reflect market conditions, the contracting officer may modify the contract to specify the use of an appropriate substitute index, effective on the date the Index specified herein begins to consistently and substantially fail to reflect market conditions.

(i) Any dispute arising under this clause shall be resolved subject to the ''Disputes'' clause of the contract.

(End of clause)

* * * * *

[7] Enter in the name of the entity whose index is used in the clause. In most cases when using this clause format, the index used would be a CPI–U Index and the contracting officer would enter ''the U.S. Department of Labor''.

■ 25. Section 852.216–72 is added to read as follows:

852.216–72 Proportional Economic Price Adjustment of Contract Price(s) Based on a Price Index.

As prescribed in 816.203–4(e)(2), insert the following clause:

Proportional Economic Price Adjustment of Contract Price(s) Based on a Price Index (Date)

(a) To the extent that contract cost increases are provided for by this economic price adjustment clause, the contractor warrants that the prices in this contract for any option periods do not include any amount to protect against such contingent cost increases.

(b) The cost index, for the purpose of price adjustment under this clause, shall be_____[1] as contained in_____[2] as published by_____[3]All adjustments authorized under this clause shall be made by using the Base Index and Adjusting Indexes, which are published.[4]

(1) The *Base Index,* for the purposes of price adjustment under this clause, shall be the most recent Index published prior to the closing date for receipt of offers, or the due date for receipt of best and final offers if discussions are held. This Base Index shall remain constant throughout the life of the contract, including all options.

(2) The *Adjusting Index* shall be the most recent Index published prior to the date of contract adjustment, as specified in paragraph (f).

(c) For purposes of this clause, it will be conclusively presumed that_____percent

[1] The contracting officer shall conduct market research to determine a suitable cost index for use in the solicitation. The index used is directly related to the type of commodity or service most likely to impact the contractor and must approximately track the economic changes affecting the contractor's costs. Selection of the wrong index may result in a claim and reformation of the contract. For transportation services, an appropriate index might be one that tracks the price of gasoline or diesel fuel. For example, in a solicitation for ambulance services, the contracting officer might enter into this block ''the ''Weekly U.S. Retail Gasoline Prices, Regular Grade'' Index for New England'' (or California or whichever index is the most appropriate).

[2] Specify where the index can be found, such as in an example for gasoline, ''the Energy Information Administration Web site (*see VAAM M816.203–70*).

[3] Provide the information on who publishes the index, such as, in an example for gasoline, ''the U.S. Department of Energy''.

[4] State how often the index used is published, such as, in an example for an index for gasoline, ''weekly each Monday at 5:00 p.m. (Eastern time), or Tuesday if Monday is a holiday''.

(%) [5] of the price of_____ [6] represents the Base Cost of _____ [7] and the resulting Base Cost will be the basis upon which adjustment will be made under this clause. This Base Cost will be used in calculating all adjustments to the following line items:_____ [8] A new Base Cost will be calculated for each option year period based on the new option year prices.

(d) The percentage of the price of the indexed commodity (see paragraph (c)) remains fixed throughout the life of the contract and is not subject to modification under this clause. Any pricing actions pursuant to the ''Changes'' clause or other clause or provision of the contract, except for this clause, will be priced as though there were no provisions for economic price adjustment.

(e) All price adjustments shall be applicable only to the specific contract adjustment period to which the calculations are made. For every contract adjustment period, new calculations shall be made and new prices determined. Every adjustment during the Base Year shall be based on the original contract prices for that contract year and every adjustment during an option year shall be based on the original contract prices for that option year. The contracting officer must make new calculations for each and every contract adjustment period specified in paragraph (f) and at the beginning of each new option year, if different.

(f) The dates of contract adjustment shall be_____ [9] and the starting dates of each option year, if not already included in these dates. The contracting officer shall retain a copy of the Base Index in the contract file and, on each date of adjustment specified herein, obtain a copy of the Adjusting Index. The contracting officer shall calculate the adjustment due and shall, within 5 business days, issue a modification to the contract adjusting the contract or unit price(s). The adjusted contract or unit price(s) shall be effective for all orders placed or services provided after the date of contract adjustment, as specified in this paragraph (f), until the date of the next contract adjustment. If the contracting officer fails to act, the contractor shall request a contract adjustment in writing and any subsequent adjustment shall be retroactive to the applicable date of contract adjustment. The contractor's entitlement to price increases for a prior contract period (base year or option year) shall be waived unless the contractor's written request for an adjustment under this clause is received by the contracting officer no later than 30 days following the end of the base year for changes applicable to the base year, or 30 days following the end of each option year for changes applicable to that option year. The Government's right to contract decreases for prior contract periods (base year or option year) shall be waived unless the contracting officer processes a contract modification no later than 30 days following the end of the base year for changes applicable to the base year, or 30 days following the end of each option year for changes applicable to that option year.

(g) An example of an adjustment calculation is provided herein for informational purposes only.

(1) For purposes of this example, assume that a contract is for ambulance services, that the contract price is $2.10 per mile one way, that price adjustments will be made on the basis of the cost of gasoline, that the cost of gasoline represents 10% of the total cost per mile (the Base Cost is 10% of $2.10 (the per mile one way price in Line Item X), or $0.21), and that contract adjustments will be made quarterly. If the Base Index (the price of gasoline the week prior to receipt of bids) is $1.559 per gallon and the price of gasoline at the first date of contract adjustment is $2.129 per gallon, the calculations for contract price adjustment would be as follows:

Adjusting Index (most recent Index cost of gasoline as of the date of the first adjustment period).	$2.129 per gallon
Minus the Base Index (Index cost of gasoline as of the date of receipt of offers).	−$1.559 per gallon
Equals increase (or decrease) to the Base Index.	$0.570
Divide increase (or decrease) to the Base Index by the Base Index.	$0.570 + $1.559 = .3656 * (36.56% increase)

Base Cost of $0.21 (10% of $2.10) multiplied by .3656 = $0.0768 unit price increase.

New Unit price following the adjustment is $2.10 plus $0.0768 = $2.1768 per mile (rounded to $2.18).**

* This figure shall be rounded to the fourth decimal place. When the fifth decimal is 1 to 4, the figure shall be rounded down, 5 to 9, rounded up.

** The unit price adjustment shall be rounded up or down, as above, to match the number of decimal places in the original bid.

(2) For the second contract adjustment period, all calculations would be based on the original contract bid price for that contract year, $2.10 per mile in this example. If the price of gasoline goes down during the second adjustment period to the original Base Index price of $1.559 per gallon, the adjusted contract price for that second period would return to $2.10 per mile (there would be a zero percent increase or decrease to the Base Cost and thus no change to the original bid price for that contract adjustment period). The contracting officer would then issue a contract modification returning the contract price from $2.18 to $2.10 per mile for that contract adjustment period. If, on the other hand, the price of gasoline actually went below the Base Index price, say to $1.449 per gallon, the calculations for the second economic price adjustment period would be as follows:

Adjusting Index (most recent Index cost of gasoline as of the date of the second adjustment period).	$1.449 per gallon
Minus the Base Index (Index cost of gasoline as of the date of receipt of offers).	−$1.559 per gallon
Equals increase (or decrease) to Base Index.	($0.110) (a negative $.11)
Divide increase (or decrease) to the Base Index by the Base Index.	($0.11) + $1.559 = (.0706) (7.06% decrease)

Base Cost of $0.21 (10% of $2.10) multiplied by (.0706) = ($0.0148) unit price decrease.

New Unit price following the second economic price adjustment is $2.10 minus $0.0148 = $2.0852 per mile (rounded to $2.09).

(3) At the start of the first option year, the contracting officer shall recalculate the price per mile based on any changes in the price of gasoline from the original contract award date and based on the contractor's new first option year price per mile. Assuming the contractor's bid price per mile for the first option year was $2.25 per mile, the new Base Cost for gasoline would be 10% of $2.25, or $0.225 (note that the original percent figure from paragraph (c) (10% in this sample) stays constant throughout the life of the contract), but the Base Cost would change if the option year contract price changes. If the Adjusting Index for gasoline at the start of the first option year was now up to $1.899 per gallon, the new first option year price for the first contract adjustment period would be calculated as follows:

Adjusting Index (most recent Index cost of gasoline as of the first day of the first option period).	$1.899 per gallon
Minus the Base Index (Index cost of gasoline as of the date of receipt of offers).	−$1.559 per gallon
Equals increase (or decrease) to the Base Index.	$0.340

[5] Prior to issuing the solicitation, the contracting officer must conduct market research to determine an appropriate percentage to include in this paragraph. The percentage should reflect that portion of the unit price for the services or supplies being acquired that is applicable to the indexed commodity. For instance, in the case of an ambulance contract, research might indicate that, at the time the solicitation is being drafted and based on prior per-mile bid prices, the cost of gasoline accounts for 10% of the per mile cost of operating an ambulance. For example, if the prior bid price had been $1.60 per mile, ambulances average 10 miles per gallon, and the cost of gasoline had been $1.559 per gallon, 1 mile's worth of gasoline ($.16) would be approximately ten (10) percent of the prior per mile bid price of $1.60 per mile. This percent must be stated in the solicitation so that the same figure applies to all bidders. This figure remains constant throughout the life of the contract.

[6] Enter in this block the portion of the contract that will be subject to price adjustment, *e.g.,* ''each one-way mile of ambulance services,'' or the line items that will be subject to price adjustment.

[7] Enter in this block the commodity applicable to the index being used, as in an example for an ambulance contract, ''regular grade gasoline''.

[8] Enter the line items that will be subject to adjustment, as in an example for an ambulance contract, the line items that reflect the one-way cost per mile for ambulance services for the base year and for each option year.

[9] Establish time periods for when the contracting officer will process adjustments. This could be ''the first day of each month'' or ''the first day of every quarter, January, April, July, and October'' or ''annually on October 1st'' or some other similar time periods. Since the contracting officer is responsible for initiating the change, the contracting officer must establish a reminder mechanism to ensure that the adjustments are accomplished on time.

Divide the increase (or decrease) to the Base Index by the Base Index.	$0.34 + $1.559 = .2181 (21.81% increase)

Base Cost of $0.225 (10% * of $2.25) multiplied by .2181 = $0.0491 unit price increase.

New Unit price for the first contract adjustment period in the first option year is $2.25 plus $0.0491 = $2.2991 per mile (rounded to $2.30 per mile).

* Note that the percentage remains constant (10%) but that the Base Cost has been increased for the first contract adjustment period in the first option year, since the Base Cost is a percentage of the first option year unit cost per mile (in this sample), and the unit cost per mile has increased in this sample for the first option year from $2.10 to $2.25.

Although the new unit price for the first contract adjustment period of the first option year following application of the economic price adjustment in this sample would be $2.30 per mile, all economic price adjustment calculations made during that first option year would be based on the original first option year bid price ($2.25 in this sample). If in the second contract adjustment period of the first option year, the calculations resulted in a unit price increase for gasoline of $0.0332, the adjusted price for that period would be $2.25 + $0.0332 = $2.2832, rounded to $2.28 per mile.

(h) Price adjustments pursuant to this clause, which shall be made by contract modification issued by the contracting officer, shall show the Base Index (see paragraph (b)(1)), the Adjusting Index, the Base Cost (see paragraph (c)), the mathematical calculations used to arrive at the adjusted contract unit price, and the effective date of the adjustment.

(i) In the event that_____[10] discontinues, or alters substantially, its method of calculating the Index cited herein, the parties shall mutually agree upon an appropriate substitute for determining the price adjustment described herein. If the contracting officer determines that the Index consistently and substantially fails to reflect market conditions, the contracting officer may modify the contract to specify use of an appropriate substitute index, effective on the date the Index specified herein begins to consistently and substantially fail to reflect market conditions.

(j) Any dispute arising under this clause shall subject to the ''Disputes'' clause of the contract.

(End of clause)

■ 26. Section 852.216–73 is added to read as follows:

852.216–73 Economic Price Adjustment—State Nursing Home Care for Veterans (Alt #1).

As prescribed in 816.203–4(e)(3), insert the following clause:

[10] Enter in the name of the entity whose index is used in the clause. In the example for ambulance services using the ''Weekly U.S. Retail Gasoline Prices, Regular Grade'' index; the contracting officer would enter the ''Energy Information Administration, Department of Energy''.

Economic Price Adjustment—State Nursing Home Care For Veterans (Alt #1) (Date)

This clause does not apply to rates for non-Medicaid nursing homes.

(a) *Rate Determination.* The per diem rate is established by the current Medicaid rate for Medicaid approved nursing home care plus a fair market amount (percentage) to cover the costs of supplies, services, and equipment above that provided under Medicaid established by the local State Medicaid Agency (SMA). Rates established after the effective date of this contract will constitute a modification to the contract.

(1) The Medicaid rate covers room, board, and routine nursing care services.

(2) For all levels of nursing care a percentage is added for routine ancillary services/supplies, such as drugs, nursing supplies, oxygen (occasional use), x-ray, laboratory, physician visits, and rental equipment.

(3) Special equipment, *e.g.* Clinitron bed, is not considered routine ancillary services. (and may not be provided by the VA).

(4) Drug costs which comprise more than eight and one-half percent (8.5%) of the per diem rate are generally not considered routine ancillary supplies (and may not be provided by the VA).

(5) Rehabilitation therapies will be provided as distinct levels of care, *i.e.,* skilled, intermediate, and custodial care. Hospice Care and Dialysis are not included in the rate. Payment for Hospices and Dialysis services is provided by the VA or other payers as determined by the veteran with the VA's Approval.

(b) *Economic Price Adjustment.* This clause does not apply to ancillary services that may be added or deleted from the agreement.

(1) The per diem rate(s) will apply throughout the term of this contract, including extension period(s). The rate(s) may be adjusted only to reflect a change in a Medicaid rate as authorized by the SMA. Normally, this will be on an annual basis. The negotiated percentage above the Medicaid rate, to cover the all-inclusive nature of the contract, will not be renegotiated; but will be applied and added to the new Medicaid rate for the adjusted per diem rate for each level of care item. In this regard, new rates will be negotiated requiring a modification to the contact. Each per diem price adjustment under this clause is subject to the following limitations:

(2) Any adjustment shall be limited to the effect of increases or decreases in the approved SMA's patient care components within the affected Medicaid groups.

(3) Adjustments will occur no more frequently than those issued by the SMA.

(4) No adjustments are made until the contracting officer receives from the SMA an authenticated copy of the new rates signed and dated at the top right of the document by the authorized nursing home official. Within ten days after this occurs, the contracting officers will execute an approval signature and date at the approximate locations of the nursing home official's signature, the action of which will serve as the effective date of the adjusted rate. A copy of the fully executed document will be sent to the nursing home official for record keeping purposes.

(End of clause)

■ 27. Section 852.216–74 is added to read as follows:

852.216–74 Economic Price Adjustment—Medicaid Labor Rates (Date) (Alt #2)

As prescribed in 816.203–4(e)(4), insert the following clause:

Economic Price Adjustment—State Nursing Home Care for Veterans (Alt #1) (Date)

This clause does not apply to rates for non-Medicaid nursing homes.

(a) The contractor shall notify the contracting officer if, at any time during contract performance, the Medicaid rate set by the State Medical Agency (SMA) for contract line item increases or decreases in the Schedule. The contractor shall furnish this notice within 60 days after the increase or decrease, or within any additional period that the contracting officer may approve in writing, but not later than the date of final payment under this contract. The notice shall include the contractor's proposal for an adjustment in the contract unit prices to be negotiated under paragraph (b) of this clause, and shall include, in the form required by the contracting officer, supporting data explaining the cause, effective date, and the amount of the increase or decrease and the amount of the contractor's adjustment proposal.

(b) The contracting officer and the contractor shall negotiate a price adjustment to the contract's unit prices and its effective date upon receipt of the notice and data under paragraph (a) of this clause. However, the contracting officer may postpone the negotiations until an accumulation of increases and decreases of the Medicaid labor rates (including fringe benefits) shown in the Schedule results in an adjustment allowable under paragraph (c)(3) of this clause. The contracting officer shall modify this contract as follows:

(1) Include the price adjustment and its effective date;

(2) Revise the Medicaid labor rates (including fringe benefits) as shown in the Schedule to reflect the increases or decreases resulting from the SMA adjustment. The contractor shall continue performance pending agreement on, or determination of, any adjustment and its effective date.

(c) Any price adjustment under this clause is subject to the following limitations:

(1) Adjustment shall be limited to the effect on unit prices of the increases or decreases of the Medicaid rates of pay for labor (including fringe benefits) shown in the Schedule. There shall be no adjustment for changes in rates or unit prices other than those shown in the Schedule.

(2) No upward adjustment shall apply to supplies or services that are required to be delivered or performed before the effective date of the adjustment, unless the contractor's failure to deliver or perform according to the delivery schedule results from causes beyond the contractor's control and without its fault or negligence, within the meaning of the Default clause.

(3) There shall be no adjustment for any change in rates of pay for labor (including fringe benefits) or unit prices for material which would not result in a net change of at least three percent of the then-current total contract price. This limitation shall not apply, however, if, after final delivery of all contract line items, either party requests an adjustment under paragraph (b) of this clause.

(4) The aggregate of the increases in any contract unit price made under this clause shall not exceed 10 percent of the original unit price. There is no percentage limitation on the amount of decreases made under this clause.

(d) The contracting officer, precluding certified cost and pricing data may examine the contractor's books, records, and other supporting data relevant to the cost of labor (including fringe benefits) and material during all reasonable times until the end of 3 years after the date of final payment under this contract or the time periods specified in Subpart 4.7 of the Federal Acquisition Regulation (FAR), whichever is earlier.

(End of clause)

■ 28. Section 852.216–75 is added to read as follows:

852.216–75 Economic Price Adjustment Clause—Fuel Surcharge.

As prescribed in 816.203–4(e)(5), insert the following clause:

Economic Price Adjustment Clause—Fuel Surcharge (Date)

(a) To the extent that contract fuel cost increases are provided for by this economic price adjustment clause, the contractor warrants that the prices in this contract for any option periods do not include any amount to protect against such contingent fuel cost increases.

(b) The fuel cost index, for the purpose of price adjustment under this clause, shall be the ''Weekly Retail On-Highway Diesel Prices Index.''

The Base Fuel Cost, for the purpose of price adjustments under this clause, shall be the most recent Index Weekly Average Diesel Fuel Price per gallon published prior to the closing date for receipt of offers, or the due date for receipt of final proposal revisions if discussions are held.

(c) For purposes of this clause, it will be conclusively presumed that x% increase or decrease of the Base Fuel Cost represents a reasonable fluctuation of diesel fuel prices. The Base Fuel Cost (+/−) x% price range will be determined for the base contract year and will remain constant throughout the life of the contract, including option years. Base Fuel Cost price range is documented at time of contract award.

(d) Increases (or decreases) in the diesel fuel costs (Base Fuel Cost x%) as listed on the Index two weeks prior to the end of each calendar quarter can trigger a request from the contractor to the Government (or from the Government to the contractor) for cost adjustments. Notice must be in writing to the Subsistence Prime Vendor (SPV) contracting officer (or contracting officer's representative) no less than ten days prior to the beginning of the next quarter.

(e) Since fuel cost is only a part of the SPV Contracted distribution cost, the adjustment will be made as a penny per delivered case for every ten cent fuel price per gallon increase or decrease to the Base Fuel Cost x%. The difference is rounded down to the nearest whole cent and will be added to last line of each invoice noted as ''Fuel Adjustment''.

Example calculation of fuel price change:	Price $2.50 Base (+ or −) 15% Average National Diesel Fuel $2.88 − $2.13.
3rd QTR (3rd week June) first year	$3.05 − 2.88 = $ .17 (rounded down to 10 cents) Add one cent per delivered.
Fuel Price $3.05 Calculation:	Case to each invoice, starting first Monday of July.
3rd QTR Diesel Fuel Price decrease	$2.13 − 1.80 = $ .33 (rounded down to $.30 cents) Credit each. invoice
$1.80 Calculation:	$.03 cents per delivered case.

(f) Once approved, the date for contract fuel price adjustment will be the first Monday of the first month of each quarter unless otherwise designated at time of contract award.

(g) The contracting officer shall retain a copy of the Base Fuel Index establishing the Base Fuel Cost and the calculation of the price range incorporating the (+/−) x% adjustment in the contract file. All subsequent changes will be documented within the contract file and communicated to the contractor and VA SPV customers via email one week prior to the fuel price adjustment implementation.

(h) Any adjustments for fuel price changes will only be implemented if requested in writing, reviewed by both parties, and provided within the designated time frames. No retroactive cost adjustments will be made. A contract modification will be issued at inception of first increase or decrease detailing Base Fuel Cost, price range, and calculation of first fuel adjustment charge. Adjustment will remain in effect with quarterly calculation changes as needed until price falls within Base Fuel Cost price range. A contract modification will be issued to terminate the adjustment when price returns to Base Fuel Cost (+/−) x% price range.

(i) In the event that ''the Energy Information Administration, Department of Energy'' discontinues, or substantially alters its method of calculating the national average diesel fuel prices cited herein, the parties shall mutually agree upon an appropriate substitute for determining the price adjustment described herein. If the contracting officer determines the Index consistently and substantially fails to reflect market conditions, the contracting officer may modify the contract to specify use of an appropriate substitute Index, effective on the date the Index specified herein begins to consistently and substantially fail to reflect market conditions.

(j) Any dispute arising under this clause shall be determined in accordance with and subject to the ''Disputes'' clause of the contract.

(End of clause)

* * * * *

■ 29. Section 852.228–71 is revised to read as follows:

852.228–71 Indemnification and Insurance.

As prescribed in 828.306, insert the following clause:

Indemnification and Insurance (Date)

(a) *Indemnification.* The contractor expressly agrees to indemnify and save the Government, its officers, agents, servants, and employees harmless from and against any and all claims, loss, damage, injury, and liability, however caused, resulting from, arising out of, or in any way connected with the performance of work under this contract. Further, it is agreed that any negligence or alleged negligence of the Government, its officers, agents, servants, and employees, shall not be a bar to a claim for indemnification unless the act or omission of the Government, its officers, agents, servants, and employees is the sole, competent, and producing cause of such claims, loss, damage, injury, and liability. At the option of the contractor, and subject to the approval by the contracting officer, insurance coverage may be employed as guaranty of indemnification.

(b) *Insurance.* Satisfactory insurance coverage is a condition precedent to award of this contract. In general, a successful bidder must present satisfactory evidence of full compliance with State and local requirements, or those below stipulated, whichever are the greater. More specifically, workers' compensation and employer's liability coverage will conform to applicable State law requirements for the service defined, whereas general liability and automobile liability of comprehensive type shall, in the absence of higher statutory minimums, be required in the amounts per vehicle used of not less than $200,000 per person and $500,000 per occurrence for bodily injury and $20,000 per occurrence for property damage. State-approved sources of insurance coverage ordinarily will be deemed acceptable to the Department of Veterans Affairs, subject to timely certifications by such sources of the types and limits of the coverages afforded by the sources to the bidder. [Contracting Officer's Note: In those instances where airplane service is to be used, substitute the word ''aircraft'' for ''automobile'' and ''vehicle'' and modify coverage to require aircraft public and passenger liability insurance of at least $200,000 per passenger and $500,000 per occurrence for bodily injury, other than passenger liability, and $200,000 per occurrence for property damage. Coverage for passenger liability bodily injury shall be at least $200,000 multiplied by the number of seats or passengers, whichever is greater.]

(End of clause)

* * * * *

■ 30. Section 852.228–73 is added to read as follows:

852.228–73 Indemnification of Contractor—Hazardous Research Projects.

As prescribed in 828.7003, insert the following clause:

Indemnification of Contractor—Hazardous Research Projects (Date)

(a) This contract involves work with a risk of an unusually hazardous nature as specifically defined in the contract. The government shall indemnify the contractor, including subcontractors of any tier, against losses or liability specified in paragraphs (b) and (c) of this clause if:

(1) The losses or liability arise out of or results from a risk defined in this contract as unusually hazardous, and

(2) The losses or liability are not covered by the financial protection required by paragraph (c).

(b) The Government shall indemnify a contractor for:

(1) Liability (including reasonable expenses of litigation or settlement) to third persons for death, bodily injury, or loss of or damage to property from a risk that the contract defines as unusually hazardous. This indemnification shall not cover liability under State or Federal worker's injury compensation laws to employees of the contractor who are both:

(i) Employed at the site of the contract work; and

(ii) Working on the contract for which indemnification is granted.

(2) The Government shall also indemnify the contractor for loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

(c) A contractor shall have and maintain an amount of financial protection to cover liability to third persons and loss of or damage to the contractor's property. Financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination that provides the maximum amount required. The financial protection provided must meet one of the following:

(1) The maximum amount of insurance available from private sources, or

(2) A lesser amount that the Secretary establishes after taking into consideration the cost and terms of private insurance.

(d) Actions in event of a claim:

(1) The contractor shall notify the contracting officer of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

(2) The Government may elect to control or assist in the defense of any suit or claim for which indemnification is provided in the contract.

[FR Doc. 2017–04877 Filed 3–10–17; 8:45 am]

BILLING CODE 8320–01–P

Notices

Federal Register
Vol. 82, No. 47
Monday, March 13, 2017

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0011]

Notice of Request for Reinstatement of an Information Collection; APHIS Student Outreach Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request the reinstatement of an information collection associated with the Animal and Plant Health Inspection Service's Student Outreach Program.

DATES: We will consider all comments that we receive on or before May 12, 2017.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0011.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0011, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0011* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on documents associated with the APHIS Student Outreach Program, contact Ms. Tammy Lowry, AgDiscovery Program Manager, Office of Civil Rights, Diversity, and Inclusion, APHIS, 4700 River Road, Unit 92, Riverdale, MD 20737; (301) 851–4181. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: APHIS Student Outreach Program.

OMB Control Number: 0579–0362.

Type of Request: Reinstatement of an information collection.

Abstract: The Animal and Plant Health Inspection Service's (APHIS') Student Outreach Program is designed to help students learn about careers in animal science, veterinary medicine, plant pathology, and agribusiness. The program allows participants to live on a college campus and learn about agricultural science and agribusiness from university professors, practicing veterinarians, and professionals working for the U.S. Government.

The Student Outreach Program is designed to enrich students' lives while they are still in their formative years. APHIS' investment in the Student Outreach Program not only exposes students to careers in APHIS, it also gives APHIS' employees the opportunity to meet and invest in APHIS' future workforce. Students chosen to participate in the Student Outreach Program will gain experience through hands-on labs, workshops, and field trips. Students will also participate in character and team building activities and diversity workshops. Two programs currently in the Student Outreach Program are AgDiscovery and Safeguarding Natural Heritage Program: Strengthening Navajo Youth Connections to the Land.

To participate in these programs, students and their parents must submit essays, letters of recommendation, and application packages. These submissions are reviewed and rated by officials to select the participants. In addition, cooperative agreements are used to facilitate the partnerships between APHIS and the participating universities to carry out these programs.

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

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

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 5.62 hours per response.

Respondents: Individuals and public and private universities.

Estimated annual number of respondents: 1,126.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 1,126.

Estimated total annual burden on respondents: 6,330 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 8th day of March 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–04876 Filed 3–10–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Current Agricultural Industrial Reports (CAIR) program. Revision to burden hours will be needed due to changes in the size of the target population, sampling design, and questionnaire length.

DATES: Comments on this notice must be received by May 12, 2017 to be assured of consideration.

ADDRESSES:

- *Email: ombofficer@nass.usda.gov.* Include the docket number above in the subject line of the message.
- *Efax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: R. Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Current Agricultural Industrial Reports (CAIR).

OMB Control Number: 0535–0254.

Expiration Date of Approval: July 31, 2017.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: NASS began collecting data for the Current Agricultural Industrial Reports (CAIR) in the latter half of 2014. This replaced a portion of the Current Industrial Reports (CIR) program (0607–0476) which was conducted by the U.S. Census Bureau previously. The CIR was discontinued on April 30, 2012. The previous approval (0607–0476) was for 47 different surveys.

Data from the agricultural instruments are used to generate four separate publications. These surveys supply data users with important information on the utilization of many of the crops, livestock, and poultry produced in the United States. NASS collects crop data on acres planted and harvested, production, price, and stocks for these crops (grains, oilseeds, cotton, nuts, etc.), along with livestock data on the number of animals and poultry produced, slaughtered, prices, and the amount of meat kept in cold storage. The CAIR data series provides data users with vital information on how much of these commodities were processed into fuels, cooking oils, flour, fabric, etc. These data are needed to provide a more complete picture of the importance of agriculture to the American population.

In order to maintain a complete and comprehensive list of operations, NASS also conducts an Operation Profile periodically to add new operations to the survey population and remove operations that no longer meet the criteria to be included in this group of surveys. Completing the Operation Profile also serves as a training tool for operations, helping to ensure consistent, accurate, and complete data are reported monthly/annually. These surveys will be conducted as a part of the Census of Agriculture and are mandatory as defined under Title 7, Sec. 2204(g).

Publication No. *	Form No. *	Survey title	Reporting status	Frequency	Methodology
		Operation Profile	Voluntary	Annual	Universe.
M311N	M311N	Animal & Vegetable Fats and Oils	Mandatory	Monthly	Universe.
M311J	M311C	Dry Mill Producers	Mandatory	Monthly	Universe.
	M311C	Wet Mill Producers	Mandatory	Monthly	Universe.
M313P	M311H	Cotton in Private Storage**	Mandatory	Annual	Universe.
	M313P	Cotton and Manmade Fibre Staple	Mandatory	Monthly	Universe.
MQ311A	MQ311A	Flour Milling Products	Mandatory	Quarterly	Universe.

* The Form numbers and publication numbers appear on the surveys previously conducted by the Census Bureau.
** Cotton in Private Storage is published in the September publication only.

Primary users of these data include government and regulatory agencies, business firms, trade associations, and private research and consulting organizations. The USDA World Agricultural Outlook Board (WAOB) uses the data in many of their indexes. The Bureau of Economic Analysis (BEA) and the Bureau of Labor Statistics (BLS) use the data in the estimation of components of gross domestic product (GDP) and the estimate of output for productivity analysis, respectively. Many government agencies, such as the Department of Agriculture, Food and Drug Administration, Bureau of Economic Analysis, and International Trade Administration use the data for industrial analysis, projections, and monitoring import penetration. NASS proposes to make the following changes to the previously approved questionnaires:

M311N—Animal and Vegetable Fats and Oils (Combined Questionnaire)	—Flaxseed. ○ Crush—delete. ○ Cake and meal—delete. ○ Oil refining—crude—delete. ○ Oil refining—once refined—delete. ○ Oil—offsite stocks—delete. —Olives ○ Crush—delete.

	○ Oil—refined—delete. ○ Oil—offsite stocks—delete. —All Other Primary Fats and Oils such as babassu, oiticica, etc.—delete. —Fatty Acids—delete. —Glycerin—crude—delete. —Glycerin—refined—delete. —All Other Products (blood meal, plasma, etc.)—delete.
M313P—Cotton, Manmade Fiber, Staple	—Total upland cotton—delete. —Upland Cotton destroyed—delete. —Extra Long Staple cotton destroyed—delete.
M311H—Cotton In Private Storage	—Estimated burden minutes to complete, reduced to 10 minutes.
MQ311A—Flour Milling Products	—No changes.
M311C—Dry Mill Producers	—No changes.
M311C—Wet Mill Producers	—No changes.

The National Agricultural Statistics Service will use the information collected only for statistical purposes and will publish the data only as aggregated totals.

Authority: The Census of Agriculture and subsequent follow-on censuses are required by law under the ''Census of Agriculture Act of 1997,'' 7 U.S.C. 2204(g). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8–40 minutes per response. Publicity materials and instruction sheets will account for about 15 minutes of additional burden per respondent, annually.

Respondents: The target population will consist of managers of processing facilities that produce oils and fats from animals, grains, oilseeds, nuts, tree fruits or vegetables; or operations that are involved in the storing, rendering, or marketing of these products. Managers of ethanol plants, cotton gins, and flour mills will also be included in the target population for this group of surveys.

Estimated Number of Respondents: 1,500.

Estimated Total Annual Burden on Respondents: 2,600 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

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

Signed at Washington, DC, February 21, 2017.

Hubert Hamer,

Administrator.

[FR Doc. 2017–04803 Filed 3–10–17; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[2/11/2017 through 3/7/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Cooper Gear and Manufacturing, Inc.	310 Mill Street, Anderson, MO 64831.	2/13/2017	The firm manufactures gears and splines.
The Steinlite Corporation	1015 Main Street, Atchison, KS 66002.	2/23/2017	The firm manufactures metal fabricated grain moisture meters (2 in production) and a metal mill to grind solids.
D & N Machining, Inc	18320 Highway 71, South, Greenwood, AR 72936.	2/24/2017	The firm manufactures CNC machined component parts.
National Wiper Alliance, Inc	875 Warren Wilson Road, Swannanoa, NC 28778.	2/27/2017	The firm manufactures nonwoven wipes and materials.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE—Continued

[2/11/2017 through 3/7/2017]

Firm name	Firm address	Date accepted for investigation	Product(s)
Bazooka-Farmstar, LLC	800 East 7th Street, Washington, IA 52353.	2/28/2017	The firm farm manufactures machinery and equipment such as grain augers and manure injection equipment.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Miriam Kearse,

Lead Program Analyst.

[FR Doc. 2017–04862 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2027]

Reorganization of Foreign-Trade Zone 257 Under Alternative Site Framework; Imperial County, California

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, Imperial County, California, grantee of Foreign-Trade Zone 257, submitted an application to the Board (FTZ Docket B–81–2015, docketed December 3, 2015) for authority to reorganize under the ASF with a service area of Imperial County, California, in and adjacent to the Calexico, California, U.S. Customs and Border Protection port of entry, and FTZ 257's existing Sites 1–5 and 7–14 would be categorized as magnet sites and existing Sites 6, 15 and 16 would be categorized as usage-driven sites;

Whereas, notice inviting public comment was given in the **Federal Register** (80 FR 76443–76444, December 9, 2015) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 257 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, to an ASF sunset provision for magnet sites that would terminate authority for Sites 1–5 and 7–14 if not activated within five years from the month of approval, and to an ASF sunset provision for usage-driven sites that would terminate authority for Sites 6, 15 and 16 if no foreign-status merchandise is admitted for a *bona fide* customs purpose within three years from the month of approval.

Dated: March 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–04826 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2029]

Approval of Expansion of Subzone 115B; ExxonMobil Oil Corporation; Jefferson and Liberty Counties, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

Whereas, the Foreign-Trade Zone of Southeast Texas, Inc., grantee of Foreign-Trade Zone 115, has made application to the Board to expand Subzone 115B on behalf of ExxonMobil Oil Corporation to include an additional site in Jefferson County, Texas (FTZ Docket B–78–2016, docketed November 15, 2016);

Whereas, notice inviting public comment has been given in the **Federal Register** (81 FR 83799, November 22, 2016) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves the expansion of Subzone 115B on behalf of ExxonMobil Oil Corporation, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Dated: March 1, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2017–04823 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–867]

Large Power Transformers From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: On September 2, 2016, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the third administrative review of the antidumping duty order on large power transformers from the Republic of Korea. The review covers five producers/exporters of the subject merchandise, Hyosung Corporation (Hyosung), Hyundai Heavy Industries Co., Ltd. (Hyundai), Iljin, Iljin Electric Co., Ltd. (Iljin Electric), and LSIS Co., Ltd. (LSIS). Iljin, Iljin Electric and LSIS, were not selected for individual examination. The period of review is August 1, 2014, through July 31, 2015. As a result of our analysis of the comments and information received, these final results differ from the preliminary results of review. For the final weighted-average dumping margins, *see* the ''Final Results of Review'' section below.

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

FOR FURTHER INFORMATION CONTACT: John Drury (Hyosung) or Moses Song (Hyundai), AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–5041, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 2016, the Department published the *Preliminary Results*.[1] A summary of the events that occurred since the Department published these results, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2]

Scope of the Order

The scope of this order covers large liquid dielectric power transformers (LPTs) having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States at subheadings 8504.23.0040, 8504.23.0080, and 8504.90.9540. For a complete description of the scope of the order, *see* Appendix I.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain changes to the margin calculations for Hyosung and Hyundai. For Hyosung, the Department has relied on partial facts available under section 776(a)(1) of the Act with respect to adjustments to the cost of manufacturing and U.S. gross unit price for certain sales. In addition, the Department has relied on partial adverse facts available under sections 776(a) and (b) of the Act with respect to ocean freight expenses for certain sales made by Hyosung. Furthermore, pursuant to section 776(a) and (b) of the Act, the Department has relied upon total facts otherwise available, with adverse inferences, for Hyundai's dumping margin. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum. As a result of these changes, the weighted-average dumping margin also changes for the three companies not selected for individual examination.

Final Results of the Review

The final weighted-average dumping margins are as follows:

Manufacturer/exporter	Weighted-average dumping margin (percent)
Hyosung Corporation	2.99
Hyundai Heavy Industries Co., Ltd	60.81
Iljin Electric Co., Ltd	2.99
Iljin	2.99
LSIS Co., Ltd	2.99

Disclosure

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

Duty Assessment

The Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.[3] For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated 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). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.,* at or above 0.5 percent), the Department will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), for each respondent we calculated importer (or customer)-specific *ad valorem* rates by aggregating

[1] *See Large Power Transformers from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 60672 (September 2, 2016) (*Preliminary Results*).

[2] *See* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Large Power Transformers from the Republic of Korea; 2014–2015'', dated concurrently with this notice (Issues and Decision Memorandum).

[3] In these final results, the Department applied the assessment rate calculation method 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).

the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* and the respondent has reported reliable entered values, we will apply the assessment rate to the entered value of the importer's/customer's entries during the review period.

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

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative 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; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 22.00 percent, the all-others rate established in the antidumping investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

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

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 6, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Order

The scope of this order covers LPTs having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete.

Incomplete LPTs are subassemblies consisting of the active part and any other parts attached to, imported with or invoiced with the active parts of LPTs. The ''active part'' of the transformer consists of one or more of the following when attached to or otherwise assembled with one another: The steel core or shell, the windings, electrical insulation between the windings, the mechanical frame for an LPT.

The product definition encompasses all such LPTs regardless of name designation, including but not limited to step-up transformers, step-down transformers, autotransformers, interconnection transformers, voltage regulator transformers, rectifier transformers, and power rectifier transformers.

The LPTs subject to this order are currently classifiable under subheadings 8504.23.0040, 8504.23.0080 and 8504.90.9540 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Appendix II—List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Order
V. Margin Calculation
VI. Application of Total Facts Available with Regard to Hyundai
VII. Selection of Adverse Facts Available (AFA) Rate
VIII. Rate for Unexamined Respondents
IX. Discussion of the Issues
A. Hyundai-Specific Issues
Comment 1: Application of Total Adverse Facts Available
Comment 2: Corrections to the Draft Liquidation Instructions
Comment 3: Moot Arguments
B. Hyosung-Specific Issues
Comment 4: The Department's Application of Expense Revenue Caps
Comment 5: Should the Department Continue to Apply Expense Revenue Caps, It Should Correct Hyosung's U.S. Inland Freight Cap
Comment 6: The Department Should Grant Hyosung a Commission Offset
Comment 7: The Department Should Correct Certain Clerical Errors in its *Preliminary Results*
Comment 8: The Department Should Not Conduct a Differential Pricing Analysis in the Final Results
Comment 9: Hyosung's Allocations for Costs and Prices of Spare Parts and Accessories Are Not Reasonable and Should Be Rejected
Comment 10: Hyosung Misreported the Physical Characteristics for Certain Sales
Comment 11: Hyosung Failed to Reconcile Its Reported U.S. Sales Data to Its Normal Books and Records
Comment 12: Hyosung's Reported Increases to U.S. Prices Are Not Supported by Sales Documentation Generated in Its Normal Course of Business
1. Freight and Sales Revenues Not Supported by the Record
2. Hyosung's Commercial Invoices Are Not Reliable
3. Hyosung's Invoices Show Incorrect Amounts
4. Hyosung's Reported Warehouse Expenses and Storage Revenues Are Not Correct
5. Hyosung's Reconciled U.S. Sales Database Is Reliable
Comment 13: The Department Should Not Accept Hyosung's Understated Ocean Freight Expenses for U.S. Sales
Comment 14: The Department Must Not Accept Hyosung's Reported Cost of Manufacture Data
Comment 15: Application of Total Adverse Facts Available Is Not Warranted for The Final Results
Comment 16: If The Department Relies On Any Portion of Hyosung's Data Then Additional Corrections Should Be Made in the Final Results
Comment 17: Date of Sale
X. Recommendation

[FR Doc. 2017–04824 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Large Power Transformers from the Republic of Korea: Antidumping Duty Order,* 77 FR 53177 (August 31, 2012).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF258

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of hatchery plans and request for comment.

SUMMARY: Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted two Hatchery and Genetic Management Plans (HGMPs), and the Washington Department of Fish and Wildlife (WDFW) has submitted eight HGMPs, pursuant to the protective regulations promulgated for Pacific salmon and steelhead under the Endangered Species Act (ESA). The two ODFW HGMPs describe hatchery programs rearing chum salmon in Big Creek and steelhead in the Clackamas River subbasin within the State of Oregon. The eight WDFW HGMPs describe hatchery programs that release fall chinook salmon, coho salmon, and winter and summer steelhead into Washington tributaries of the Columbia River below Bonneville Dam. This document serves to notify the public of the availability of the HGMPs for comment prior to a decision by NMFS whether to approve the proposed hatchery programs.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5:00 p.m. Pacific time on April 12, 2017.

ADDRESSES: Written comments on the application should be addressed to the NMFS Sustainable Fisheries Division, 1201 N.E. Lloyd Boulevard, Suite 1100, Portland, OR 97232, or faxed to 503–872–2737. Comments may be submitted by email to: *LowerColumbiaHatcheries.wcr@noaa.gov.* Include in the subject line of the email comment the following identifier: Comments on ODFW's and WDFWs hatchery plans.

FOR FURTHER INFORMATION CONTACT: Rich Turner, at phone number: (503) 736–4737, or email: *Rich.Turner@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally produced and artificially propagated Lower Columbia River.

Chum salmon (*O. keta*): Threatened, naturally produced and artificially propagated Columbia River.

Coho salmon (*O. kisutch*): Threatened, naturally produced and artificially propagated Lower Columbia River.

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated Lower Columbia River.

Pacific eulachon (*Thaleichthys pacificus*): Threatened, naturally produced southern distinct population segment.

ODFW has submitted to NMFS two HGMPs describing hatchery programs that release chum salmon into Big Creek and adjacent tributaries and winter steelhead into the Clackamas River in a manner that is intended to comply with requirements of the ESA under limit 5 of the 4(d) Rule. WDFW has submitted to NMFS eight HGMPs describing hatchery programs that release fall Chinook salmon, coho salmon, and winter and summer steelhead into Washington tributaries of the Columbia River below Bonneville Dam in a manner that is intended to comply with requirements of the ESA under limit 5 of the 4(d) Rule. The ODFW HGMPs specify the operations of two hatchery programs rearing chum salmon in Big Creek and steelhead in the Clackamas River subbasins within the State of Oregon. The WDFW HGMPs specify the operations of eight hatchery programs—two programs rearing fall Chinook salmon in the North Fork Toutle River and the Washougal River, two programs rearing winter and summer steelhead in the Kalama River, and four programs rearing coho salmon in the Grays River, Elochoman River, North Fork Toutle River, and the Washougal River. The Elochoman River program is a new program while the other programs are currently ongoing.

The programs are designed to meet mitigation responsibilities related to impacts from development in Columbia River Basin by providing hatchery fish to support reintroduction of chum salmon, recovery of fall Chinook salmon and coho salmon, and to provide fishing opportunities for fall Chinook salmon, coho salmon, winter steelhead, and summer steelhead while minimizing potential risks to natural-origin Lower Columbia River Chinook salmon, coho salmon, and steelhead populations, consistent with NMFS' Lower Columbia River Salmon and Steelhead ESA Recovery Plan.

As specified in the July 10, 2000, ESA 4(d) rule for salmon and steelhead (65 FR 42422) and updated June 28, 2005 (70 FR 37160), NMFS may approve an HGMP if it meets criteria set forth in 50 CFR 223.203(b)(5)(i)(A) through (K). Prior to final approval of an HGMP, NMFS must publish notification announcing its availability for public review and comment.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422; July 10, 2000, as updated in 70 FR 37160; June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 5 of the updated 4(d) rule (50 CFR 223.203(b)(5)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to activities associated with artificial propagation programs provided that an HGMP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–04840 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF279

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will meet April 3, 2017 through April 11, 2017.

DATES: The meetings will be held Monday, April 3 through Tuesday, April 11, 2017. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at the Anchorage Hilton Hotel, 500 W. 3rd Ave, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W.

4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: David Witherell, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Council will begin its plenary session at 8 a.m. in the Aleutian Room on Wednesday, April 5, continuing through Tuesday, April 11, 2017. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. in the King Salmon/Iliamna Room on Monday April 3rd and continue through Wednesday April 5, 2017. The Council's Advisory Panel (AP) will begin at 8 a.m. in the Dillingham/Katmai Room on Tuesday April 4th, and continue through Saturday April 8, 2017. The Legislative Committee will meet on Monday April 3, 2017 (room to be determined) from 1 p.m. to 5 p.m. The Ecosystem Committee will meet on Tuesday April 4th, 2017 (room to be determined) from 9 a.m. to 5 p.m.

Agenda

Monday, April 3, 2017 Through Tuesday, April 11, 2017

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Executive Director's Report (including update on Social Science Strategy Group development, report from the Lenfest Fisheries Ecosystem Task Force; CCC update, Legislation update, and update on SBRM requirements)
2. NMFS Management Report (including Marine Mammals Take Accounting, Fur Seal Status and Management planning, AFSC Research Prioritization)
3. ADF&G Report
4. NIOSH Report
5. USCG Report
6. USFWS Report
7. Protected Species
8. Scallop SAFE and Plan Team Report
9. Salmon FMP Amendment
10. Pollock ICA/IPA Reports; Update on Salmon Genetics
11. Co-op Reports
12. GOA Rockfish Program Review
13. EFH Omnibus Amendment
14. Halibut Abundance-based PSC Limits
15. CDQ Ownership Caps
16. EM Working Group Report
17. Lead Level 2 Observers
18. BSAI Crab Binding Arbitration Formula
19. BSAI Tanner Crab Custom Processing Cap
20. BS Fishery Ecosystem Plan
21. Programmatic Groundfish Objectives

The Advisory Panel will address most of the same agenda issues as the Council except B reports.

The SSC agenda will include the following issues:

1. Scallop SAFE and Annual Catch Limit Specifications
2. BS Fishery Ecosystem Plan
3. EFH Omnibus Amendment
4. Lead Level 2 Observers
5. Salmon Genetics
6. GOA Rockfish Program Workplan
7. Reports on Marine Mammal Take Accounting, Fur Seal Status and Management, AFSC Research Prioritization
8. CDQ Ownership Caps

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Councils primary peer review panel for scientific information as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (78 FR 43066). The peer review process is also deemed to satisfy the requirements of the Information Quality Act, including the OMB Peer Review Bulletin guidelines.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: March 8, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–04890 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF281

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold meetings of its Protected Species Advisory Committee (PSAC), Social Science Planning Committee (SSPC) and Marine Planning and Climate Change Committee (MPCCC) to review relevant sections of the draft 2016 annual reports for the Pacific Pelagic Fishery Ecosystem Plan (FEP), American Samoa Archipelago FEP, Hawaii FEP, Mariana Archipelago FEP and Pacific Remote Island Areas (PRIA) FEP. The committees will also receive updates on matters related to fishery management and may make recommendations on these topics.

DATES: The PSAC meeting will be held between 9 a.m. and 5 p.m. on March 30–31, 2017. The SSPC will be held between 10 a.m. and 4 p.m. on April 3, 2017. The MPCCC meeting will be held between 8:30 a.m. and 5 p.m. on April 5–6, 2017. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The PSAC and MPCCC meetings will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220. The SPCC meeting will be held at the Council office and by teleconference at (888) 482–3560; Passcode: 5228220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Agenda for the PSAC Meeting

9 a.m.–5 p.m., Thursday, March 30, 2017

1. Welcome and Introductions
2. Approval of Agenda
3. Status of the Third Protected Species Advisory Committee Meeting Recommendations
4. Review of the Draft 2016 FEP Annual Report
   A. Overview of the 2016 Annual Report Updates
   i. Data integration chapter development
   ii. Ecosystem chapter updates
   B. Pelagic Longline Fishery Sections
   i. Summary of relevant fishery data
   ii. Protected species section
   iii. Discussion and synthesis
   C. Pelagic Non-longline Fishery Sections
   i. Summary of relevant fishery data
   ii. Protected species section
   iii. Discussion and synthesis
   D. Insular Fishery Sections
   i. Summary of relevant fishery data

ii. Protected species section
iii. Discussion and synthesis
E. Discussion on Emerging Issues
F. Discussion on Data Gaps and Research Needs
5. Public Comment

9 a.m.–5 p.m., Friday, March 31, 2017

6. Fisheries and Protected Species Management Updates
A. Recent Council Actions
i. Pelagic fisheries actions
ii. Insular fisheries actions
iii. Discussion
B. Council Protected Species Activities Update
i. Seabird interactions in the Hawaii deep-set longline fishery
ii. Rare events bycatch workshop
iii. Other updates
C. Endangered Species Act (ESA) Updates
i. Section 7 ESA consultations for pelagic and insular fisheries
ii. ESA listing and other related actions
iii. Discussion
7. Council's Research Priorities
A. Five-year Research Priorities
B. Cooperative Research Priorities
C. Discussion
8. Public Comment
9. Committee Discussion and Recommendations
10. Other Business & Next Meeting

Agenda for the SSPC Meeting

10 a.m.–4 p.m., Monday, April 3, 2017

1. Welcome and Introductions
2. New Emerging Issues by Region
A. American Samoa
B. CNMI
C. Guam
D. Hawaii
3. Review of the Stock Assessment and Fisheries Evaluation (SAFE) Report Draft Human Dimensions Sections
4. Status of Ongoing Research Projects and Grant Solicitations
A. Bottomfishing History Project
B. Update on Saltonstall-Kennedy (SK) Proposals
C. Update on NOAA Preserve America Grant Proposals
5. Report on Program Initiatives
A. Hawaii Fish Flow Workshop
B. Review and Comment: National Academy of Science Review of the Marine Recreational Information Program
C. Review and Comment: Feasibility of a Non-Commercial Marine Fishing Registry, Permit, or License System in Hawaii
6. Review and Update of SSPC Strategic Plan
7. Review and Update of SSPC Research Priorities
8. Membership Changes
9. Recommendations
10. Other Business

Agenda for the MPCCC Meeting

8:30 a.m.–5 p.m., Wednesday, April 5, 2017

1. Welcome and Approval of Agenda
2. Introductions/Regional Updates
3. Update on Pacific Islands Regional Action Plan for the NOAA Climate Science Strategy
4. Update on MAFAC Resilience Working Group and Climate and Marine Resources Task Force
5. Overview of 2015 Annual Reports for the Fishery Ecosystem Plans of the Western Pacific Region—Where They Are and How to Use Them
6. Overview of 2016 Annual Report Components
A. Contractor Recommendations on Climate Change Module
B. 166th Council Recommendations
C. Draft 2016 Climate Change Indicators From Plan Team
i. Pelagic
ii. Archipelagic
D. Draft 2016 Marine Planning Indicators From Plan Team
i. Pelagic
ii. Archipelagic
E. Chapter 3: Data Integration Workshop
7. Public Comment on Draft 2016 Annual Reports
8. Committee Discussion and Recommendation on Draft 2016 Annual Reports

8:30 a.m.–5 p.m., Thursday, April 6, 2017

9. Review of Existing Climate Change Outreach and Resources by Island Area
A. American Samoa
B. Hawaii
C. Guam
D. CNMI
10. Island Area Breakouts to Identify and Develop Climate Change Outreach Resources Focused on Fisheries and Fishing Communities
11. Presentation and Discussion of Breakout Results
A. American Samoa
B. Hawaii
C. Guam
D. CNMI
12. Public Comment on MPCC Outreach
13. Committee Discussion and Recommendations on MPCC Outreach
14. Old Business
A. MPCC Action Plan Update
B. Other
15. New Business
A. WPRFMC Five-Year Research Priorities
B. Cooperative Research Priorities
C. Other
16. Public Comment on MPCC Action Plan and Research Priorities
17. Committee Discussion and Recommendations on MPCC Action Plan and Research Prorities
18. 2017–18 Committee Members and Officers

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: March 8, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–04891 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF261

Threatened Species: Take of Steelhead (Oncorhynchus mykiss)

AGENCY: NOAA's National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce.

ACTION: Issuance of one U.S. Endangered Species Act (ESA) Section 10(a)1(A) scientific enhancement permit (permit 20085).

SUMMARY: Notice is hereby given that NMFS has issued Stillwater Sciences one section 10(a)1(A) scientific enhancement permit (permit 20085) for conducting invasive species removal from a south-central California watershed (Chorro Creek). Authorized activities within the permit are expected to affect the threatened South Central California Coast (SCCC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*).

ADDRESSES: The permit application, the permit, and other related documents are available for review, by appointment, at the foregoing address: California Coastal Office, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802 (phone: 562–980–4026, fax: 562–980–4027, email at: *Matthew.McGoogan@*

noaa.gov. The permit application is also available for review at the Authorizations and Permits for Protected Species Web site: *https://apps.nmfs.noaa.gov/search/search.cfm.*

FOR FURTHER INFORMATION CONTACT: Matt McGoogan at 562–980–4026, or email: *Matthew.McGoogan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Threatened SCCC steelhead.

Authority

Scientific research and enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–227). NMFS issues a section 10(a)1(A) permit based on findings that the permit is (1) applied for in good faith, (2) would not operate to the disadvantage of the listed species which is the subject of the permit, and (3) consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permit.

Permit Issued

A receipt of application notice for Permit 20085 was published in the **Federal Register** on July 21, 2016 (81 FR 47359), providing 30 days for public comment prior to permit processing. No comments were received. Permit 20085 was issued to Stillwater Sciences on October 31, 2016.

Permit 20085 authorizes take of threatened SCCC steelhead in association with enhancement activities involving the removal of Sacramento pikeminnow (*Ptychocheilus grandis*) from the Chorro Creek watershed in San Luis Obispo County, California. The primary objectives of the enhancement effort involve: (1) Determining the distribution, abundance, size, and age structures of both pikeminnow and steelhead in the watershed; (2) eliminating pikeminnow from the watershed; (3) developing a plan for long-term pikeminnow management in the watershed; and (4) documenting changes in steelhead abundance and distribution in response to pikeminnow removal. Proposed enhancement activities include: (1) Conducting snorkel surveys to assess abundance and distribution of pikeminnow and steelhead; (2) using backpack electrofishing equipment, seines, hook-and-line sampling, and spearfishing to capture pikeminnow; (3) measuring the weight and length of juvenile steelhead collected during sampling activities; (4) returning the collected steelhead alive and unharmed to Chorro Creek; and (5) humanely euthanizing and disposing pikeminnow.

Permit 20085 authorized field activities associated with the enhancement effort to begin on October 31, 2016 (the date the permit was issued), and ceases authorization of the subject activities when the permit expires on December 31, 2020. The annual take of threatened SCCC steelhead that permit 20085 authorizes Stillwater Sciences for the subject enhancement effort is as follows: (1) Non-lethal capture and release of up to 1,500 juvenile steelhead while electrofishing, (2) non-lethal capture and release of up to 150 juvenile steelhead while seining, (3) non-lethal capture and release up to 5 juvenile steelhead while hook-and-line fishing, and (4) non-lethal observation of up to 2,000 juvenile and 10 adult steelhead during instream snorkel surveys. The potential annual unintentional lethal take permit 20085 authorizes is up to 33 juvenile steelhead. Overall, no intentional lethal take of steelhead is authorized or expected as a result of these enhancement activities.

The subject scientific enhancement activities that permit 20085 authorize are expected to support steelhead recovery in the Chorro Creek watershed and are consistent with recommendations and objectives outlined in NMFS' South Central California Steelhead Recovery Plan. See the application for and issued permit 20085 for greater details on the associated scientific enhancement activities and related methodology authorized with this permit.

Dated: March 8, 2017.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–04870 Filed 3–10–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Land-Water Interface and Service Pier Extension at Naval Base Kitsap Bangor, Washington

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and the regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations (CFR) parts 1500–1508), the Department of the Navy (DoN) announces its intent to prepare a Supplemental Environmental Impact Statement (EIS) to the July 2016 Final EIS for Land-Water Interface (LWI) and Service Pier Extension (SPE), Naval Base (NAVBASE) Kitsap Bangor, Washington. The Final EIS for LWI and SPE resulted in a Record of Decision (ROD) that was signed on September 8, 2016 for the LWI project only.

The SPE proposed action is to extend the existing Service Pier and construct associated support facilities. The purpose is to provide additional berthing capacity and improve associated support facilities for existing homeported and visiting submarines at NAVBASE Kitsap Bangor. The SPE project is needed to provide alternative opportunities for berthing to mitigate restrictions at NAVBASE Kitsap Bremerton, Washington, on navigating SEAWOLF Class submarines through Rich Passage under certain tidal conditions and to improve long-term operational effectiveness for the three SEAWOLF Class submarines on NAVBASE Kitsap.

The Supplemental EIS will address the SPE project only and will evaluate resources based upon changes in design and new information relevant to environmental concerns per 40 CFR 1502.9. The DoN will evaluate this new, relevant information and incorporate that information into revised analyses where appropriate. The analysis will address, among others, changes to the Alternative 2 design and new regulatory guidance and requirements.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Command Northwest, 1101 Tautog Circle, Silverdale, Washington 98315–1101, Attn: Ms. Kimberly Kler, LWI/SPE Supplemental EIS Project Manager, 360–396–0927, or project Web site: *http://www.nbkies/lwi.com.*

SUPPLEMENTARY INFORMATION: The DoN announced its intent to prepare an EIS for the LWI and SPE in the **Federal Register** on February 1, 2013 (78 FR 7416), and invited the public to comment on the scope of the EIS. A Draft EIS was released on February 13, 2015 (80 FR 8081), in which the potential environmental effects associated with construction and operation of the LWI and SPE were evaluated. A Final EIS was released on July 15, 2016 (81 FR 46077), addressing comments received on the Draft EIS. The Navy issued a ROD on only the LWI portion of the proposed action on

September 14, 2016 (81 FR 63173), deferring a decision on the SPE.

A Notice of Availability of the Draft Supplemental EIS will be published in the **Federal Register** when ready for public review and the document will be available for a 45 day public comment period. A Final Supplemental EIS will then be prepared to address comments received on the Draft Supplemental EIS. No decision will be made to implement the proposed action until the EIS process is completed and a ROD is signed by the DoN.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: February 23, 2017.

A.M. Nichols,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2017–04750 Filed 3–10–17; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Application for New Awards; Indian Education Formula Grants to Local Educational Agencies; Part I of the Formula Grant Electronic Application System for Indian Education (EASIE) Applications

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2017 for Indian Education Formula Grants to Local Educational Agencies, Catalog of Federal Domestic Assistance (CFDA) Number: 84.060A.

DATES: Part I of EASIE Applications Available: March 31, 2017.

Deadline for Transmittal of Part I Applications: April 28, 2017.

FOR FURTHER INFORMATION CONTACT: For questions about the Formula Grants program, contact Bernard Garcia, U.S. Department of Education, 400 Maryland Avenue SW., Room 3W115, Washington, DC 20202–6335. Telephone: (202) 260–1454 or by email: *Bernard.Garcia@ed.gov.* For questions about the EASIE application and uploading documentation, contact the EDFacts PSC, telephone: 877–457–3336 (877–HLP–EDEN) or by email at: *eden_OIE@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call the EDFacts PSC, toll free, at 1–888–403–3336 (888–403–EDEN).

SUPPLEMENTARY INFORMATION:

Note: Applicants must meet the deadlines for Part I to be eligible to complete Part II of the application process. EASIE Part II application dates will be announced in a separate notice inviting applications. Applicants must meet the deadlines for both EASIE Part I and Part II to be eligible to receive a grant. Any application not meeting the Part I and Part II deadlines will not be considered for funding. Failure to submit the required supplemental documentation, described under *Content and Form of Application Submission* in section IV of this notice, by the EASIE Parts I and II deadlines will result in an incomplete application that will not be considered for funding. The Office of Indian Education recommends uploading the documentation at least two days prior to each deadline date to ensure that any potential submission issues are resolved prior to the deadlines.

I. Funding Opportunity Description

Purpose of Program: The Indian Education Formula Grants to Local Educational Agencies (Formula Grants) program provides grants to support local educational agencies (LEAs), Indian tribes and organizations, and other eligible entities in developing elementary and secondary school programs that serve Indian students. The U.S. Department of Education (Department) funds comprehensive programs that are designed to meet the unique cultural, language, and educational needs of American Indian and Alaska Native (AI/AN) students, and ensure that all students meet challenging State academic standards.

As authorized under section 6116 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA),[1] the Secretary will, upon receipt of an acceptable plan for the integration of education and related services, and in cooperation with other relevant Federal agencies, authorize the entity receiving the funds under this program to consolidate all Federal funds that are to be used exclusively for Indian students. Instructions for submitting an integration of education and related services plan are included in the EASIE, which is described under *Application Process and Submission Information* in section IV of this notice.

Note: Under the Formula Grants program, all applicants are required to develop the project for which an application is made in open consultation with parents of Indian children and teachers of Indian children, representatives of Indian tribes on Indian lands located within 50 miles of any school that the LEA will serve if such tribes have any children in such school, Indian organizations (IOs), and, if appropriate, Indian students from secondary schools, including through public hearings held to provide to the individuals described above a full opportunity to understand the program and to offer recommendations regarding the program (ESEA section 6114(c)(3)(C)). LEA applicants are required to develop the project for which an application is made with the participation and written approval of a parent committee whose membership includes parents and family members of Indian children in the LEA's schools; representatives of Indian tribes on Indian lands located within 50 miles of any school that the LEA will serve if such tribes have any children in such school; teachers in the schools; and if appropriate, Indian students attending secondary schools of the LEA (ESEA section 6114(c)(4)). The majority of the parent committee members must be parents and family members of Indian children (ESEA section 6114(c)(4)).

Definitions: The following definition is from section 6112(d)(3) of the ESEA:

Indian community-based organization means any organization that (1) is composed primarily of Indian parents, family members and community members, tribal government educational officials, and tribal members, from a specific community; (2) assists in the social, cultural, and educational development of Indians in such community; (3) meets the unique cultural, language, and academic needs of Indian students; and (4) demonstrates organizational and administrative capacity to manage the grant.

Statutory Hiring Preference:

(a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). That section requires that, to the greatest extent feasible, a grantee—

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to IOs and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

(b) For purposes of this section, an Indian is a member of any federally recognized Indian tribe.

Program Authority: 20 U.S.C. 7421 *et seq*.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as

[1] All references to the ESEA refer to the ESEA, as amended by the ESSA.

adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Formula grants.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, $100,190,176 for Indian Education Formula Grants to LEAs. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $3,000 to $3,058,055.

Estimated Average Size of Awards: $77,069.

Estimated Number of Awards: 1,300.

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

Project Period: 12 months.

III. Eligibility Information

1. *Eligible Applicants:* The following entities are eligible under this program: Certain LEAs, including charter schools authorized as LEAs under State law, as prescribed by section 6112(b) of the ESEA; certain schools funded by the Bureau of Indian Education of the U.S. Department of the Interior (BIE), as prescribed by section 6113(d) of the ESEA; Indian tribes and IOs under certain conditions, as prescribed by section 6112(c) of the ESEA; and Indian community-based organizations (ICBOs), as prescribed by section 6112(d) of the ESEA. Consortia of two or more LEAs, Indian tribes, IOs, and ICBOs are also eligible under certain circumstances, as prescribed by section 6112(a)(4) of the ESEA.

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

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Section 6114(c)(1) of the ESEA requires an LEA to use these grant funds only to supplement the funds that, in the absence of these Federal funds, such agency would make available for services described in this application, and not to supplant such funds.

IV. Application and Submission Information

1. *How to Request an Application Package:* You can obtain a login and password for the electronic application for grants under this program by contacting the EdFacts Partner Support Center (EDFacts PSC) listed under *Agency Contacts* in section VI of this notice.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the EDFacts PSC listed under *Agency Contacts* in section VI of this notice.

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

a. Changes to Part I for EASIE FY 2017 due to the ESEA reauthorization include the following:

(i) Application types. IOs and ICBOs have been added as eligible applicants (ESEA section 6112(a)).

(ii) Application time span. All applicants must indicate whether they are submitting an application for a single year or a multiyear period. All applicants are required to start a new application cycle regardless of what the applicant selected the previous year.

b. *Supplementary Documentation:* The EASIE application requires submission of the following supplementary documentation in electronic Portable Document Format (PDF):

(i) Applicants that are tribes, IOs, or ICBOs must upload verification of their eligibility no later than April 28, 2017. The details of the verification process, which are necessary to meet the statutory eligibility requirements for tribes, IOs, and ICBOs, are in the application package. Applicants are required to use the correct applicant type eligibility verification document, all of which are available in EASIE as downloadable documents.

(ii) An applicant that is the lead applicant for a consortium must upload a consortium agreement that meets the requirements of 34 CFR 75.128(b) no later than April 28, 2017. Applicants must use the consortium agreement that is available in EASIE as a downloadable document.

3. *Submission Dates and Times:* Part I of the Formula Grant EASIE Applications Available: March 31, 2017.

Deadline for Transmittal of Part I Applications: April 28, 2017, 8:00:00 p.m., Washington, DC time.

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

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

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

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* Not more than 5 percent of the funds provided to a grantee may be used for administrative costs (ESEA section 6115(d)). We reference regulations outlining other funding restrictions in the Applicable Regulations section of this notice.

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

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

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

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

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

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

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN,

please allow two to five weeks for your TIN to become active.

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

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

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

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Formula Grants program, CFDA number 84.060A, must be submitted electronically using the EASIE application located in the EDFacts System Portal at *https://eden.ed.gov.*

Applications submitted in paper format will be rejected unless you qualify for one of the exceptions to the electronic submission requirement described later in this section under *Exception to Electronic Submission Requirement,* and follow the submission rules outlined therein.

Electronic Application System for Indian Education (EASIE): EASIE is an easy-to-use, electronic application found in the EdFacts System Portal at *https://eden.ed.gov.* The EASIE application is divided into two parts.

Part I, student count, provides the appropriate data-entry screens to submit your verified Indian student count totals. All applicants must submit a current Indian student count for FY 2017. Applicants must use the Indian Student Eligibility Certification Form (ED 506 Form) to document eligible Indian students; however, BIE schools may use either the Indian School Equalization Program (ISEP) count or the ED 506 Form count to verify their Indian student counts. All individual data collected shall be protected and only aggregated data shall be reported to the Secretary.

Applicants that verify their Indian student counts with the ED 506 form must document their Indian student counts by completing the following procedures: (1) Each year, the LEA must verify there is a valid ED 506 Form for each Indian child included in the count; (2) all ED 506 Forms included in the count must be completed, signed, and dated by the parent, and be on file; (3) the LEA must maintain a copy of the student enrollment roster(s) covering the same period of time indicated in the application as the ''count period''; and (4) each Indian child included in the count must be listed on the LEA's enrollment roster(s) for at least one day during the count period. BIE schools that enter an ISEP count must use the most current Indian student count certified by the BIE.

Once an Indian child is determined to be eligible to be counted for such grant award, the applicant shall maintain a record of such determination and shall not require a new or duplicate determination or form to be made for such child for a subsequent application for a grant under this subpart.

Applicants will also indicate the time span for the project objectives and corresponding activities and services for AI/AN students. Applicants can choose to set objectives that remain the same for up to four years in order to facilitate data collection and enhance long-term planning.

Registration for Formula Grant EASIE: Current, former, and new applicants interested in submitting an Indian Education Formula Grant EASIE application must register for Formula Grant EASIE. Prospective applicants will no longer register through the Registration Web site. In lieu of the Web site, the EDFacts PSC will send a broadcast to prior year grantees and new prospective applicants that have contacted EDFacts PSC and registered for EASIE. All recipients who receive EDFacts PSC's broadcast will be asked to respond to EDFacts PSC directly to confirm their intent to register and make updates to the registration information. Entities are strongly encouraged to respond to the email to ensure that any potential registration issues are resolved prior to the deadline for the submission of an application. Entities that do not have an active registration or are new applicants should contact EDFacts PSC to register any time before the Part I application deadline date. Registration *does not* serve as the entity's grant application. For assistance registering, contact the EDFacts PSC listed under *Agency Contacts* in section VI of this notice.

Certification for Formula Grant EASIE: The applicant's authorized representative, who must be authorized by the applicant to legally bind the applicant, must certify Part I. Only users with the role type ''managing user'' or ''certifying official user'' in the EASIE system can certify an application. Each applicant should identify at least three system users, one for each of the following: Project director, authorized representative, and another party designated to answer questions in the event the project director is unavailable. The certification process ensures that the information in the application is true, reliable, and valid. An applicant that provides a false statement in the application is subject to penalties under the False Claims Act, 18 U.S.C. 1001.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the EASIE system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload documents to the EASIE system; *and*
- No later than two weeks before the application deadline date for Part I (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Bernard Garcia, U.S. Department of Education, Office of Indian Education, 400 Maryland Avenue SW., Room 3W115, Washington, DC 20202–6335. FAX: (202) 205–0606.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline dates for both Part I and Part II, to the Department at the following address: U.S. Department of Education, Office of Indian Education, Attention: CFDA Number 84.060A, 400 Maryland Avenue SW., Room 3W115, Washington, DC 20202–6335.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date for Part I or Part II.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline dates for both Part I and Part II, to the Department at the following address: U.S. Department of Education, Office of Indian Education, Attention: CFDA Number 84.060A, 400 Maryland Avenue SW., Room 3W115, Washington, DC 20202–6335.

The program office accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the program under which you are submitting your application; and

(2) The program office will mail you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should contact the program office at (202) 260–3774.

V. Grant Administration Information

1. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice. We reference the regulations outlining the terms and conditions of a grant in the *Applicable Regulations* section of this notice.

3. *Reporting:* (a) If you apply for a grant under this program, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) You must submit a performance report using the EDFacts System Portal at *https://eden.ed.gov,* including financial information, as directed by the Secretary, within 90 days after the close of the grant year. The performance report is located within the EDFacts System Portal as Part III.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* The Secretary has established the following key performance measures for assessing the effectiveness and efficiency of the Formula Grants program: (1) The percentage of AI/AN students in grades four and eight who score at or above the basic level in reading on the National Assessment of Educational Progress (NAEP); (2) the percentage of AI/AN students in grades four and eight who score at or above the basic level in mathematics on the NAEP; (3) the percentage of AI/AN students in grades three through eight meeting State achievement standards by scoring at or above the proficient level in reading and mathematics on State assessments; (4) the difference between the percentage of AI/AN students in grades three through eight at or above the proficient level in reading and mathematics on State assessments and the percentage of all students scoring at those levels; (5) the percentage of AI/AN students who graduate from high school as measured by the four-year adjusted cohort graduation rate; and (6) the percentage of funds used by grantees prior to award close-out.

5. *Integrity and Performance System:* If you receive an award under this grant program that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the EDFacts PSC listed under

Agency Contacts in section VI of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as other documents of this Department published in the **Federal Register** in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 8, 2017.

Monique M. Chism,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2017–04907 Filed 3–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Gaining Early Awareness and Readiness for Undergraduate Programs (State Grants)

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP): Notice inviting applications for new awards for fiscal year (FY) 2017. Catalog of Federal Domestic Assistance (CFDA) Number: 84.334S.

DATES:

Applications Available: March 13, 2017.

Deadline for Transmittal of Applications: April 24, 2017.

Deadline for Intergovernmental Review: June 21, 2017.

FOR FURTHER INFORMATION CONTACT: Karmon Simms-Coates, U.S. Department of Education, 400 Maryland Avenue SW., Room 5W250, Washington, DC 20202–6450. Telephone: (202) 453–7917 or by email: *Karmon.simms-coates@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

Notice inviting applications for new awards for fiscal year (FY) 2017

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The GEAR UP Program is a discretionary grant program that provides funding for academic and related support services to eligible low-income students, including students with disabilities and English learners, to help them to obtain a secondary school diploma and to prepare for and succeed in postsecondary education. Under the GEAR UP Program, the Department awards grants to two types of entities: (1) States and (2) partnerships comprised, at minimum, of institutions of higher education (IHE)s and local educational agencies (LEAs).

In this notice we invite applications for State grants only. We will invite applications for partnership grants in another notice. Required services under the GEAR UP Program are specified in sections 404D(a) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070a–24(a)), and permissible services under the GEAR UP Program are specified in section 404D(b) and (c) of the HEA (20 U.S.C. 1070a–24(b) and (c)). For State grantees, services must include providing financial aid information, encouraging enrollment in challenging coursework in order to reduce the need for remediation at the postsecondary level, implementing activities to improve the number of students who obtain a high school diploma and complete applications for and enroll in a program of postsecondary education, and provision of scholarships as specified in section 404E of the HEA. GEAR UP funds may also be used to provide a number of additional support services such as mentoring, tutoring, academic English language development, academic and career counseling, and exposure to college campuses.

Background

The GEAR UP Program is a critical component of the Department's efforts to improve college access and completion for students who have been traditionally underrepresented in postsecondary education. The Department believes that GEAR UP projects can play an essential role in improving postsecondary outcomes of their participants by placing a greater emphasis on increasing readiness for success once students reach the postsecondary level.

Each year, rather than being able to enroll in entry-level general education courses in subject areas such as reading or math that are required as a part of almost any postsecondary program of study, hundreds of thousands of beginning college students are referred to noncredit-bearing ''developmental'' or ''remedial'' courses based on their performance on a placement test or academic reference. Remedial or developmental courses are designed to bring academically underprepared students to expected competency levels for college-level work.

Remediation needs are common at all types of colleges. According to recent National Center for Education Statistics (NCES) research, 68 percent of public two-year students and 40 percent of public four-year students who began their postsecondary education in 2003 took at least one remedial course by 2009.[1] Remedial course-taking rates are higher among some subgroups of students, including African American students, Hispanic students, English learners, students from low-income families, and first-generation students.[2]

Unfortunately, for too many students remedial education represents a barrier to postsecondary persistence and completion.[3] While in remediation, students spend time and money, may accumulate debt, add to their opportunity costs of lost earnings, and in some cases, deplete a significant portion of their eligibility for financial aid. Further, available evidence suggests that participation in remedial education, especially longer sequences of remedial courses, generally does not improve outcomes; on the contrary, data show that students who take remedial education courses are more likely to drop out before completing a degree.[4] Remedial education also carries significant costs to the Federal

[1] *http://nces.ed.gov/pubs2016/2016405.pdf.*

[2] *http://nces.ed.gov/pubs2016/2016405.pdf.*

[3] MDRC, Unlocking the Gate: What We Know About Improving Developmental Education, June 2011 (*/www.mdrc.org/sites/default/files/full_595.pdf*).

[4] Attewell, P.A., Lavin, D.E., Domina, T., & Levey, T., 2006, New Evidence on College Remediation, The Journal of Higher Education. (*www.jstor.org/stable/3838791* (even after controlling for high school preparation and family background, taking developmental courses reduced the chances of graduation at four-year colleges and universities by 6 to 7 percent). Thomas Bailey, Dong Wook Jeong, Sung-Woo Cho, Referral, Enrollment, and Completion in Developmental Education Sequences in Community Colleges, Community College Research Center, Working Paper No. 15, November 2009 (*http://ccrc.tc.columbia.edu/media/k2/attachments/referral-enrollment-completion-developmental.pdf*). Nguyen Barry, M. & Dannenberg, M., 2016, The high cost of inadequate high schools and high school student achievement on college affordability, Retrieved from *https://edreformnow.org/wp-content/uploads/2016/04/EdReformNow-O-O-P-Embargoed-Final.pdf.*

government and to States, in addition to the costs borne by students and families.

GEAR UP grantees can improve college readiness by identifying at an early age students likely to be referred to remediation at the postsecondary level and by engaging in strategies to address their needs at the secondary level, limiting their need to take remedial courses in college. For these reasons, this notice includes a competitive preference priority intended to encourage applicants to propose GEAR UP projects that address remediation strategies designed to help students address deficiency gaps well before they graduate and enroll in postsecondary education.

In addition, to more strategically align GEAR UP grants with broader reform strategies intended to improve postsecondary access and completion, this notice includes a competitive preference priority that encourages applicants to propose activities that are supported by moderate evidence of effectiveness (as defined in this notice). The Department is particularly interested in receiving applications that include plans to provide services for students, supported by evidence, that increase the likelihood that students will complete high school and enroll in and complete a program of postsecondary education.

Priorities: This notice contains three competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(ii), Competitive Preference Priority 1 is from section 404A(b)(3) of the HEA (20 U.S.C. 1070a–21(b)(3)) and the GEAR UP Program regulations in 34 CFR 694.19, and Competitive Preference Priority 3 is from 34 CFR 75.226. In accordance with 34 CFR 75.105(b)(2)(iv), Competitive Preference Priority 2 is from section 404Aa(1) of the HEA(20 H.S.C. 1070a–21–1070a–28).

Competitive Preference Priority 1: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to an additional two points, depending on how well the application meets this priority.

This priority is:

We give priority to an eligible applicant for a State GEAR UP grant that has: (a) Carried out a successful State GEAR UP grant prior to August 14, 2008, determined on the basis of data (including outcomes data) submitted by the applicant as part of its annual and final performance reports from prior GEAR UP state grants administered by the applicant and the applicant's history of compliance with applicable statutory and regulatory requirements; and (b) a prior demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies.

Competitive Preference Priority 2: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to five additional points to an application, depending on how well the application meets this priority.

This priority is:

Projects designed to reduce the need for remedial education for secondary school students, including students with disabilities, at the postsecondary level.

Note: GEAR UP projects begin well before participating students are ready to apply for admission to a postsecondary institution. Therefore, as they consider how to respond to this competitive preference priority, we encourage applicants to think about how their projects will determine throughout the project period what services students will need in order to reduce or eliminate their need for remedial education at the postsecondary level. In addition, we encourage all applicants applying for a seventh project year to think about how the services they would provide during a seventh project year will include strategies to help those new postsecondary-level students progress into college-level coursework.

Competitive Preference Priority 3: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award two points to an application that meets this priority.

This priority is:

Projects designed to implement at least one strategy supported by evidence of effectiveness that meets the conditions set out in the definition of ''moderate evidence of effectiveness'' in 34 CFR 77.1(c) (and as defined in this notice).

To address the priority, an applicant may submit up to two studies that it believes supports the implementation of an authorized activity proposed in the application that meets the moderate evidence of effectiveness standard. The Department will review the studies cited by the applicant to determine if they meet requirements for moderate evidence of effectiveness, which, depending on methodology, may require reference to either one or two studies) as well as whether they are sufficiently aligned with the project proposed.

Cited studies may include both those already listed in the Department's What Works Clearinghouse (WWC) Database of Individual Studies (see *http://ies.ed.gov/ncee/wwc/ReviewedStudies#/OnlyStudiesWithPositiveEffects:false.SetNumber:1*) and those that have not yet been reviewed by the WWC. Studies listed in the WWC Database of Individual Studies do not necessarily satisfy any or all of the criteria needed to meet the moderate evidence of effectiveness standard. Therefore, it is important that applicants themselves ascertain the suitability of the study for the evidence priority. Competitive preference priority points can only be awarded if the study or studies submitted by the applicant meet the Department standard for moderate evidence of effectiveness and if the study or studies cited are relevant to the proposed project. The proposed studies must be cited in the section of the application that addresses competitive preference priority three.

Note: As they consider the activities they propose to implement in their GEAR UP projects and how to respond to this competitive preference priority, we encourage applicants to review research related to authorized GEAR UP activities to identify evidence that meets the moderate evidence of effectiveness standard.

For State grantees, required GEAR UP services are specified in sections 404D(a) of the HEA (20 U.S.C. 1070a–24(a)), and permissible services under the GEAR UP Program are specified in section 404D(b) and (c) of the HEA (20 U.S.C. 1070a–24(b) and (c)).

Definitions: These definitions are from 34 CFR 77.1.

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

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

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

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

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

(ii) The study referenced in paragraph (i) of this definition found a statistically

significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

Large Sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units).

Moderate evidence of effectiveness means one of the following conditions is met:

(i) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the WWC Evidence Standards without reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the WWC), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(ii) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the WWC Evidence Standards with reservations, found a statistically significant favorable impact on a relevant outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the WWC), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a large sample and a multi-site sample.

Note: Multiple studies can cumulatively meet the large and multi-site sample requirements as long as each study meets the other requirements in this paragraph.

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State.

QED means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

RCT means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

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

WWC Evidence Standards means the standards set forth in the WWC Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: 20 U.S.C. 1070a–21–1070a–28.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 694.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $322,754,000 for the GEAR UP Program for FY 2017, of which we intend to use an estimated $49,000,000 for new GEAR UP awards. The estimated funding available for the new GEAR UP State awards is $24,500,000. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 and subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $2,500,000–$3,500,000.

Estimated Average Size of Awards: $3,000,000.

Maximum Award: We will not fund any application for a State grant above the maximum award of $3,500,000 for a single budget period of 12 months. Additionally, no funding will be awarded for increases in budget after the first 12-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: Seven.

Project Period: Either 72 months or 84 months.

Note: An applicant that wishes to seek funding for a seventh project year (*i.e.,* for a project period of greater than 72 months), in order to provide project services to GEAR UP students through their first year of attendance at an IHE, must propose to do so in the application provided in response to this notice.

III. Eligibility Information

1. *Eligible Applicants:* States.

2.a. *Cost Sharing or Matching:* Section 404C(b)(1) of the HEA requires grantees under this program to provide from State, local, institutional, or private funds, not less than 50 percent of the cost of the program (or $1 of non-Federal funds for every $1 of Federal funds awarded), which may be provided in cash or in-kind. The provision also specifies that the match may be accrued over the full duration of the grant award period, except that the grantee must make substantial progress towards meeting the matching requirement in each year of the grant award period. In-kind contributions may include equipment and supplies, cash contributions from non-Federal sources, discounted program services and facility usage. Section 404C(c) of the HEA provides that in-kind contributions may include (1) financial assistance obligated under GEAR UP to students from State, local, institutional, or private funds, (2) the amount of tuition, fees, room or board waived or reduced for recipients of financial assistance under GEAR UP, (3) the amount expended on documented, targeted, long-term mentoring and counseling provided by volunteers or paid staff of non-school organizations, including businesses, religious organizations, community groups, postsecondary educational institutions, nonprofit and philanthropic organizations, and other organizations, and (4) equipment and

supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 404B(e) of the HEA (20 U.S.C. 1070a–22)), grant funds awarded under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this program.

3. *Other:* Under Section 404E(b)(1) of the HEA (20 U.S.C. 1070a–25)(b)(1)), a State must use not less than 25 percent and not more than 50 percent of the grant funds for activities targeted at the school and LEA level as described in section 404D 20 U.S.C. 1070a–24) (excluding the provision of funds for postsecondary scholarships required by section 404D(a)(4) and with the remainder of grant funds spent on postsecondary scholarships to eligible GEAR UP students as described in section 404E). However, section 404E(b)(2), of the HEA permits the Secretary to allow a State to use more than 50 percent of grant funds received under this program for activities targeted at the LEA level if the State demonstrates in its grant application that it has another means of providing the students with the financial assistance described in section 404E.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet by downloading the package from the program Web site at: *http://www2.ed.gov/programs/gearup/index.html.*

You also can request a copy of the application package from the following: Karmon Simms-Coates, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 400 Maryland Avenue SW., Room 5W250, Washington, DC 20202–6450. Telephone: (202) 453–7917 or by email: *karmon.simms-coates@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

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

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

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to assess your application. There is a limit for the application narrative of no more than 40 pages using the following standards:

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

The page limits do not apply to the cover sheet; the budget section, including the budget narrative and summary form; the assurances and certifications; or the one-page abstract. If you include any attachments or appendices not specifically requested and required for the application, these items will be counted as part of the narrative for the purposes of the page limit.

Any application addressing the competitive preference priorities may include up to four additional pages for each priority. These additional pages must be used to discuss how the application meets the competitive preference priority. The additional pages allotted to address the competitive preference priority cannot be used for or transferred to the project narrative or any other section of the application.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: March 13, 2017.

Deadline for Transmittal of Applications: April 24, 2017.

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

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

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

Deadline for Intergovernmental Review: June 21, 2017.

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

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

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

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

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

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

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

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

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

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

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

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

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

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

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the GEAR UP Program, CFDA number 84.334S, must be submitted electronically using the Governmentwide *Grants.gov* Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the GEAR UP Program at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.334, not 84.334S).

Please note the following:

- When you enter the *Grants.gov* site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by *Grants.gov* are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the *Grants.gov* system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the *Grants.gov* system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from *Grants.gov*, we will notify you if we are rejecting your application because it was date and time stamped by the *Grants.gov* system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through *Grants.gov.*
- You should review and follow the Education Submission Procedures for submitting an application through *Grants.gov* that are included in the application package for this program to ensure that you submit your application in a timely manner to the *Grants.gov* system. You can also find the Education Submission Procedures pertaining to *Grants.gov* under News and Events on the Department's G5 system home page at *www.G5.gov.* In addition, for specific guidance and procedures for submitting an application through *Grants.gov*, please refer to the *Grants.gov* Web site at: *www.grants.gov/web/grants/applicants/apply-for-grants.html.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a read-only, non-modifiable Portable Document Format (PDF). Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF (*e.g.,* Word, Excel, WordPerfect, etc.) or submit a password-protected file, we will not review that material. Please note that this could result in your application not being considered for funding because the material in question—for example, the application narrative—is critical to a meaningful review of your proposal. For that reason it is important to allow yourself adequate time to upload all material as PDF files. The Department will not convert material from other formats to PDF.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from *Grants.gov* an automatic notification of receipt that contains a *Grants.gov* tracking number. This notification indicates receipt by *Grants.gov* only, not receipt by the Department. *Grants.gov* will also notify you automatically by email if your application met all the *Grants.gov* validation requirements or if there were any errors (such as submission of your application by someone other than a registered Authorized Organization

Representative, or inclusion of an attachment with a file name that contains special characters). You will be given an opportunity to correct any errors and resubmit, but you must still meet the deadline for submission of applications.

Once your application is successfully validated by *Grants.gov*, the Department then will retrieve your application from *Grants.gov* and send you an email with a unique PR/Award number for your application.

These emails do not mean that your application is without any disqualifying errors. While your application may have been successfully validated by *Grants.gov*, it must also meet the Department's application requirements as specified in this notice and in the application instructions. Disqualifying errors could include, for instance, failure to upload attachments in a read-only, non-modifiable PDF; failure to submit a required part of the application; or failure to meet applicant eligibility requirements. It is your responsibility to ensure that your submitted application has met all of the Department's requirements.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through *Grants.gov*, please contact the *Grants.gov* Support Desk, toll free, at 1–800–518–4726. You must obtain a *Grants.gov* Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the *Grants.gov* system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the program contact person listed under *Contact Information* in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through *Grants.gov* because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system;

and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Eileen Bland, U.S. Department of Education, 400 Maryland Avenue SW., Room 5C135, Washington, DC 20202–6450. Fax: (202) 260–7464.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.334S), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.334S), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 of EDGAR.

a. *Need for the project (15 points).*

The Secretary evaluates the need for a GEAR UP project in the proposed target area on the basis of—

- The magnitude or severity of the problem to be addressed by the proposed project; and
- The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

b. *Quality of project design (15 points).*

In determining the quality of project design, the Secretary considers the following factors:

- The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;
- The extent to which the project design reflects up-to- date research and the replication of effective practices;
- The extent to which the project supports systemic changes from which future cohorts of students will benefit; and
- The extent to which the proposed project is supported by strong theory.

c. *Quality of project services (15 points).*

In determining the quality of project services provided by the proposed project, the Secretary considers:

(1) The quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) In addition, the Secretary considers the following factors:

- The extent to which the project services are likely to increase the percentage of students taking rigorous courses that reflect challenging academic standards and reduce the need for remedial education at the postsecondary level; increase the percentage of secondary school completion; increase students' knowledge of and access to financial assistance for postsecondary education; increase the percentage of students enrolling and succeeding in postsecondary education; and are appropriate to the needs of the intended recipients or beneficiaries of those services; and
- The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

d. *Quality of project personnel (10 points).*

In determining the quality of project personnel, the Secretary considers:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age or disability.

(2) In addition, the Secretary considers the following factors:

- The qualifications, including relevant training and experience, of the project director or principal investigator; and
- The qualifications, including relevant training and experience, of key personnel.

e. *Quality of the management plan (10 points).*

In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

- The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;
- The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project;
- The extent to which the time commitments of the project director and other key project personnel are appropriate and adequate to meet the objectives of the proposed project; and
- How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

f. *Quality of the project evaluation (20 points).*

In determining the quality of the project evaluation, the Secretary considers the following factors:

- The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;
- The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible;
- The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes;
- The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings; and

g. *Adequacy of resources (15 points).*

In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

- The adequacy of support, including facilities, equipment, supplies and other resources from the applicant organization or the lead applicant organization;
- The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project;
- The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits; and
- The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For this competition, a panel of non-Federal reviewers will review each application in accordance with the selection criteria in 75.217(d)(3) and the competitive preference priorities. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score received in the review process.

If there are insufficient funds for all applications with the same total scores, the Secretary will choose among the tied applications so as to serve geographic areas with consideration to the

distribution of grant awards between urban and rural applicants for the GEAR UP Program.

3. *Risk Assessment and Special Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report and biennial report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

4. *Performance Measures:* The objectives of the GEAR UP Program are—(1) to increase the academic performance and preparation for postsecondary education of participating students; (2) to increase the rate of high school graduation and participation in postsecondary education of participating students; and (3) to increase educational expectations for participating students and increase student and family knowledge of postsecondary education options, preparation, and financing.

The effectiveness of this program depends on the rate at which program participants complete high school and enroll in and complete a postsecondary education. Under the Government Performance and Results Act of 1993 (GPRA), we developed the following performance measures to track progress toward achieving the program's goals:

1. The percentage of GEAR UP students who pass Pre-algebra by the end of 8th grade.

2. The percentage of GEAR UP students who pass Algebra 1 by the end of 9th grade.

3. The percentage of GEAR UP students who take two years of mathematics beyond Algebra 1 by the 12th grade.

4. The percentage of GEAR UP students who are on track for graduation at the end of each grade.

5. The percentage of GEAR UP students who are on track to apply for college as measured by completion of the SAT or ACT by the end of 11th grade.

6. The percentage of GEAR UP students who graduate from high school.

Note: For each GEAR UP project, the State's high school graduation rate is defined in the State's approved accountability plan under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

7. The percentage of GEAR UP students who complete the Free Application for Federal Student Aid.

8. The percentage of GEAR UP students and former GEAR UP students who are enrolled in college.

9. The percentage of GEAR UP students who place into college-level Math and English without need for remediation.

10. The percentage of current GEAR UP students and former GEAR UP students enrolled in college who are on track to graduate college.

In addition, to assess the efficiency of the program, we track the average cost in Federal funds, of achieving a successful outcome, where success is defined as enrollment in postsecondary education of GEAR UP students immediately after high school graduation. These performance measures constitute GEAR UP's indicators of the success of the program. Under Section 1116 of the HEA, grant recipients must collect and report data on steps they have taken toward achieving these goals. Accordingly, we request that applicants include these performance measures in conceptualizing the design, implementation, and evaluation of their proposed projects.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement

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

In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

Contact Information: Karmon Simms-Coates, U.S. Department of Education, 400 Maryland Avenue SW., Room 5W250, Washington, DC 20202–6450. Telephone: (202) 453–7917 or by email: *Karmon.simms-coates@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or computer disc) on request to the program contact person listed under *Contact Information* in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 7, 2017.

Linda Byrd-Johnson,

Acting Deputy Assistant Secretary, Higher Education Programs, and Senior Director, Student Service.

[FR Doc. 2017–04801 Filed 3–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0030]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Grants Under the Alaska Native and Native Hawaiian-Serving Institutions Program, Part A/F

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 12, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0030. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–84, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Robyn Wood, 202–453–7744.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Grants Under the Alaska Native and Native Hawaiian-Serving Institutions Program, Part A/F.

OMB Control Number: 1840–0810.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 75.

Total Estimated Number of Annual Burden Hours: 12,000.

Abstract: The Department of Education, Office of Postsecondary Education, manages the Alaska Native and Native Hawaiian-Serving Institutions (ANNH) program, which provides grant funds to eligible institutions that have either a population of 20% Alaska Native students or 10% Native Hawaiian students. The grant program is competitive and requires applicants to submit an application for review. This is a revision request due to evidence-based competitive preference priorities that have become an integral part of the competition process. Responding to these priorities requires additional burden hours to be placed upon the applicant.

Dated: March 8, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04860 Filed 3–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2016–ICCD–0141]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Grant Application Form for Project Objectives and Performance Measures Information

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before April 12, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2016–ICCD–0141. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Grant Application Form for Project Objectives and Performance Measures Information.

OMB Control Number: 1894–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 6,349.

Total Estimated Number of Annual Burden Hours: 31,745.

Abstract: The U.S. Department of Education Grant Application Form for Project Objectives and Performance Measures Information serves as a precursor to the U.S. Department of Education Grant Performance Report Form (ED 524 B) in which project objectives, measures, and targets will be entered by applicants at the time that grant applications are entered in *Grants.gov*.

The Grant Application Form for Project Objectives and Performance Measures Information form and instructions are used by many ED discretionary grant programs to enable grantees to meet ED deadline dates for submission of performance reports to the Department.

Dated: March 7, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–04791 Filed 3–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0021]

Agency Information Collection Activities; Comment Request; Consolidated State Plan

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

DATES: Approval by the OMB has been requested by 3/13/2017. A regular clearance process is also hereby being initiated. Interested persons are invited to submit comments on or before May 12, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0021. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 226–62, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melissa Siry, 202–260–0926.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how

might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Consolidated State Plan.

OMB Control Number: 1810–0576.

Type of Review: A revision to an existing information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 108,155.

Abstract: Section 8302 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), permits each SEA, in consultation with the Governor, to apply for program funds through submission of a consolidated State plan or a consolidated State application (in lieu of individual program State plans). The purpose of consolidated State plans as defined in ESEA is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; to enhance program integration; and to provide greater flexibility and less burden for State educational agencies.

Additional Information: This is a request for an emergency clearance to enable Office of Elementary and Secondary Education (OESE) to collect critical information for the Consolidated State Plan, the instrument through which State educational agencies (SEAs) apply for funding under the following programs:

Elementary and Secondary Education Act of 1965 (ESEA)
Title I, Part A Improving Basic Programs Operated by Local Educational Agencies
Title I, Part B, Section 1201 Grants for State Assessments and Related Activities
Title I, Part C Education of Migratory Children
Title I, Part D Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
Title II, Part A Supporting Effective Instruction
Title III, Part A English Language Acquisition, Language Enhancement, and Academic Achievement
Title IV, Part A Student Support and Academic Enrichment Grants
Title IV, Part B 21st Century Community Learning Centers
Title VI, Part B, Subpart 2: Rural and Low-Income School Program
McKinney-Vento Homeless Assistance Act of 1987
Title VII, Subtitle B Education for Homeless Children and Youths Program

On December 10, 2015, the programs above were reauthorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). On November 29, 2016, the Department received information collection clearance approval for a Consolidated State Plan aligned to the Notice of Final Regulations for Accountability and State Plans published in the **Federal Register** at 81 FR 86076. Congress is currently considering a joint resolution of disapproval under the Congressional Review Act (CRA) (5 U.S.C. 801–808) to overturn these regulations. If a resolution of disapproval is enacted, these regulations ''shall have no force or effect.''

Pursuant to 5 CFR 1320.13, the Department requests that OMB review this collection under its emergency procedures. This request for emergency clearance is based on two factors: (1) The joint resolution of disapproval under the CRA presents an unanticipated event beyond the Department's control; and (2) further uncertainty of the requirements for submission of consolidated State plans would prevent States from implementing the new ESSA requirements in school year 2017–2018.

Section 8302 of the ESEA, as amended by the ESSA, permits each SEA, in consultation with the Governor, to apply for program funds through submission of a consolidated State plan (in lieu of individual program State plans). The purpose of Consolidated State Plans as defined in ESEA is to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery; to enhance program integration; and to provide greater flexibility and less burden for SEAs. The Department will use the information from the Consolidated State Plan as the basis for approving funding under the included programs for the duration of the reauthorization. Failure to collect this information in a timely manner will bar the Department from receiving the comprehensive data and information that is necessary to fulfill its fiduciary and oversight responsibilities, and endanger the missions of the individual programs.

Dated: March 7, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer (OCPO), Office of Management.

[FR Doc. 2017–04792 Filed 3–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Waivers; Comprehensive Centers Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of waivers.

SUMMARY: The Secretary waives the requirements that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. These waivers enable the 22 current grantees under the Comprehensive Centers program to continue to receive Federal funding for up to an additional 24 months through September 30, 2019.

DATES: These waivers are effective April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Britt Jung, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E206, Washington, DC 20202–6400. Telephone: (202) 205–4513 or by email: *britt.jung@ed.gov*.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Under the Comprehensive Centers program, the Department of Education (Department) supports grants to operate regional technical assistance centers and national content centers as authorized by sections 203 through 207 of the Educational Technical Assistance Act of 2002 (ETAA) (20 U.S.C. 9602–9606). The purpose of these centers is to provide technical assistance to States as States work to help local educational agencies (LEAs) and schools close achievement gaps in core content areas and raise student achievement in schools.

Eligible applicants for Comprehensive Center grants are research organizations, institutions, agencies, institutions of higher education, partnerships among these types of entities, or individuals with the demonstrated ability or capacity to carry out the activities described in the notice inviting applications published in the **Federal Register** on June 6, 2012 (77 FR 33564)

(2012 NIA) and corrected on August 15, 2012 (77 FR 48974). In FY 2012, the Department made five-year awards to 22 Comprehensive Centers. The project period for these Comprehensive Centers is currently scheduled to end on September 30, 2017.

On January 9, 2017, the Department published a notice in the **Federal Register** (82 FR 2335) (January 2017 notice) proposing waivers of the requirements in 34 CFR 75.250(a) and 34 CFR 75.261(c)(2) (proposed waivers). Respectively, these provisions generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. Waiving these provisions will enable the Secretary to provide additional funds to the 22 Comprehensive Center grantees for up to 24 months, from October 1, 2017, through September 30, 2019. The January 2017 notice also invited public comment on the proposed waivers.

Public Comment

No parties submitted comments regarding the proposed waivers. There are no differences between the proposed and the final waivers.

Final Waivers

In the January 2017 notice, we discussed the background and purposes of the Comprehensive Centers program and our reasons for proposing the waivers. As outlined in that notice, it would not be in the public interest to hold a new competition under the Comprehensive Centers program until after the Department has finalized its guidance on the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and until all the new statutory requirements under the ESEA, as amended by the ESSA, have gone into effect. One of the primary purposes of the Comprehensive Centers program is to help States, LEAs, and schools implement key school improvement provisions of the ESEA. Delaying the competition until after the Department and States have begun to implement the new provisions under the ESEA, as amended by the ESSA, would allow applicants to familiarize themselves with the new statutory requirements and submit proposals that will best serve States under the new law. In addition, it would be contrary to the public interest to have a lapse in Comprehensive Centers' services pending the implementation of new provisions of the ESSA. Implementing these waivers will ensure that the important services provided by the current Comprehensive Centers can continue uninterrupted as States transition to the ESSA.

The Secretary waives the requirements in 34 CFR 75.250(a), which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(c)(2), which limit the extension of a project period if the extension involves the obligation of additional Federal funds.

Under these waivers—

(1) Current grantees are authorized to receive continuation awards annually for up to two fiscal years.

(2) The Department will not announce a new competition or make new awards under the Comprehensive Centers program in FY 2017.

(3) During the extension period, any activities carried out must be consistent with, or be a logical extension of, the scope, goals, and objectives of the grantees' approved applications from the 2012 Comprehensive Centers competition.

(4) Each grantee that receives a continuation award must also continue to comply with the requirements established in the program regulations and the 2012 NIA (77 FR 33564).

The waivers of 34 CFR 75.250(a) and 75.261(c)(2) do not affect the applicability of the requirements in 34 CFR 75.253 (continuation of a multi-year project after the first budget period) to any current Comprehensive Centers grantee that receives a continuation award as a result of the waivers.

In addition, these waivers do not exempt current Comprehensive Centers grantees from the account-closing provisions in 31 U.S.C. 1552(a), nor do they extend the availability of funds previously awarded to current Comprehensive Centers grantees. Under 31 U.S.C. 1552(a), appropriated funds may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Treasury Department and is unavailable for restoration for any purpose. These waivers do not change this requirement.

Regulatory Flexibility Act Certification

The Secretary certifies that these waivers will not have a significant economic impact on a substantial number of small entities. The small entities that will be affected are:

(a) The FY 2012 grantees currently receiving Federal funds; and

(b) The entities that are eligible for an award under the Comprehensive Centers program (*i.e.,* eligible applicants as described in the 2012 NIA).

The Secretary certifies that the waivers will not have a significant economic impact on these entities because the waivers and the activities required to support the additional years of funding impose minimal compliance costs to extend projects already in existence, and the activities required to support the additional year of funding will not impose additional regulatory burdens or require unnecessary Federal supervision. The waivers will impose minimal requirements to ensure the proper expenditure of program funds, including requirements that are standard for continuation awards.

Paperwork Reduction Act of 1995

These waivers do not contain any information collection requirements.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of Federal financial assistance. This document provides notification of our specific plans and actions for this program.

Accessible Format

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this notice.

Electronic Access to This Document

The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 9602–9606.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.283B.

Dated: March 8, 2017.

Monique M. Chism,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2017–04906 Filed 3–10–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–8122–000]

Shults, Emily C.; Notice of Filing

Take notice that on March 6, 2017, Emily C. Shults filed an application for authorization to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b), and part 45 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.

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 27, 2017.

Dated: March 7, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04880 Filed 3–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2225–021]

Public Utility District No. 1 of Pend Oreille County, Washington; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Amendment of License.

b. *Project No.:* 2225–021.

c. *Date Filed:* January 30, 2017.

d. *Licensee:* Public Utility District No. 1 of Pend Oreille County, Washington.

e. *Name of Project:* Sullivan Lake Storage Project.

f. *Location:* The project is located on Sullivan Creek near the town of Metaline Falls, Pend Oreille County, Washington. The project occupies federal lands administered by the U.S. Forest Service within the Colville National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Mr. Mark Cauchy, Director Regulatory and Environmental Affairs, Pend Oreille County Public Utility District, P.O. Box 190, Newport, WA 99156, (509) 447–9331.

i. *FERC Contact:* Ms. Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. Deadline for filing comments, interventions, and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments 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–2225–021.

k. *Description of Request:* The licensee proposes to change its method for removing Mill Pond Dam that was approved by the Commission in its Order Accepting Surrender of License and Authorizing Disposition of Project Facilities issued March 20, 2013 (142 FERC ¶ 62,232). Instead of removing the dam by siphoning water out of Mill Pond and building a cofferdam licensee is proposing to demolish the dam without building a cofferdam to promote sediment outflow and facilitate sediment transport to the downstream reaches of Sullivan Creek.

l. This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. If the document is unavailable using the general or advanced searches select the docket search option. You may also 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* 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, .212 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.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (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, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. 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. If an intervener 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. 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.

Dated: March 7, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04881 Filed 3–10–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–6–000]

Texas Eastern Transmission, L.P.; Notice of Schedule for Environmental Review of the Idle Line 1 Abandonment Project

On October 28, 2016, Texas Eastern Transmission, L.P. (Texas Eastern) filed an application in Docket No. CP17–6–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(b) of the Natural Gas Act to abandon certain natural gas pipeline facilities. The proposed project is known as the Idle Line 1 Abandonment Project (Project), and would involve abandonment of approximately 165 miles of pipeline and appurtenant facilities located in Ohio, West Virginia, and Pennsylvania that have been previously removed from service.

On November 9, 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 April 21, 2017
90-day Federal Authorization Decision Deadline July 20, 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

The facilities to be abandoned under Section 7 (b) include: (1) Approximately 165 miles of existing 24-inch-diameter Line 1 pipeline in the states of Ohio, West Virginia, and Pennsylvania; (2) approximately 0.5 mile of 8-inch-diameter Line 10–M pipeline in Marshall County, West Virginia; (3) 0.07 mile of Line 10–L pipeline in Greene County, Pennsylvania; (4) removal of two meter and regulation stations, in Marshall County and Greene County; and (5) removal of aboveground facilities associated with these pipeline segments and laterals including launcher/receiver barrels, mainline valves, and other appurtenant facilities. Most abandonment would be in place; however, Texas Eastern proposes to abandon aboveground facilities associated with the pipeline segments by removal, as indicated above. Pipe segments would also be removed in certain locations; primarily under waterbodies where the pipeline has become exposed.

Background

On December 28, 2016, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Idle Line 1 Abandonment 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; and other interested parties.

In response to the NOI, the Commission received comments from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Ohio Department of Natural Resources, the Miami Tribe of Oklahoma, and three landowners. The primary issues raised by the commentors are impacts on waterbodies during pipeline removal; the potential effect on Indiana bats, freshwater mussels, and other listed species; and pipeline removal activities on State of Ohio parkland. The three landowners requested further information about how the work would affect their properties; however, no project-related abandonment activities are being proposed for these properties. The U.S. Army Corps of Engineers is a cooperating agency in the preparation of the EA.

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.,* CP17–6), 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 7, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–04879 Filed 3–10–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Community Banking; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Community Banking, which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on a broad range of policy issues that have particular impact on small community banks throughout the United States and the local communities they serve, with a focus on rural areas.

DATES: Tuesday, March 28, 2017, from 9:00 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–7043.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will include a discussion of current issues affecting community banking. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY) at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting. This Community Banking Advisory Committee meeting will be Webcast live via the Internet *http://fdic.windrosemedia.com.* Questions or troubleshooting help can be found at the same link. For optimal viewing, a high speed internet connection is recommended. The Community Banking meeting videos are made available on-demand approximately two weeks after the event.

Dated: March 8, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–04838 Filed 3–10–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10187—Marco Community Bank, Marco Island, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Marco Community Bank, Marco Island, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Marco Community Bank on February 19, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: March 7, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–04789 Filed 3–10–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, March 7, 2017 at 10:00 a.m. and its Continuation at the Conclusion of the Open Meeting on March 9, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting was Closed to the Public.

Federal Register Notice of Previous Announcement—82 FR 12452

THIS ITEM WAS ALSO DISCUSSED:

Matters relating to internal personnel decisions, or internal rules and practices

* * * * *

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

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–05064; Filed 3–9–17; 4:15 pm]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Low Income Home Energy Assistance Program (LIHEAP) Leveraging Report.

OMB No.: 0970–0121.

Description: The LIHEAP leveraging incentive program rewards LIHEAP grantees that have leveraged non-federal home energy resources for low-income households. The LIHEAP leveraging report is the application for leveraging incentive funds that LIHEAP grantees submit to the Department of Health and Human Services for each fiscal year in which they leverage countable resources. Participation in the leveraging incentive program is voluntary and is described at 45 CFR 96.87.

The LIHEAP leveraging report obtains information on the resources leveraged by LIHEAP grantees each fiscal year (as cash, discounts, waiver, and in-kind); the benefits provided by low-income households by these resources (for example, as fuel and payments for fuel, as home heating and cooling equipment, and as weatherization materials and installation); and the fair market value of these resources/benefits. HHS needs this information in order to carry out statutory requirements for administering the LIHEAP leveraging incentive program, to determine countability and valuation of grantees' leveraged non-federal home energy resources, and to determine grantees' shares of leveraging incentive funds.

Respondents: State Governments, Tribal Governments, Insular Areas, the District of Columbia, and the Commonwealth of Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
LIHEAP Leveraging Report	70	1	38	2,660

Estimated Total Annual Burden Hours: 2,660.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–04882 Filed 3–10–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Proposed Extension With No Changes of a Currently Approved Collection; National Survey of Older Americans Act Participants

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to consumer assessment surveys that are used by ACL to measure program performance for programs funded under Title III of the Older Americans Act. This notice solicits comments on a proposed extension with no changes of a currently approved collection.

DATES: Submit written or electronic comments on the collection of information by May 12, 2017.

ADDRESSES: Submit electronic comments on the collection of information to: *Heather.Menne@acl.hhs.gov.* Submit written comments on the collection of information to: Heather Menne, U.S. Department of Health and Human Services: Administration for Community Living, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Heather Menne at 202–795–7733 or *Heather.Menne@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or update of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing notice of the proposed collection of information set forth in this document. With respect to the following collection of information, ACL invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility; (2) the accuracy of ACL'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

The National Survey of Older Americans Act (OAA) Participants information collection will include consumer assessment surveys for the Congregate and Home-delivered meal nutrition programs; Case Management, Homemaker, and Transportation Services; and the National Family Caregiver Support Program. This survey builds on earlier national pilot studies and surveys, as well as performance measurement tools developed by ACL grantees in the Performance Outcomes Measures Project (POMP). Changes identified as a result of these initiatives were incorporated into the last data collection package that was approved by OMB and are included in this proposed extension of a currently approved collection. This information will be used by ACL to track performance outcome measures; support budget requests; comply with the GPRA Modernization Act of 2010 (GPRAMA) reporting requirements; provide national benchmark information; and inform program development and management initiatives.

Descriptions of previous National Surveys of OAA Participants can be found under the section on OAA Performance Information on ACL's Web site at: *https://aoa.acl.gov/Program_Results/OAA_Performance.aspx.* Copies of the survey instruments and data from previous National Surveys of OAA Participants can be found and queried using the AGing Integrated Database (AGID) at: *http://www.agid.acl.gov/.* The proposed National Survey entitled National Survey of Older Americans Act Participants 2017 Draft may be found on the ACL Web site at: *https://aoa.acl.gov/Program_Results/OAA_Performance.aspx.*

ACL estimates the burden of this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Area Agency on Aging: Respondent selection process	250	1	4.0	1,000
Service Recipients (*i.e.,* Congregate and Home-delivered meal nutrition programs; Case Management, Homemaker, and Transportation Services).	4,000	1	.6667	2,666.80
National Family Caregiver Support Program Clients	2,000	1	.6667	1,333.40
Total	6,250	1	.80 (weighted mean)	5,000

Daniel Berger,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2017–04843 Filed 3–10–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–1112]

United States Food and Drug Administration and Health Canada Joint Regional Consultation on International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; Public Meeting and Webcast; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a regional public meeting entitled ''U.S. Food and Drug Administration and Health Canada Joint Regional Consultation on International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH).'' The goal of this meeting is to provide information and receive comments on the current activities of ICH, as well as the upcoming ICH meetings in Montreal. The topics to be covered in the public meeting are the topics for discussion at the forthcoming ICH Assembly Meeting in Montreal. The purpose of this public meeting is also to solicit public input prior to the ICH Assembly meeting and the Expert Working Group meetings in Montreal, Canada, scheduled for May 28 through June 1, 2017.

DATES: The public meeting will be held on April 24, 2017, from 11 a.m. to 2 p.m., Eastern Time. Submit either electronic or written comments on this public meeting by May 12, 2017. Late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 12, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of May 12, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date. See the **SUPPLEMENTARY INFORMATION** section for registration date and information. Registration to attend the meeting and requests for oral presentations must be received by April 19, 2017; see the **SUPPLEMENTARY INFORMATION** section for information on how to register for the meeting.

ADDRESSES: The public meeting will be held at 10903 New Hampshire Ave., Bldg. 31, Rm. 1503 Section A, Silver Spring, MD 20993. It will also be broadcast on the Web allowing participants to join in person OR via the Web. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–N–1112 for the U.S. Food and Drug Administration and Health Canada Joint Public Consultation on International Council on Harmonisation of Technical Requirements for Pharmaceuticals for Human Use; Public Meeting. Received comments, those filed in a timely manner (see **DATES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper

submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: Amanda Roache, Food and Drug Administration, Center for Drug Evaluation and Research, Office of Strategic Programs, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring MD, 20993, 301–796–4548, email: *Amanda.Roache@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The ICH, formerly known as the International Conference on Harmonisation, was established in 1990 as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for developing and registering new medicinal products in Europe, Japan, and the United States without compromising the regulatory obligations of safety and effectiveness. In 2015 the ICH was reformed to make the ICH a true global initiative that expands beyond the previous ICH members. More involvement from regulators around the world is expected, as they will join their counterparts from Europe, Japan, USA, Canada, and Switzerland as ICH regulatory members. The reforms build on a 25-year track record of successful delivery of harmonized guidelines for global pharmaceutical development, and their regulation. In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for medical product development among regulatory Agencies. ICH was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the ICH regions over the past two decades. The current ICH process and structure can be found at the following Web site: *http://www.ich.org.* (FDA has verified the Web site addresses as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.)

II. Webinar Attendance and Participation

A. Registration

If you wish to attend the meeting, please register at the following Web site: *https://ich_regional_consultation.eventbrite.com.* Registrations may be limited, so early registration is recommended. Registration is free and will be on a first-come, first-served basis. However, the number of participants from each organization may be limited based on space limitations. Registrants will receive confirmation once they have been accepted. If you need special accommodations because of a disability, please contact Amanda Roache (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

B. Requests for Oral Presentations

Interested persons may present data, information, or views orally or in writing on issues pending at the public meeting. Public oral presentations will be scheduled between approximately 1:30 p.m. and 2 p.m. Time allotted for oral presentations may be limited to 5 minutes. Those desiring to make oral presentations should notify Amanda Roache (see **FOR FURTHER INFORMATION CONTACT**) by April 19, 2017, and submit a brief statement of the general nature of the evidence or arguments they wish to present; the names and addresses, telephone number, fax, and email of proposed participants; and an indication of the approximate time requested to make their presentation. The agenda for the public Webinar will be made available on the Internet at *http://www.fda.gov/Drugs/NewsEvents/ucm536015.htm.*

Dated: March 7, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–04839 Filed 3–10–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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

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

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA: Immunology.

Date: March 9, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review (CSR), National Institutes of Health (NIH), 6701 Rockledge Dr, Room 4203, Bethesda, MD 20817, (301) 435–3566, *alok.mulky@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuropharmacology.

Date: March 28, 2017.

Time: 2:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Neural Regulation of Cancer.

Date: March 29, 2017.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 16–218: Provocative Questions in Pediatric Cancer.

Date: April 4, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charles Morrow, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6202, MSC 7804, Bethesda, MD 20892, 301–451–4467, *morrowcs@csr.nih.gov*.

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

Dated: March 7, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04807 Filed 3–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

N6, A Novel, Broad, Highly Potent HIV-Specific Antibody

Description of Technology

The N6 antibody has evolved a unique mode of binding that depends less on a variable area of the HIV envelope known as the V5 region and focuses more on conserved regions, which change relatively little among HIV strains. This allows N6 to tolerate changes in the HIV envelope, including the attachment of sugars in the V5 region, a major mechanism by which HIV develops resistance to other VRC01-class antibodies. N6 was shown in pre-clinical studies to neutralize approximately 98 percent of HIV isolates tested. The studies also demonstrate that N6 neutralizes approximately 80 percent of HIV isolates which were resistant to other antibodies of the same class, and does so very potently. Its breadth and potency makes N6 a highly desirable candidate for development in therapeutic or prophylactic strategies.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- HIV therapeutic
- HIV prophylactic

Competitive Advantages

- Neutralized 98 percent of HIV isolates tested.
- Neutralized 80 percent of HIV isolates which were resistant to other antibodies of the same class, and does so very potently.

Development Stage: Pre-Clinical.

Inventors: Mark Connors, Jinghe Huang, Byong Ha Kang, John Mascola, Elise Ishida, Tongqing Zhou, Peter Kwong, Anqi Zheng, all of NIAID.

Publications: Huang, Jinghe, et al. ''Identification of a CD4-binding-site antibody to HIV that evolved near-pan neutralization breadth.'' Immunity 45.5 (2016): 1108–1121.

Intellectual Property: HHS Reference No. E–131–2015 *et seq.*—US provisional application 62/136,228, US provisional application 62/250,378, and PCT application PCT/US2016/023145.

Licensing Contact: Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.*

Collaborative Research Opportunity: The Technology Transfer and Intellectual Property Office (TTIPO) is seeking parties interested in collaborative research to further co-develop this technology. For collaboration opportunities, please contact Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.*

Dated: March 3, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–04834 Filed 3–10–17; 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 NIAID; Investigator Initiated Program Project Applications (P01).

Date: March 29, 2017.

Time: 11:00 a.m. to 3:30 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: Tracy A. Shahan, Ph.D., MBA, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3F31, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 79823, Bethesda, MD 20892–9823, (240) 669–5030, *tshahan@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 7, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04809 Filed 3–10–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

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

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

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Nicotinic Immune Modulation in the Presence of HIV–1 Infection (R01).

Date: March 22, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shang-Yi Anne Tsai, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4228, MSC 9550, Bethesda, MD 20892, 301–827–5842, *shangyi.tsai@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; HIV, HCV and Related Comorbidities in Rural Communities Affected by Opioid Injection Drug Epidemics in the United States: Building Systems for Prevention, Treatment and Control (UG3/UH3).

Date: March 24, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Hepatitis C Virus (HCV) Advanced Molecular Detection in Support of Systems for Prevention, Treatment and Control of HIV, HCV and Related Comorbidities in Rural Communities Affected by Opioid Injection Drug Epidemics in the Unite.

Date: March 24, 2017.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; 2017 Loan Repayment.

Date: March 26, 2017.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, 301–827–5702, *lf33c.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 7, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–04808 Filed 3–10–17; 8:45 am]

BILLING CODE 4140–01–P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Advisory Council on Historic Preservation Quarterly Business Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Advisory Council on Historic Preservation Quarterly Business Meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation (ACHP) will hold its next quarterly meeting on Thursday, March 23, 2017. The meeting will be held in Room SR325 at the Russell Senate Office Building at Constitution and Delaware Avenues NE., Washington, DC, starting at 8:30 a.m. EST.

DATES: The quarterly meeting will take place on Thursday, March 23, 2017, starting at 8:30 a.m.

ADDRESSES: The meeting will be held in Room SR325 at the Russell Senate Office Building at Constitution and Delaware Avenues NE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cindy Bienvenue, 202–517–0202, *cbienvenue@achp.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and the Congress on national historic preservation policy. The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into their decision making. For more information on the ACHP, please visit our Web site at *www.achp.gov.*

The agenda for the upcoming quarterly meeting of the ACHP is the following:

I. Chairman's Welcome
II. Swearing-In Ceremony
III. Transitions
  A. The New Administration
  B. ACHP Transition to Full-Time Chairman
  1. Operating Procedures Amendments
  2. Further Organizational Issues
IV. Section 106 Issues
  A. Infrastructure Projects and Tribal Consultation Issues
  B. Administration Infrastructure Initiative
  C. Program Alternatives Under Development

D. Federal Property Management Issues
E. Impact of Regulatory Reform Initiatives on ACHP Regulations
V. Historic Preservation Policy and Programs
A. Building a More Inclusive Preservation Program: Youth Initiatives
B. Historic Preservation Legislation in the 115th Congress
IV. New Business
VI. Adjourn

The meetings of the ACHP are open to the public. If you need special accommodations due to a disability, please contact Cindy Bienvenue, 202–517–0202 or *cbienvenue@achp.gov,* at least seven (7) days prior to the meeting.

Authority: 54 U.S.C. 304102.

Dated: March 7, 2017.

Javier E. Marques,

General Counsel.

[FR Doc. 2017–04842 Filed 3–10–17; 8:45 am]

BILLING CODE 4310–K6–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning the WorkFit-TL Sit-Stand Desktop Workstation

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation. Based upon the facts presented, CBP has concluded in the final determination that the United States is the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for purposes of U.S. government procurement.

DATES: The final determination was issued on March 7, 2017. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination no later than April 12, 2017.

FOR FURTHER INFORMATION CONTACT: Elif Eroglu, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202) 325–0277.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 7, 2017, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, Headquarters Ruling Letter (''HQ'') H280512, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that, under the totality of the circumstances, the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation is the United States for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: March 7, 2017.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

Attachment

HQ H280512

March 07, 2017

OT:RR:CTF:VS H280512 EE

CATEGORY: Marking

Jim Noreault
Ergotron Inc.
1181 Trapp Road
Eagan, MN 55121

RE: U.S. Government Procurement; Title III, Trade Agreements Act of 1979 (19 U.S.C. 2511); Subpart B, Part 177, CBP Regulations; WorkFit-TL Sit-Stand Desktop Workstation

Dear Mr. Noreault:

This is in response to your correspondence of September 29, 2016 requesting a final determination on behalf of Ergotron Inc. (''Ergotron''), pursuant to subpart B of Part 177, U.S. Customs and Border Protection (''CBP'') Regulations (19 CFR 177.21 *et seq.*). Under the pertinent regulations, which implement Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation. We note that Ergotron is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The merchandise at issue is the WorkFit-TL Sit-Stand Desktop Workstation. You state that the WorkFit-TL is an ergonomic, height adjustable desk intended to help promote a healthy work environment by giving the user the ability to easily adjust between a standing or sitting positon. The WorkFit-TL can be adjusted by releasing the hand-brake levers on either side of the unit to position the surface higher or lower to accommodate sitting or standing position. The WorkFit-TL is assembled in the United States from U.S. and Chinese components. Ergotron received a country of origin marking ruling for the WorkFit-T Sit-Stand Desktop Workstation from the National Commodity Specialist Division (New York Ruling Letter (''NY'') N276731, dated July 15, 2016). You state that WorkFit-TL features a larger keyboard tray and wider work surface than the WorkFit-T but the products and the assembly processes are otherwise identical.

You have submitted photographs, an assembly drawing, a process flow map, and two bills of materials for the WorkFit-TL. The first bill of materials is for materials utilized for all processing performed in the United States. The second bill of materials is for all processing performed in China. You state that of the total cost of production, 57 percent is attributable to materials of U.S. origin and U.S. labor costs (including overhead).

You state that the WorkFit-TL is comprised of three main components: A Chinese origin lift assembly, a U.S. origin laminated particle board work surface and keyboard tray. The lift assembly consists of base metal and provides user assisted lift functionality by means of spring force to allow adjustment of the product between sitting and standing positions. The lift assembly from China is assembled with components fabricated in Ergotron's facility in the United States including the work surface, keyboard tray, right and left keyboard support brackets, and metal support bar. The design and development of the WorkFit-TL occurs in the United States. The production that occurs in the United States includes the following:

The right and left keyboard support brackets and metal support bar

- Laser cutting sheet metal components
- Press braking to bend sheet metal components to create the right and left brackets and the metal support bar
- Stud insertion into the sheet metal components
- Painting the sheet metal components
- Assembling the sheet metal components to the imported lift mechanism.

The work surface and keyboard tray

- Sawing raw Medium-Density Fiberboard (''MDF'') to the size of the work surface and keyboard tray
- Routing of profiles on the MDF sheets
- Sanding of MDF to prepare for the vinyl laminate
- Applying glue to the MDF
- Pressing the vinyl laminate onto the MDF

• Removing the excess laminate from the work surface and keyboard tray
• Removing the excess glue from the bottom of the work surface and keyboard tray
• Printing the Ergotron logo onto work surface
• Attaching the work surface and keyboard tray to the lift mechanism of Chinese origin.

ISSUE:

What is the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for the purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to subpart B of Part 177, 19 CFR 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 CFR 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with Federal Acquisition Regulations. *See* 19 CFR 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 CFR 25.403(c)(1). The Federal Acquisition Regulations define ''U.S.-made end product'' as:

. . . an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

48 CFR 25.003.

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, the determinative issue is the extent of operations performed and whether the parts lose their identity and become an integral part of the new article. *See Belcrest Linens* v. *United States,* 6 CIT 204 (1983), *aff'd,* 741 F.2d 1368 (Fed. Cir. 1984). The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, extent and nature of post-assembly inspection and testing procedures, and the degree of skill required during the actual manufacturing process may be relevant when determining whether a substantial transformation has occurred. No one factor is determinative.

In *Carlson Furniture Industries* v. *United States,* 65 Cust. Ct. 474 (1970), the U.S. Customs Court ruled that U.S. operations on imported chair parts constituted a substantial transformation, resulting in the creation of a new article of commerce. After importation, the importer assembled, fitted, and glued the wooden parts together, inserted steel pins into the key joints, cut the legs to length and leveled them, and in some instances, upholstered the chairs and fitted the legs with glides and casters. The court determined that the importer had to perform additional work on the imported chair parts and add materials to create a functional article of commerce. The court found that the operations were substantial in nature, and more than the mere assembly of the parts together.

In HQ 561258, dated April 15, 1999, CBP determined that the assembly of numerous imported workstation components with the U.S.-origin work surface, which was the essential and largest component of the workstation, into finished workstations constituted a substantial transformation. CBP held that the imported components lost their identity as leg brackets, drawer units, panels etc. when they were assembled together to form a workstation. In HQ H083693, dated March 23, 2010, CBP held that a certain wood chest assembled in the United States was a product of the United States for purposes of U.S. government procurement. The wood chest was assembled from over twenty U.S. and foreign components. Of the total cost of production, 40 percent was attributable to materials of U.S. origin, U.S. warehouse overhead and U.S. labor costs (including overhead). CBP held that the components that were used to manufacture the wood chest, when combined with a U.S. origin laminate top, were substantially transformed as a result of the assembly operations performed in the United States. *See also* HQ 731676, dated June 22, 1989, (unfinished mahogany table legs and rails from the Philippines were substantially transformed in the United States when assembled into a table base with a U.S. origin wood veneered top).

In the instant case, the lift assembly, manufactured in China, is assembled in the United States with laminated particle board work surface and keyboard tray, right and left keyboard support brackets, and metal support bar which are fabricated in the United States by Ergotron. The processes that occur in the United States include sawing, profiling, sanding, hot-pressing and trimming to manufacture the work surface and keyboard tray as well as laser-cutting, bending and painting of the sheet metal components followed by final assembly of the U.S. origin and the imported components. Based on the facts provided and consistent with the CBP rulings cited above, we find that the imported lift assembly is substantially transformed as a result of the assembly performed in the United States to produce the finished WorkFit-TL Sit-Stand Desktop Workstation. In support of this conclusion, we agree that the lift assembly is not functional to an end user by itself as it does not include the primary features of the U.S. origin work surface and keyboard tray which allow the work to be conducted, and without which, the lifting mechanism is incapable of being used as a workstation. Accordingly, we find that the country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for purposes of U.S. Government procurement is the United States.

HOLDING:

The country of origin of the WorkFit-TL Sit-Stand Desktop Workstation for government procurement purposes is the United States.

Notice of this final determination will be given in the **Federal Register**, as required by 19 CFR 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 CFR 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 CFR 177.30, any party-at-interest may, within 30 days after publication of the **Federal Register** notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel, *Executive Director, Regulations and Rulings, Office of Trade*

[FR Doc. 2017–04806 Filed 3–10–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0002]

Agency Information Collection Activities: General Declaration

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: General Declaration (CBP Form 7507). CBP is proposing that this information collection be extended with no change to the burden hours or to the

information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before May 12, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651–0002 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: *CBP_PRA@cbp.dhs.gov*. The email should include the OMB Control Number in the subject line.

(2) *Mail:* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: General Declaration (Outward/Inward) Agriculture, Customs, Immigration, and Public Health.

OMB Number: 1651–0002.

Form Number: Form 7507.

Abstract: An aircraft commander or agent must file CBP Form 7507, *General Declaration (Outward/Inward) Agriculture, Customs, Immigration, and Public Health* at the time of arrival for all aircraft required to enter pursuant to 19 CFR 122.41 and at the time of clearance for all aircraft departing to a foreign area with commercial airport cargo pursuant to 19 CFR 122.72. This form is used to document clearance and inspections by appropriate regulatory agency staffs. CBP Form 7507 collects information about the flight routing, the numbers of passengers embarking and disembarking, the number of crew members, a declaration of health for the persons on board, and details about disinfecting and sanitizing treatments during the flight. This form also includes a declaration attesting to the accuracy, completeness, and truthfulness of all statements contained in the form and in any document attached to the form.

CBP Form 7507 is authorized by 19 U.S.C. 1431, 1433, and 1644a; and provided for by 19 CFR 122.43, 122.54, 122.73, and 122.144. This form is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%207507.pdf.*

Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Forms 7507.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 500.

Estimated Number of Total Annual Responses: 1,000,000.

Estimated Time per Response: 5 minutes.

Estimated Annual Burden Hours: 83,300.

Dated: March 8, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–04899 Filed 3–10–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0033]

Agency Information Collection Activities: Bonded Warehouse Proprietor's Submission

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Bonded Warehouse Proprietor's Submission (CBP Form 300). CBP is proposing that this information collection be extended with a reduction to the burden hours. No change has been made to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before May 12, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651–0033 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email:* Submit comments to: (*CBP_PRA@cbp.dhs.gov*). The email should include the OMB Control number in the subject line.

(2) *Mail:* Submit written comments to CBP PRA Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 10th Floor, 90 K St. NE., Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email (*CBP_PRA@cbp.dhs.gov*). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at

https://www.cbp.gov/. For additional help: *https://help.cbp.gov/app/home/search/1.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Bonded Warehouse Proprietor's Submission.

OMB Number: 1651–0033.

Form Number: CBP Form 300.

Abstract: CBP Form 300, *The Bonded Warehouse Proprietor's Submission,* is filed annually by each warehouse proprietor. The information on CBP Form 300 is used by CBP to evaluate warehouse activity for the year. This form must be filed within 45 days of the end of his business year, pursuant to the provisions of the Tariff Act of 1930, as amended, 19 U.S.C. 66, 1311, 1555, 1556, 1557, 1623 and 19 CFR 19.12(g). The information collected on this form helps CBP determine all bonded merchandise that was entered, released, and manipulated in the warehouse. CBP Form 300 is accessible at *http://forms.cbp.gov/pdf/CBP_Form_300.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with a reduction to the burden hours. There is no change to the information collected or CBP Form 300.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 1,800.

Estimated Number of Total Annual Responses: 1,800.

Estimated Time per Response: 10 hours.

Estimated Total Annual Burden Hours: 18,000.

Dated: March 8, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–04898 Filed 3–10–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1700]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.3 dual community

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The

community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Colorado:						
Adams	Unincorporated areas of Adams County (16–08–0431P).	The Honorable Steve O'Dorisio, Chairman, Adams County Board of Commissioners, 4430 South Adams County Parkway, Brighton, CO 80601.	Adams County Stormwater Management Division, 4430 South Adams County Parkway, Brighton, CO 80601.	*http://www.msc.fema.gov/lomc*	May 3, 2017	080001
Broomfield	City and County of Broomfield (16–08–0399P).	The Honorable Randy Ahrens, Mayor, City and County of Broomfield, 1 DesCombes Drive, Broomfield, CO 80020.	Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.	*http://www.msc.fema.gov/lomc*	Apr. 21, 2017	085073
Connecticut: Fairfield.	Town of Greenwich (16–01–2255P).	The Honorable Peter Tesei, First Selectman, Town of Greenwich Board of Selectmen, 101 Field Point Road, Greenwich, CT 06830.	Planning and Zoning Department, 101 Field Point Road, Greenwich, CT 06830.	*http://www.msc.fema.gov/lomc*	Mar. 22, 2017	090008
Florida:						
Broward	City of Coconut Creek (16–04–7766P).	The Honorable Mikkie Belvedere, Mayor, City of Coconut Creek, 4800 West Copans Road, Coconut Creek, FL 33063.	City Hall, 5295 Johnson Road, Coconut Creek, FL 33073.	*http://www.msc.fema.gov/lomc*	Mar. 24, 2017	120031
Broward	City of Coral Springs (16–04–7766P).	The Honorable Skip Campbell, Mayor, City of Coral Springs, 9551 West Sample Road, Coral Springs, FL 33065.	City Hall, 2730 University Drive, Coral Springs, FL 33065.	*http://www.msc.fema.gov/lomc*	Mar. 24, 2017	120033
Broward	City of Parkland (16–04–7766P).	The Honorable David Rosenof, Mayor, City of Parkland, 6600 University Drive, Parkland, FL 33067.	Building Division, 6600 University Drive, Parkland, FL 33067.	*http://www.msc.fema.gov/lomc*	Mar. 24, 2017	120051
Charlotte	Unincorporated areas of Charlotte County (16–04–6809P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle Port Charlotte, FL 33948.	*http://www.msc.fema.gov/lomc*	Apr. 12, 2017	120061
Collier	City of Marco Island (16–04–7301P).	The Honorable Bob Brown, Chairman, City of Marco Island Council, 51 Bald Eagle Drive, Marco Island, FL 34145.	City Hall, 51 Bald Eagle Drive, Marco Island, FL 34145.	*http://www.msc.fema.gov/lomc*	May 4, 2017	120426
Hillsborough	City of Plant City (16–04–6033P).	The Honorable Rick A. Lott, Mayor, City of Plant City, P.O. Box C, Plant City, FL 33563.	Engineering Division, 302 West Reynolds Street, Plant City, FL 33563.	*http://www.msc.fema.gov/lomc*	Apr. 27, 2017	120113
Manatee	City of Bradenton (16–04–6478P).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	City Hall, 101 Old Main Street West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	May 2, 2017	120155
Manatee	Unincorporated areas of Manatee County (16–04–6478P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	May 2, 2017	120153

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Marion	Unincorporated areas of Marion County (16–04–8287P).	The Honorable Carl Zalak, III, Chairman, Marion, County Board of Commissioners, 601 Southeast 25th Avenue, Ocala, FL 34471.	Marion County Growth Services Zoning Division, 2710 East Silver Springs Boulevard, Ocala, FL 34470.	*http://www.msc.fema.gov/lomc*	May 3, 2017	120160
Miami-Dade	City of Sunny Isles Beach (16–04–6613P).	The Honorable George "Bud" Scholl, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	Building Department, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	*http://www.msc.fema.gov/lomc*	May 5, 2017	120688
Monroe	Unincorporated areas of Monroe County (17–04–0132P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Apr. 13, 2017	125129
Osceola	City of Kissimmee (16–04–5037P).	The Honorable Jose Alvarez, Mayor, City of Kissimmee, 101 Church Street, Kissimmee, FL 34741.	City Hall, 101 Church Street, Kissimmee, FL 34741.	*http://www.msc.fema.gov/lomc*	Apr. 21, 2017	120190
Osceola	City of St. Cloud (16–04–3373P).	The Honorable Nathan Blackwell, Mayor, City of St. Cloud, 1300 9th Street, St. Cloud, FL 34769.	Public Services Department, 1300 9th Street, St. Cloud, FL 34769.	*http://www.msc.fema.gov/lomc*	May 3, 2017	120191
Osceola	Unincorporated areas of Osceola County (16–04–3373P).	The Honorable Viviana Janer, Chair, Osceola County Board of Commissioners, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1100, Kissimmee, FL 34741.	*http://www.msc.fema.gov/lomc*	May 3, 2017	120189
Seminole	Unincorporated areas of Seminole County (17–04–0173P).	The Honorable John Horan, Chairman, Seminole, County Board of, Commissioners, 1101 East 1st Street, Sanford, FL 32771.	Seminole County Development Review Division, 1101 East 1st Street, Sanford, FL 32771.	*http://www.msc.fema.gov/lomc*	Apr. 21, 2017	120289
Georgia:						
Columbia	City of Grovetown (16–04–7990P).	The Honorable Gary Jones, Mayor, City of Grovetown P.O. Box 120, Grovetown, GA 30813.	Planning and Development Department, 103 Old Wrightsboro Road, Grovetown, GA 30813.	*http://www.msc.fema.gov/lomc*	Mar. 16, 2017	130265
Columbia	Unincorporated areas of Columbia County (16–04–7990P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County Engineering Services Division, 630 Ronald Reagan Drive, Evans, GA 30809.	*http://www.msc.fema.gov/lomc*	Mar. 16, 2017	130059
Louisiana:						
Ouachita	City of Monroe (16–06–3067P).	The Honorable Jamie Mayo, Mayor, City of Monroe, 400 Lea Joyner Memorial Expressway, Monroe, LA 71201.	Planning and Zoning Division, 3901 Jackson Street, Monroe, LA 71201.	*http://www.msc.fema.gov/lomc*	Apr. 28, 2017	220136
Ouachita	Unincorporated areas of Ouachita Parish (16–06–3067P).	The Honorable Scotty Robinson, President, Ouachita Parish Police Jury, 301 South Grand Street, Suite 201, Monroe, LA 71201.	Ouachita Parish, Ray Oliver Wright Health Unit, 1650 Desiard Street, Suite 202, Monroe, LA 71201.	*http://www.msc.fema.gov/lomc*	Apr. 28, 2017	220135
Maryland: Worcester	Town of Ocean City (16–03–2683P).	Mr. Douglas R. Miller, Manager, Town of Ocean City, 301 Baltimore Avenue, Ocean City, MD 21842.	Department of Planning and Community Development, 301 Baltimore Avenue, Ocean City, MD 21842.	*http://www.msc.fema.gov/lomc*	Mar. 24, 2017	245207
Massachusetts:						
Bristol	Town of Fairhaven, (17–01–0064P).	The Honorable Charles K. Murphy, Sr., Chairman, Town of Fairhaven Board of Selectmen, 40 Center Street, Fairhaven, MA 02719.	Town Hall, 40 Center Street, Fairhaven, MA 02719.	*http://www.msc.fema.gov/lomc*	Apr. 21, 2017	250054

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Essex	Town of Essex (16–01–0826P).	The Honorable Lisa J. O'Donnell, Chair, Town of Essex Board of Selectmen, 30 Martin Street, Essex, MA 01929.	Town Hall, 30 Martin Street, Essex, MA 01929.	*http://www.msc.fema.gov/lomc*	Apr. 10, 2017	250080
Essex	Town of Ipswich (16–01–0826P).	Ms. Robin Crosbie, Manager, Town of Ipswich, 25 Green Street, Ipswich, MA 01938.	Town Hall, 25 Green Street, Ipswich, MA 01938.	*http://www.msc.fema.gov/lomc*	Apr. 10, 2017	250086
Norfolk	City of Quincy (17–01–0360X).	The Honorable Thomas P. Koch, Mayor, City of Quincy, 1305 Hancock Street, Quincy, MA 02169.	Department of Public Works, 55 Sea Street, Quincy, MA 02169.	http://www.msc.fema.gov/lomc	Apr. 14, 2017	255219
Plymouth	Town of Marion (16–01–2701P).	The Honorable Jonathan E. Dickerson, Chairman, Board of Selectmen, 2 Spring Street, Marion, MA 02738.	Building Department, 2 Spring Street, Marion, MA 02738.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	255213
Montana: Flathead	Unincorporated areas of Flathead County (16–08–0919P).	The Honorable Pamela Holmquist, Chair, Flathead County, Board of Commissioners, 800 South Main Street, Suite 302, Kalispell, MT 59901.	Flathead County Planning and Zoning Department, 40 11th Street West, Suite 220, Kalispell, MT 59901.	*http://www.msc.fema.gov/lomc*	Apr. 20, 2017	300023
North Carolina:						
Yadkin	Town of Yadkinville (16–04–7376P).	The Honorable Eddie Norman, Mayor, Town of Yadkinville, P.O. Box 816, Yadkinville, NC 27055.	Town Hall, 213 Van Buren Street, Yadkinville, NC 27055.	*http://www.msc.fema.gov/lomc*	Feb. 9, 2017	370640
Yadkin	Unincorporated areas of Yadkin County (16–04–7376P).	The Honorable Kevin Austin, Chairman, Yadkin County Board of Commissioners, P.O. Box 220, Yadkinville, NC 27055.	Yadkin County Planning and Zoning Department, 213 East Elm Street,Yadkinville, NC 27055.	*http://www.msc.fema.gov/lomc*	Feb. 9, 2017	370400
Pennsylvania: Centre.	Township of Ferguson (16–03–2371P).	Mr. Mark Kunkle, Manager, Township of Ferguson, 3147 Research Drive, State College, PA 16801.	Ferguson Township Hall, 3147 Research Drive, State College, PA 16801.	*http://www.msc.fema.gov/lomc*	May 5, 2017	420260
South Carolina:						
Richland	City of Columbia (14–04–8075P).	The Honorable Stephen K. Benjamin, Mayor, City of Columbia, 1737 Main Street, Columbia, SC 29201.	City Hall, 1737 Main Street, Columbia, SC 29201.	*http://www.msc.fema.gov/lomc*	Aug. 10, 2015	450172
Richland	Unincorporated areas of Richland County (14–04–8075P).	The Honorable Torrey Rush, Chairman, Richland County Council, P.O. Box 192, Columbia, SC 29202.	Richland County Courthouse, 1701 Main Street, Columbia, SC 29202.	*http://www.msc.fema.gov/lomc*	Aug. 10, 2015	450170
South Dakota:						
Pennington	City of Box Elder (16–08–1014P).	The Honorable Larry Larson, Mayor, City of Box Elder, 420 Villa Drive, Box Elder, SD 57719.	City Hall, 420 Villa Drive, Box Elder, SD 57719.	*http://www.msc.fema.gov/lomc*	Apr. 5, 2017	460089
Pennington	City of Rapid City (16–08–0839P).	The Honorable Steve Allender, Mayor, City of Rapid City, 300 6th Street, Rapid City, SD 57701.	Public Works and Engineering Services Department, 300 6th Street, Rapid City, SD 57701.	*http://www.msc.fema.gov/lomc*	Mar. 10, 2017	465420
Pennington	Unincorporated areas of Pennington County (16–08–0839P).	The Honorable Lyndell Petersen, Chairman, Pennington County Board of Commissioners, 130 Kansas City Street, Suite 100, Rapid City, SD 57701.	Pennington County Planning Department, 130 Kansas City Street, Suite 200, Rapid City, SD 57701.	*http://www.msc.fema.gov/lomc*	Mar. 10, 2017	460064
Texas:						
Bexar	City of San Antonio (16–06–1504P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street,San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc*	Apr. 19, 2017	480045

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Bexar	City of San Antonio (16–06–2124P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, ISan Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc*	Apr. 27, 2017	480045
Bexar	City of San Antonio (16–06–2247P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, San Antonio, TX 78204.	*http://www.msc.fema.gov/lomc*	Apr. 26, 2017	480045
Bexar	City of Schertz (16–06–3179P).	The Honorable Michael Carpenter, Mayor, City of Schertz, 1400 Schertz Pkwy, Schertz, TX 78154.	Public Works Department, 10 Commercial Place, Schertz, TX 78154.	*http://www.msc.fema.gov/lomc*	Apr. 18, 2017	480269
Bexar	Unincorporated areas OF Bexar County (16–08–4345P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 33 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*http://www.msc.fema.gov/lomc*	Apr. 20, 2017	480035
Bexar	Unincorporated areas of Bexar County (16–08–4363P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 33 North Pecos-La Trinidad Street, Suite 420 San Antonio, TX 78207.	*http://www.msc.fema.gov/lomc*	May 5, 2017	480035
Guadalupe	City of Schertz (16–06–4249P).	The Honorable Michael Carpenter, Mayor, City of Schertz, 1400 Schertz Parkway, Schertz, TX 78154.	Public Works Department, 10 Commercial Place, Schertz, TX 78154.	*http://www.msc.fema.gov/lomc*	Apr. 12, 2017	480269
Harris	City of Houston (16–06–1650P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	*http://www.msc.fema.gov/lomc*	Apr. 28, 2017	480296
Harris	City of Pasadena (16–06–1957P).	The Honorable Johnny Isbell, Mayor, City of Pasadena, 1211 Southmore Avenue, Pasadena, TX 77502.	Engineering Department, 1114 Davis Street, Pasadena, TX 77502.	*http://www.msc.fema.gov/lomc*	Apr. 27, 2017	480307
Harris	Unincorporated areas of Harris County (16–06–1650P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Apr. 28, 2017	480287
Harris	Unincorporated areas of Harris County (16–06–3975P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	480287
Harris	Unincorporated areas of Harris County (17–06–0582X).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	480287
Tarrant	City of Keller (16–06–2056P).	The Honorable Mark Mathews, Mayor, City of Keller, P.O. Box 770, Keller, TX 76244.	Public Works Department,1100 Bear Creek Parkway, Keller, TX 76248.	*http://www.msc.fema.gov/lomc*	Mar. 31, 2017	480602
Travis	City of Austin (16–06–3081P).	The Honorable Steve Adler, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	City Hall, 505 Barton Springs Road, 12th Floor Austin, TX 78703.	http://www.msc.fema.gov/lomc.	May 1, 2017	480624
Travis	City of Pflugerville (16–06–3121P).	The Honorable Jeff Coleman, Mayor, City of Pflugerville P.O. Box 589, Pflugerville, TX 78660.	Development Services Department, 201–B East Pecan Street, Pflugerville, TX 78691.	*http://www.msc.fema.gov/lomc*	Apr. 10, 2017	481028
Travis	Unincorporated areas of Travis County (16–06–3081P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Travis County Department of Transportation and Natural Resources, 700 Lavaca Street, 5th Floor, Austin, TX 78767.	*http://www.msc.fema.gov/lomc*	May 1, 2017	481026
Virginia:						
Chesterfield	Unincorporated areas of Chesterfield County (16–03–1954P).	The Honorable Steve A. Elswick, Chairman, Chesterfield County Board of Supervisors, P.O. Box 40, Chesterfield, VA 23832.	Chesterfield County Department of Environmental Engineering, 9800 Government Center Parkway, Chesterfield, VA 23832.	*http://www.msc.fema.gov/lomc*	Apr. 26, 2017	510035

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Henrico	Unincorporated areas of Henrico County (16–03–1954P).	The Honorable Tyrone E. Nelson, Chairman, Henrico County Board of Supervisors, P.O. Box 90775, Henrico, VA 23273.	Henrico County Department of Public Works, 4301 East Parham Road, Henrico, VA 23228.	*http://www.msc.fema.gov/lomc*	Apr. 26, 2017	510077
Washington, DC	District of Columbia (16–03–2348P).	The Honorable Muriel Bowser, Mayor, District of Columbia, 1350 Pennsylvania Avenue Northwest, Washington, DC 20004.	Department of Energy and Environment, 1200 1st Street, Northeast, 5th Floor, Washington, DC 20002.	*http://www.msc.fema.gov/lomc*	Apr. 17, 2017	110001

[FR Doc. 2017–04883 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1673]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 12, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1673, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Orange County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–09–1324S Preliminary Date: August 15, 2016	
City of Costa Mesa	City Hall, 77 Fair Drive, Costa Mesa, CA 92626.
City of Dana Point	City Hall, 33282 Golden Lantern Street, Dana Point, CA 92629.
City of Fountain Valley	City Hall, 10200 Slater Avenue, Fountain Valley, CA 92708.
City of Huntington Beach	City Hall, 2000 Main Street, Huntington Beach, CA 92648.
City of Irvine	City Hall, 1 Civic Center Plaza, Irvine, CA 92606.
City of Laguna Beach	City Hall, 505 Forest Avenue, Laguna Beach, CA 92651.
City of Laguna Niguel	City Hall, 30111 Crown Valley Parkway, Laguna Niguel, CA 92677.
City of Newport Beach	City Hall, 100 Civic Center Drive, Newport Beach, CA 92660.
City of San Clemente	City Hall, 100 Avenida Presidio, San Clemente, CA 92672.
City of San Juan Capistrano	City Hall, 32400 Paseo Adelanto, San Juan Capistrano, CA 92675.
City of Seal Beach	City Hall, 211 8th Street, Seal Beach, CA 90740.
City of Westminster	City Hall, 8200 Westminster Boulevard, Westminster, CA 92683.
Unincorporated Areas of Orange County	Orange County Flood Control Division, 300 North Flower Street, Santa Ana, CA 92703.
Ventura County, California and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–09–1164S Preliminary Date: September 30, 2016	
City of Oxnard	Planning Department, 214 South C Street, Oxnard, CA 93030.
City of Port Hueneme	Public Works Department, 250 North Ventura Road, Port Hueneme, CA 93041.
City of San Buenaventura	San Buenaventura City Hall, 501 Poli Street, Ventura, CA 93001.
Unincorporated Areas of Ventura County	Ventura County Hall of Administration, 800 South Victoria Avenue, Ventura, CA 93009.
Valley County, Idaho and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–10–0105S Preliminary Date: August 26, 2016	
City of Cascade	City Hall, 105 South Main Street, Cascade, ID 83611.
City of McCall	City Hall, 216 East Park Street, McCall, ID 83638.
Unincorporated Areas of Valley County	Valley County Courthouse, 219 North Main Street, Cascade, ID 83611.
Nye County, Nevada and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–09–0634S Preliminary Date: April 15, 2016	
Unincorporated Areas of Nye County	Nye County Planning Department, 250 North Highway 160, Suite 1, Pahrump, NV 89060.
Curry County, Oregon and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–10–0407S Preliminary Date: August 12, 2016	
City of Brookings	Planning Department, City Hall, 898 Elk Drive, Brookings, OR 97415.
City of Gold Beach	City Hall, 29592 Ellensburg Avenue, Gold Beach, OR 97444.
City of Port Orford	Planning Commission, City Hall, 555 West 20th Street, Port Orford, OR 97465.
Unincorporated Areas of Curry County	Curry County Courthouse, 94235 Moore Street, Gold Beach, OR 97444.

[FR Doc. 2017–04833 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of June 7, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Upper Sangamon River Watershed	
Macon County, Illinois and Incorporated Areas Docket No.: FEMA–B–1610	
City of Decatur	City Hall, 1 Gary K. Anderson Plaza, Decatur, IL 62523.
Unincorporated Areas of Macon County	Macon County Office Building, 141 South Main Street, Decatur, IL 62523.
Village of Forsyth	Village Hall, 301 South Route 51, Forsyth, IL 62535.

II. Non-watershed-based studies:

Community	Community map repository address
Union County, Iowa and Incorporated Areas Docket No.: FEMA–B–1548	
City of Creston	City Hall, 116 West Adams Street, Creston, IA 50801.
City of Cromwell	City Hall, 907 Broadway Street, Cromwell, IA 50842.
Unincorporated Areas of Union County	Union County Emergency Management Agency, Alliant Energy Building, 208 West Taylor Street, Creston, IA 50801.

[FR Doc. 2017–04885 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Colorado: El Paso (FEMA Docket No.: B–1660).	City of Colorado Springs (16–08–0643P).	The Honorable John Suthers, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	Pikes Peak Regional Building, 2880 International Circle, Colorado Springs, CO 80903.	Dec. 23, 2016	080060
Connecticut: New Haven (FEMA Docket No.: B–1656).	Town of Guilford (16–01–0895P).	The Honorable Joseph S. Mazza, First Selectman, Town of Guilford Board of Selectmen, 31 Park Street, Guilford, CT 06437.	Town Hall South, 50 Boston Street, Guilford, CT 06437.	Dec. 23, 2016	090077
Florida:					
Brevard (FEMA Docket No.: B–1656).	City of Titusville (16–04–5333P).	The Honorable James H. Tulley, Jr., Mayor, City of Titusville, P.O. Box 2806, Titusville, FL 32781.	City Hall, 555 South Washington Avenue, Titusville, FL 32796.	Dec. 15, 2016	125152
Charlotte (FEMA Docket No.: B–1656).	Unincorporated areas of Charlotte County (16–04–3741P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	Dec. 9, 2016	020061
Duval (FEMA Docket No.: B–1660).	City of Jacksonville (16–04–6041P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Division, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	Dec. 22, 2016	120077
Lee (FEMA Docket No.: B–1656).	City of Sanibel (16–04–4047P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Building Department, 800 Dunlop Road, Sanibel, FL 33957.	Dec. 6, 2016	120402
Lee (FEMA Docket No.: B–1656).	Village of Estero (15–04–9858P).	Mr. Steve Sarkozy, Manager, Village of Estero, 9401 Corkscrew Palms Circle, Estero, FL 33928.	Village Hall, 9401 Corkscrew Palms Circle, Estero, FL 33928.	Dec. 12, 2016	120260
Manatee (FEMA Docket No.: B–1649).	City of Bradenton (16–04–2750P).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	City Hall, 101 Old Main Street West, Bradenton, FL 34205.	Dec. 8, 2016	120155

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Manatee (FEMA Docket No.: B–1649).	Unincorporated areas of Manatee County (16–04–2750P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Dec. 8, 2016	120153
Manatee (FEMA Docket No.: B–1656).	Unincorporated areas of Manatee County (16–04–3945P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Building and Development Services Division, 1112 Manatee Avenue West, Bradenton, FL 34205.	Dec. 20, 2016	120153
Monroe (FEMA Docket No.: B–1656).	Village of Islamorada (16–04–5228P).	The Honorable Deb Gillis, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Planning and Development Department, 86800 Overseas Highway, Islamorada, FL 33036.	Dec. 5, 2016	120424
St. Johns (FEMA Docket No.: B–1649).	Unincorporated areas of St. Johns County (16–04–2941P).	The Honorable Jeb Smith, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	Dec. 1, 2016	125147
Seminole (FEMA Docket No.: B–1656).	City of Altamonte Springs (16–04–5502P).	The Honorable Patricia Bates, Mayor, City of Altamonte Springs, 225 Newburyport Avenue, Altamonte Springs, FL 32701.	Public Works Department, 950 Calabria Drive, Altamonte Springs, FL 32701.	Dec. 19, 2016	120290
Walton (FEMA Docket No.: B–1656).	City of Freeport (16–04–3900P).	The Honorable Sidney R. Barley, Mayor, City of Freeport, P.O. Box 339, Freeport, FL 32439.	City Hall, 112 Highway 20 West, Freeport, FL 32439.	Dec. 9, 2016	120319
Georgia: Columbia (FEMA Docket No.: B–1656).	Unincorporated areas of Columbia County (16–04–5385P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County Engineering Services Department, Building A, East Wing, 630 Ronald Reagan Drive, Evans, GA 30809.	Dec. 8, 2016	130059
Kentucky: Fayette (FEMA Docket No.: B–1656).	Lexington-Fayette Urban County Government (16–04–2392P).	The Honorable Jim Gray, Mayor, Lexington-Fayette, Urban County Government, 200 East Main Street, Lexington, KY 40507.	City Hall, 200 East Main Street, Lexington, KY 40507.	Dec. 2, 2016	210067
Massachusetts:					
Essex (FEMA Docket No.: B–1656).	City of Gloucester (16–01–0697P).	The Honorable Sefatia Romeo Theken, Mayor, City of Gloucester, 9 Dale Avenue, Gloucester, MA 01930.	City Hall, 9 Dale Avenue, Gloucester, MA 01930.	Dec. 16, 2016	250082
Essex (FEMA Docket No.: B–1656).	Town of Manchester-by-the-Sea (16–01–0697P).	The Honorable Eli G. Boling, Chairman, Town of Manchester-by-the-Sea, Board of Selectmen, 10 Central Street, Manchester-by-the-Sea, MA 01944.	Town Hall, 10 Central Street, Manchester-by-the-Sea, MA 01944.	Dec. 16, 2016	250090
New Mexico:					
Bernalillo (FEMA Docket No.: B–1656).	City of Albuquerque (16–06–1045P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development and Building Services Division, 600 2nd Street Northwest, Albuquerque, NM 87103.	Dec. 13, 2016	350002
Santa Fe (FEMA Docket No.: B–1656).	City of Santa Fe (16–06–2549P).	The Honorable Javier M. Gonzales, Mayor, City of Santa Fe, P.O. Box 909, Santa Fe, NM 87501.	Land Use Department, Technical Review Division, 200 Lincoln Avenue, Santa Fe, NM 87501.	Dec. 19. 2016	350070
North Carolina:					
Alamance (FEMA Docket No.: B–1656).	Unincorporated areas of Alamance County (15–04–9829P).	The Honorable Eddie Boswell, Chairman, Alamance County Board of Commissioners, 124 West Elm Street, Burlington, NC 27253.	Alamance County Inspections and Address Department, 215 North Graham Hopedale Road, Burlington, NC 27217.	Dec. 8, 2016	370001
Graham (FEMA Docket No.: B–1656).	Unincorporated areas of Graham County (16–04–4666P).	The Honorable Jacob Nelms, Chairman, Graham County Board of Commissioners, 12 North Main Street, Robbinsville, NC 28771.	Graham County Emergency Services Division, 70 West Fort Hill Road, Robbinsville, NC 28771.	Dec. 16. 2016	370105
McDowell (FEMA Docket No.: B–1656).	Unincorporated areas of McDowell County (16–04–3711P).	The Honorable David N. Walker, Chairman, McDowell County Board of Commissioners, 60 East Court Street, Marion, NC 28752.	McDowell County Health Department, 408 Spaulding Road, Marion, NC 28752.	Dec. 14, 2016	370148
Randolph (FEMA Docket No.: B–1656).	Unincorporated areas of Randolph County (16–04–3349P).	The Honorable Darrell Frye, Chairman, Randolph County Board of Commissioners, 725 McDowell Road, Ashboro, NC 27205.	Randolph County Planning and Zoning Department, 201 East Academy Street, Ashboro, NC 27203.	Dec. 14, 2016	370195
Wake (FEMA Docket No.: B–1656).	Town of Holly Springs (16–04–1838P).	The Honorable Richard G. Sears, Mayor, Town of Holly Springs, P.O. Box 8, Holly Springs, NC 27540.	Engineering Department, 128 South Main Street, Holly Springs, NC 27540.	Dec. 29, 2016	370403
Wake (FEMA Docket No.: B–1649).	Unincorporated areas of Wake County (16–04–1268P).	The Honorable James West, Chairman, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, 336 Fayetteville Street, Raleigh, NC 27601.	Nov. 21, 2016	370368
Wake (FEMA Docket No.: B–1656).	Unincorporated areas of Wake County (16–04–1838P).	The Honorable James West, Chairman, Wake County Board of Commissioners, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, 336 Fayetteville Street, Raleigh, NC 27601.	Dec. 29, 2016	370368
Oklahoma: Oklahoma (FEMA Docket No.: B–1649).	City of Oklahoma City (16–06–0948P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	City Hall, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	Dec. 9. 2016	405378
Pennsylvania:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Adams (FEMA Docket No.: B–1660).	Township of Hamilton (16–03–0904P).	The Honorable Stephanie Egger, Chair, Township of Hamilton Board of Supervisors, 272 Mummerts Church Road, Abbottstown, PA 17301.	Township Hall, 272 Mummerts Church Road, Abbottstown, PA 17301.	Dec. 20, 2016	420002
Allegheny (FEMA Docket No.: B–1656).	City of Pittsburgh (16–03–0541P).	The Honorable William Peduto, Mayor, City of Pittsburgh, CityCounty Building, Room 512, 414 Grant Street, Pittsburgh, PA 15219.	City County Building, 414 Grant Street, Pittsburgh, PA 15219.	Dec. 19, 2016	420063
Mercer (FEMA Docket No.: B–1649).	Borough of Grove City (16–03–0874P).	The Honorable Randy L. Riddle, Mayor, Borough of Grove City, 123 West Main Street, Grove City, PA 16127.	Borough Municipal Building, 123 West Main Street, Grove City, PA 16127.	Dec. 1, 2016	420675
Mercer (FEMA Docket No.: B–1649).	Township of Pine (16–03–0874P).	The Honorable Joseph N. Holmes, Chairman, Township of Pine Board of Supervisors, 545 Barkeyville Road, Grove City, PA 16127.	Township Municipal Building, 545 Barkeyville Road, Grove City, PA 16127.	Dec. 1, 2016	422284
South Carolina:					
Charleston (FEMA Docket No.: B–1656).	Town of Mount Pleasant (16–04–2610P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning and Development Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Dec. 8, 2016	455417
Charleston (FEMA Docket No.: B–1649).	Town of Sullivan's Island (16–04–5272P).	The Honorable Patrick O'Neil, Mayor, Town of Sullivan's Island, P.O. Box 427, Sullivan's Island, SC 29482.	Town Hall, 2050 B Middle Street, Sullivan's Island, SC 29482.	Dec. 1, 2016	455418
Charleston (FEMA Docket No.: B–1656).	Unincorporated areas of Charleston County (16–04–2610P).	The Honorable J. Elliott Summey, Chairman, Charleston County Council, 4045 Bridgeview Drive, Suite B254, North Charleston, SC. 29405.	Charleston County Building Inspection Services Division, 4045 Bridgeview Drive North Charleston, SC. 29405.	Dec. 8, 2016	455413
Texas:					
Bexar (FEMA Docket No.: B–1649).	City of San Antonio, (16–06–2460P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Dec. 1, 2016	480045
Bexar (FEMA Docket No.: B–1656).	Unincorporated areas of Bexar County (16–06–1257P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	Dec. 6, 2016	1 480035
Bexar (FEMA Docket No.: B–1649).	Unincorporated areas of Bexar County (16–06–2349P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos La Trinidad Street, Suite 420, San Antonio, TX 78207.	Nov. 29, 2016	480035
Collin (FEMA Docket No.: B–1656).	City of McKinney (16–06–2498P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75069.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Dec. 12, 2016	480135
El Paso (FEMA Docket No.: B–1656).	City of El Paso (16–06–0755P).	The Honorable Oscar Leeser, Mayor, City of El Paso, 300 North Campbell Street, El Paso, TX 79901.	Development Department, 801 Texas Avenue, El Paso, TX 79901.	Dec. 1, 2016	480194
Tarrant (FEMA Docket No.: B–1656).	City of Colleyville (16–06–1876P).	The Honorable Richard Newton, Mayor, City of Colleyville, 100 Main Street, Colleyville, TX 76034.	City Hall, 100 Main Street, Colleyville, TX 76034.	Dec. 22, 2016	480590
Travis (FEMA Docket No.: B–1656).	Village of Bee Cave (16–06–0812P).	The Honorable Caroline Murphy, Mayor, Village of Bee Cave, 400 Galleria Parkway, Bee Cave, TX 78738.	Department of Planning and Development, 400 Galleria Parkway, Bee Cave, TX 78738.	Dec. 2, 2016	481610
Williamson (FEMA Docket No.: B–1656).	City of Leander (16–06–0760P).	The Honorable Christopher Fielder, Mayor, City of Leander, P.O. Box 319, Leander, TX 78641.	Engineering Department, 200 West Willis Street, Leander, TX 78641.	Dec. 9, 2016	481536
Texas: Wilson (FEMA Docket No.: B–1656).	City of La Vernia (16–06–0558P).	The Honorable Robert Gregory, Mayor, City of La Vernia, P.O. Box 225, La Vernia, TX 78121.	City Hall, 102 East Chihuahua Street, La Vernia, TX 78121.	Dec. 8, 2016	481050
Utah:					
Utah (FEMA Docket No.: B–1656).	City of Saratoga Springs (16–08–0597P).	The Honorable Jim Miller, Mayor, City of Saratoga Springs, 1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045.	City Hall, 1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045.	Dec. 19, 2016	490250
Utah (FEMA Docket No.: B–1656).	Unincorporated areas of Utah County (16–08–0597P).	The Honorable Larry Ellertson, Chairman, Utah County Board of Commissioners, 100 East Center Street, Suite 2300, Provo, Utah 84606.	Utah County Community Development Department, 100 East Center Street, Provo, Utah 84606.	Dec. 19, 2016	495517
Virginia:					
Arlington (FEMA Docket No.: B–1656).	Unincorporated areas of Arlington County (15–03–3059P).	Mr. Mark Schwartz, Manager, Arlington County, 2100 Clarendon Boulevard, Suite 302, Arlington, VA 22201.	Arlington County Department of Environmental Services, 2100 Clarendon Boulevard, Suite 813, Arlington, VA 22201.	Dec. 2, 2016	515520
Loudoun (FEMA Docket No.: B–1656).	Town of Leesburg (16–03–2150P).	The Honorable David Butler, Mayor, Town of Leesburg, 25 West Market Street, Leesburg, VA 20176.	Department of Plan Review, 25 West Market Street, Leesburg, VA 20176.	Dec. 16, 2016	510091

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Roanoke (FEMA Docket No.: B–1649).	Unincorporated areas of Roanoke County (16–03–0403P).	Mr. Thomas C. Gates, Roanoke County Administrator, 5204 Bernard Drive, Suite 402, Roanoke, VA 24018.	Roanoke County Administration Center, 5204 Bernard Drive, Roanoke, VA 24018.	Dec. 2, 2016	510190
Rockingham (FEMA Docket No.: B–1660).	Unincorporated areas of Rockingham County (16–03–2085P).	The Honorable William B. Kyger, Jr., Chairman, Rockingham County Board of Supervisors, 20 East Gay Street, Harrisonburg, VA 22802.	Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, VA 22802.	Dec. 23, 2016	510133

[FR Doc. 2017–04830 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Arkansas:					
Drew (FEMA Docket No.: B–1660).	City of Monticello (16–06–1501P).	The Honorable Zackery Tucker, Mayor, City of Monticello, P.O. Box 505, Monticello, AR 71655.	City Hall, 203 West Gaines Street, Monticello, AR 71655.	Jan. 12, 2017	050074
Drew (FEMA Docket No.: B–1660).	Unincorporated areas of Drew County (16–04–1501P).	The Honorable Robert Akin, Drew County Judge, 210 South Main Street, Monticello, AR 71655.	Drew County Courthouse, 210 South Main Street, Monticello, AR 71655.	Jan. 12, 2017	050430
Colorado: Larimer (FEMA Docket No.: B–1660).	City of Fort Collins (16–08–0420P).	The Honorable Wade Troxell, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	Jan. 5, 2017	080102
Connecticut: Fairfield (FEMA Docket No.: B–1660).	City of Stamford (16–01–1994P).	The Honorable David Martin, Mayor, City of Stamford, 888 Washington Boulevard, Stamford, CT 06904.	City Hall, 888 Washington Boulevard, Stamford, CT 06904.	Jan. 11, 2017	090015

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Florida:					
Collier (FEMA Docket No.: B–1660).	City of Marco Island (16–04–6989P).	The Honorable Bob Brown, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Building Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	Jan. 19, 2017	120426
Collier (FEMA Docket No.: B–1656).	City of Naples (16–04–6553P).	The Honorable Bill Barnett, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Jan, 4, 2017	125130
Collier (FEMA Docket No.: B–1660).	City of Naples (16–04–6987P).	The Honorable Bill Barnett, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	Jan. 19, 2017	125130
Duval (FEMA Docket No.: B–1660).	City of Jacksonville (16–04–3215P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Division, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	Dec. 30, 2016	120077
Duval (FEMA Docket No.: B–1660).	City of Jacksonville (16–04–6150P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Division, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	Jan. 11, 2017	120077
Lake (FEMA Docket No.: B–1656).	City of Fruitland Park (16–04–6296X).	The Honorable Chris Bell, Mayor, City of Fruitland Park, 506 West Berckman Street, Fruitland Park, FL 34731.	Building Department, 506 West Berckman Street, Fruitland Park, FL 34731.	Dec. 28, 2016	120387
Lee (FEMA Docket No.: B–1660).	Unincorporated areas of Lee County (16–04–7007P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Building Department, 1500 Monroe Street, Fort Myers, FL 33901.	Jan. 23, 2017	125124
Manatee (FEMA Docket No.: B–1656).	Unincorporated areas of Manatee County (16–04–5342P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Building and Development Services Division, 1112 Manatee Avenue West, Bradenton, FL 34205.	Dec. 27, 2016	120153
Monroe (FEMA Docket No.: B–1660).	City of Key West (16–04–6755P).	The Honorable Craig Cates, Mayor, City of Key West, P.O. Box 1409, Key West, FL 33041.	Building Department, 3140 Flagler Avenue, Key West, FL 33040.	Jan. 19, 2017	120168
Monroe (FEMA Docket No.: B–1660).	Unincorporated areas of Monroe County (16–04–7359P).	The Honorable Heather Carruthers, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	Jan. 20, 2017	125129
Orange (FEMA Docket No.: B–1660).	City of Orlando (16–04–5876P).	The Honorable Buddy W. Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32802.	Public Works Department, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	Jan. 20, 2017	120186
Orange (FEMA Docket No.: B–1660).	Unincorporated areas of Orange County (16–04–2773P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Department, 4200 South John Young Parkway, Orlando, FL 32839.	Jan. 23, 2017	120179
Osceola (FEMA Docket No.: B–1660).	Unincorporated areas of Osceola County (16–04–2860P).	The Honorable Viviana Janer, Chair, Osceola County Board of Commissioners, 1 Courthouse Square, Suite 1400, Kissimmee, FL 34741.	Osceola County Community Development Department, 1 Courthouse Square, Suite 1100, Kissimmee, FL 34741.	Jan. 20, 2017	120189
Louisiana: St. Tammany (FEMA Docket No.: B–1660).	City of Mandeville (16–06–1792P).	The Honorable Donald J. Villere, Mayor, City of Mandeville, 3101 East Causeway Approach, Mandeville, LA 70448.	Planning Department, 3101 East Causeway Approach, Mandeville, LA 70448.	Jan. 13, 2017	220202
Massachusetts:					
Barnstable (FEMA Docket No.: B–1665).	Town of Sandwich (16–01–1204P).	The Honorable Susan James, Chair, Town of Sandwich Board of Selectmen, 130 Main Street, Sandwich, MA 02563.	Building Department, 16 Jan Sebastian Drive, Sandwich, MA 02563.	Jan. 9, 2017	250012
Essex (FEMA Docket No.: B–1660).	Town of Manchester-by-the-Sea (16–01–1155P).	The Honorable Eli G. Boling, Chairman, Town of Manchester-by-the-Sea, Board of Selectmen, 10 Central Street, Manchester-by-the-Sea, MA 01944.	Town Hall, 10 Central Street, Manchester-by-the-Sea, MA 01944.	Jan. 2, 2017	250090
Suffolk (FEMA Docket No.: B–1660).	City of Boston (16–01–1699P).	The Honorable Martin J. Walsh, Mayor, City of Boston, 1 City Hall Square, Suite 500, Boston, MA 02201.	Environment Department, 1 City Hall Square, Suite 709, Boston, MA 02201.	Jan. 6, 2017	250286
Mississippi:					
Madison (FEMA Docket No.: B–1660).	City of Madison (16–04–6373P).	The Honorable Mary Hawkins Butler, Mayor, City of Madison, P.O. Box 40 Madison, MS 39110.	Community Development Department, 1004 Madison Avenue, Madison, MS 39110.	Jan. 20, 2017	280229
Madison (FEMA Docket No.: B–1660).	Pearl River Valley Water Supply District (16–04–6373P).	Mr. Jack Winstead, President, Pearl River Valley Water Supply District Board of Directors, 115 Madison Landing Circle, Ridgeland, MS 39158.	Building Department, 1864 Spillway Road, Brandon, MS 39047.	Jan. 20, 2017	280338
Madison (FEMA Docket No.: B–1660).	Unincorporated areas of Madison County (16–04–6373P).	The Honorable Trey Baxter, Chairman, Madison County Board of Supervisors, P.O. Box 608, Canton, MS 39046.	Madison County Planning and Zoning Department, 125 West North Street, Canton, MS 39046.	Jan. 20, 2017	280228
Montana: Mineral (FEMA Docket No.: B–1656).	Unincorporated areas of Mineral County (16–08–0230P).	The Honorable Roman Zylawy, Chairman, Mineral County Board of Commissioners, 300 River Street, Superior, MT 59872.	Mineral County Government Office, 300 River Street, Superior, MT 59872.	Dec. 29, 2016	300159
New Hampshire:					
Hillsborough (FEMA Docket No.: B–1660).	Town of Amherst (16–01–1614P).	Mr. James M. O'Mara, Jr., Town Administrator, Town of Amherst, P.O. Box 960, Amherst, NH 03031.	Planning Department, 2 Main Street, Amherst, NH 03031.	Jan. 13, 2017	330081

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Hillsborough (FEMA Docket No.: B–1660).	Town of Hudson (16–01–1111P).	The Honorable Rick Maddox, Chairman, Town of Hudson Board of Selectmen, 12 School Street, Hudson, NH 03051.	Town Hall, 12 School Street, Hudson, NH 03051.	Jan. 19, 2017	330092
New Mexico: Dona Ana (FEMA Docket No.: B–1665).	Unincorporated areas of Dona Ana County (16–06–3875P).	The Honorable Wayne Hancock, Chairman, Dona Ana County Board of Commissioners, 845 North Motel Boulevard, Las Cruces, NM 88007.	Dona Ana County, Flood Commission Department, 845 North Motel Boulevard, Las Cruces, NM 88007.	Jan. 13, 2017	350012
North Carolina: Mecklenburg (FEMA Docket No.: B–1656).	City of Charlotte (15–04–3179P).	The Honorable Jennifer Roberts, Mayor, City of Charlotte, 600 East 4th Street, 15th Floor, Charlotte, NC 28202.	Charlotte-Mecklenburg Stormwater Services Division, 2145 Suttle Avenue, Charlotte, NC 28208.	Jan 2. 2017	370159
Oklahoma:					
Craig (FEMA Docket No.: B–1649).	City of Vinita (16–06–1321P).	The Honorable Ronnie Starks, Mayor, City of Vinita, 104 East Illinois Avenue, Vinita, OK 74301.	City Hall, 104 East Illinois Avenue, Vinita, OK 74301.	Jan. 6, 2017	400050
Craig (FEMA Docket No.: B–1649).	Unincorporated areas of Craig County (16–06–1321P).	The Honorable H.M. "Bud" Wyatt, Craig County Associate District Judge, 210 West Delaware Avenue, Vinita, OK 74301.	Craig County Courthouse, 210 West Delaware Avenue, Vinita, OK 74301.	Jan. 6, 2017	400540
Oklahoma (FEMA Docket No.: B–1660).	City of Oklahoma City (16–06–1439P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, Oklahoma City, OK 73102.	Public Works Department, 420 West Main Street, Oklahoma City, OK 73102.	Jan. 23, 2017	405378
Pennsylvania:					
Bucks (FEMA Docket No.: B–1660).	Borough of New Hope (16–03–1928P).	Mr. John Burke, Manager, Borough of New Hope, 123 New Street, New Hope, PA 18938.	Borough Hall, 123 New Street, New Hope, PA 18938.	Jan. 12, 2017	420195
Chester (FEMA Docket No.: B–1656).	Township of East Whiteland (16–03–0517P).	Mr. John Nagel, Manager, Township of East Whiteland, 209 Conestoga Road, Frazer, PA 19355.	Municipal Building, 209 Conestoga Road, Frazer, PA 19355.	Dec. 28, 2016	420279
York (FEMA Docket No.: B–1660).	Township of Lower Chanceford (16–03–2040P).	The Honorable David Glenn, Chairman, Township of Lower Chanceford, Board of Supervisors, 4120 Delta Road, Airville, PA 17302.	Lower Chanceford Township Hall, 4120 Delta Road, Airville, PA 17302.	Jan. 23, 2017	420930
York (FEMA Docket No.: B–1660).	Township of Peach Bottom (16–03–2040P).	The Honorable Janet L. Wiley, Chair, Township of Peach Bottom Board of Supervisors, 6880 Delta Road, Delta, PA 17314.	Peach Bottom Municipal Office Building, 6880 Delta Road, Delta, PA 17314.	Jan. 23, 2017	422229
South Carolina: Charleston (FEMA Docket No.: B–1656).	Town of Mount Pleasant (16–04–6229P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning and Development Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Dec. 29, 2016	455417
Texas:					
Bexar (FEMA Docket No.: B–1656).	City of San Antonio (16–06–1242P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Dec. 30, 2016	480045
Bexar (FEMA Docket No.: B–1660).	City of San Antonio (16–06–1641P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Jan. 11, 2017	480045
Bexar (FEMA Docket No.: B–1668).	Unincorporated areas of Bexar County (16–06–2426P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	Dec. 27, 2016	480035
Bexar (FEMA Docket No.: B–1660).	Unincorporated areas of Bexar County (16–06–2962P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	Jan. 11, 2017	480035
Collin (FEMA Docket No.: B–1660).	City of McKinney (16–06–1250P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Jan. 9, 2017	480135
Collin (FEMA Docket No.: B–1660).	City of McKinney (16–06–1435P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Jan. 2, 2017	480135
Collin (FEMA Docket No.: B–1660).	City of McKinney (16–06–2050P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Jan. 9, 2017	480135
Collin (FEMA Docket No.: B–1660).	Unincorporated areas of Collin County (16–06–1435P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Jan. 2, 2017	480130
Denton (FEMA Docket No.: B–1656).	City of Corinth (16–06–2195P).	The Honorable Bill Heidemann, Mayor, City of Corinth, 2027 Vintage Circle, Corinth, TX 76210.	Planning and Development Department, 3300 Corinth Parkway, Corinth, TX 76208.	Jan 5, 2017	481143

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Denton (FEMA Docket No.: B–1656).	City of Denton (16–06–2195P).	The Honorable Chris A. Watts, Mayor, City of Denton, 215 East McKinney Street, Denton, TX 76201.	Engineering Department, 901–A Texas Street, Denton, TX 76509.	Jan 5, 2017	480194
Harris (FEMA Docket No.: B–1665).	City of Houston (16–06–0816P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.	Jan. 20, 2017	480296
Harris (FEMA Docket No.: B–1665).	Unincorporated areas of Harris County (16–06–0816P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Jan. 20, 2017	480287
Montgomery (FEMA Docket No.: B–1665).	City of Conroe (16–06–1603P).	The Honorable Toby Powell, Mayor, City of Conroe, P.O. Box 3066, Conroe, TX 77305.	Department of Public Works, 300 West Davis Street, Conroe, TX 77301.	Jan. 11, 2017	480484
Montgomery (FEMA Docket No.: B–1660).	City of Conroe (16–06–2103P).	The Honorable Toby Powell, Mayor, City of Conroe, P.O. Box 3066, Conroe, TX 77305.	Department of Public Works, 300 West Davis Street, Conroe, TX 77301.	Jan. 19, 2017	480484
Tarrant (FEMA Docket No.: B–1660).	City of Fort Worth (16–06–1438P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 1000 Throckmorton Street, Fort Worth, TX 76102.	Jan. 19, 2017	480596
Utah:					
Iron (FEMA Docket No.: B–1665).	City of Cedar City (16–08–0339P).	The Honorable Maile Wilson, Mayor, City of Cedar City, 10 North Main Street, Cedar City, UT 84720.	City Hall, 10 North Main Street, Cedar City, UT 84720.	Jan. 5, 2017	490074
Weber (FEMA Docket No.: B–1656).	City of Ogden (16–08–0099P).	The Honorable Michael P. Caldwell, Mayor, City of Ogden, 2549 Washington Boulevard, Suite 910, Ogden, UT 84401.	City Hall, 2549 Washington Boulevard, Ogden, UT 84401.	Dec. 27, 2016	37 490189
Weber (FEMA Docket No.: B–1656).	Unincorporated areas of Weber County (16–08–0099P).	The Honorable Kerry W. Gibson, Chairman, Weber County Commission, 2380 Washington Boulevard, Suite 360, Ogden, UT 84401.	Weber County Government Building, 2380 Washington Boulevard, Ogden, UT 84401.	Dec. 27, 2016	490187
Virginia:					
Fairfax (FEMA Docket No.: B–1656).	Unincorporated areas of Fairfax County (16–03–0196P).	Mr. Edward L. Long, Jr., Fairfax County Executive, 12000 Government Center Parkway, Fairfax, VA 22035.	Fairfax County Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, VA 22035.	Jan 2, 2017	515525
Independent City (FEMA Docket No.: B–1660).	City of Hampton (16–03–1592P).	The Honorable Donnie R. Tuck, Mayor, City of Hampton, 22 Lincoln Street, Hampton, VA 23669.	Public Works Division, 22 Lincoln Street, Hampton, VA 23669.	Jan. 17, 2017	515527
Prince William (FEMA Docket No.: B–1656).	Unincorporated areas of Prince William County (16–03–0196P).	Mr. Christopher E. Martino, Acting Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	Jan 2, 2017	510119

[FR Doc. 2017–04835 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1702]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, part 65 of the Code of Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of map revision	Effective date of modification	Community No.
Alaska: Kenai Peninsula Borough.	City of Homer (17–10–0041P).	The Honorable Bryan Zak, Mayor, City of Homer, 2525 Sterling Highway, Homer, AK 99603.	City of Homer Planning and Zoning Office, 491 East Pioneer Avenue, Homer, AK 99603.	*http://www.msc.fema.gov/lomc*	Mar. 31, 2017	020107
Arizona:						
Maricopa	City of Surprise (16–09–1336P).	The Honorable Sharon Wolcott, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	Public Works Department, 16000 North Civic Center Plaza, Surprise, AZ 85374.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	040053
Pima	Unincorporated Areas of Pima County (16–09–1770P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	*http://www.msc.fema.gov/lomc*	Mar. 21, 2017	040073
Pima	Unincorporated Areas of Pima County (16–09–1863P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	*http://www.msc.fema.gov/lomc*	Apr. 4, 2017	040073
Pinal	City of Coolidge (16–09–1229P).	The Honorable Jon Thompson, Mayor, City of Coolidge, 130 West Central Avenue, Coolidge, AZ 85228.	City Hall, 130 West Central Avenue, Coolidge, AZ 85228.	*http://www.msc.fema.gov/lomc*	May 4, 2017	040082
Pinal	Unincorporated Areas of Pinal County (16–09–1229P).	The Honorable Cheryl Chase, Chair, Board of Supervisors, Pinal County, 135 North Pinal Street, Florence, AZ 85132.	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85132.	*http://www.msc.fema.gov/lomc*	May 4, 2017	040077
California:						
San Diego	City of Escondido (16–09–2974P).	The Honorable Sam Abed, Mayor, City of Escondido, 201 North Broadway, Escondido, CA 92025.	City Hall, 201 North Broadway, Escondido, CA 92025.	*http://www.msc.fema.gov/lomc*	Apr. 18, 2017	060290
San Diego	City of Oceanside (16–09–1302P).	The Honorable Jim Wood, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	*http://www.msc.fema.gov/lomc*	Apr. 13, 2017	060294

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of map revision	Effective date of modification	Community No.
San Diego	Unincorporated Areas of San Diego County (16–09–1695P).	The Honorable Ron Roberts, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	*http://www.msc.fema.gov/lomc*	Mar. 28, 2017	060284
San Diego	Unincorporated Areas of San Diego County (16–09–2974P).	The Honorable Ron Roberts, Chairman, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	*http://www.msc.fema.gov/lomc*	Apr. 18, 2017	060284
San Joaquin	City of Lathrop (16–09–1660P).	The Honorable Sonny Dhaliwal, Mayor, City of Lathrop, 390 Towne Center Drive, Lathrop, CA 95330.	City Hall, 390 Towne Center Drive, Lathrop, CA 95330.	*http://www.msc.fema.gov/lomc*	Apr. 19, 2017	060738
San Joaquin	Unincorporated Areas of San Joaquin County (16–09–2052P).	The Honorable Moses Zapien, Chairman, Board of Supervisors, San Joaquin County, 44 North San Joaquin Street, Suite 627, Stockton, CA 95202.	San Joaquin County, Stockton Courthouse, 222 East Weber Avenue, Stockton, CA 95202.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	060299
Ventura	Unincorporated Areas of Ventura County (16–09–2395P).	The Honorable Kathy I. Long, Chair, Board of Supervisors, Ventura County, 800 South Victoria Avenue, Ventura, CA 93009.	Ventura County, Hall of Administration, 800 South Victoria Avenue, Ventura, CA 93009.	*http://www.msc.fema.gov/lomc*	May 4, 2017	060413
Hawaii: Maui	Maui County (16–09–2405P).	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, Kalana O Maui Building, 9th Floor, Wailuku, HI 96793.	County of Maui Planning Department, 2200 Main Street, Suite 315, Wailuku, HI 96793.	*http://www.msc.fema.gov/lomc*	Apr. 27, 2017	150003
Illinois: McLean	Unincorporated Areas of McLean County (15–05–5246P).	The Honorable John McIntyre, Chairman, McLean County Board, 115 East Washington Street, Room 401, Bloomington, IL 61701.	McLean County, Building and Zoning Department, 115 East Washington Street, Room M102, Bloomington, IL 61701.	*http://www.msc.fema.gov/lomc*	Apr. 28, 2017	170931
Iowa:						
Woodbury	City of Sioux City (16–07–1823P).	The Honorable Bob Scott, Mayor, City of Sioux City, P.O. Box 447, Sioux City, IA 51102.	City Hall, Planning Division, 405 6th Street, Sioux City, IA 51102.	*http://www.msc.fema.gov/lomc*	Apr. 7, 2017	190298
Woodbury	Unincorporated Areas of Woodbury County (16–07–1823P).	Mr. Jeremy Taylor, Woodbury County Chairperson, 620 Douglas Street, Room 104, Sioux City, IA 51101.	Woodbury County Courthouse, Office of Planning and Zoning, 620 Douglas Street, Sioux City, IA 51101.	*http://www.msc.fema.gov/lomc*	Apr. 7, 2017	190536
Michigan: Bay	City of Bay City (16–05–5551P).	The Honorable Kathleen L. Newsham, Mayor, City of Bay City, 409 North Linn Street, Bay City, MI 48706.	City Hall, 301 Washington Avenue, Bay City, MI 48708.	*http://www.msc.fema.gov/lomc*	Mar. 10, 2017	260020
Nevada:						
Clark	City of Henderson (17–09–0011P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	*http://www.msc.fema.gov/lomc*	Apr. 28, 2017	320005
Elko	City of Elko (16–09–0367P).	The Honorable Chris J. Johnson, Mayor, City of Elko, 1751 College Avenue, Elko, NV 89801.	Development Department, 1755 College Avenue, Elko, NV 89801.	*http://www.msc.fema.gov/lomc*	Apr. 3, 2017	320010
Ohio: Lucas	City of Toledo (16–05–5662P).	The Honorable Paula Hicks-Hudson, Mayor, City of Toledo, 1 Government Center, Suite 2200, Toledo, OH 43604.	Department of Inspection, 1 Government Center, Suite 1600, Toledo, OH 43604.	*http://www.msc.fema.gov/lomc*	May 5, 2017	395373
Oregon: Washington.	City of Beaverton (16–10–1547P).	The Honorable Denny Doyle, Mayor, City of Beaverton, The Beaverton Building, 12725 Southwest Millikan Way, Beaverton, OR 97005.	Community Development Department, 4755 Southwest Griffith Drive, Beaverton, OR 97005.	*http://www.msc.fema.gov/lomc*	Apr. 7, 2017	410240

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of map revision	Effective date of modification	Community No.
Washington:						
Island	Unincorporated Areas of Island County (16–10–1381P).	The Honorable Richard Hannold, Chair, Island County Commissioners, 1 Northeast 7th Street, Room 214, Coupeville, WA 98239.	Island County Courthouse Annex, 1 Northeast 6th Street, Coupeville, WA 98239.	*http://www.msc.fema.gov/lomc*	Mar. 8, 2017	530312
Island	Unincorporated Areas of Island County (16–10–1641P).	The Honorable Richard Hannold, Chair, Island County Commissioners, 1 Northeast 7th Street Room 214, Coupeville, WA 98239.	Island County Courthouse Annex, 1 Northeast 6th Street, Coupeville, WA 98239.	*http://www.msc.fema.gov/lomc*	Apr. 20, 2017	530312
Wisconsin:						
Dane	City of Verona (16–05–6316P).	The Honorable Jon Hochkammer, Mayor, City of Verona, City Hall, 111 Lincoln Street, Verona, WI 53593.	City Hall, 111 Lincoln Street, Verona, WI 53593.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	550092
Dane	Unincorporated Areas of Dane County (16–05–6316P).	Mr. Joe Parisi, County Executive, Dane County, City County Building, 210 Martin Luther King Jr. Boulevard, Room 421, Madison, WI 53703.	City County Building, 210 Martin Luther King Jr. Boulevard, Room 116, Madison, WI 53703.	*http://www.msc.fema.gov/lomc*	Apr. 14, 2017	550077

[FR Doc. 2017–04897 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4277–DR; Docket ID FEMA–2017–0001]

Louisiana; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana (FEMA–4277–DR), dated August 14, 2016, and related determinations.

DATES: Effective February 24, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, William J. Doran III, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Gerard M. Stolar as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Acting Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–04903 Filed 3–10–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1671]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 12, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1671, to Rick Sacbibit, Chief, Engineering Services

Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Wells County, North Dakota and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 13–08–0104S Preliminary Date: July 8, 2015 and August 19, 2016	
City of Harvey	City Hall, 120 West 8th Street, Harvey, ND 58341.
Unincorporated Areas of Wells County	Wells County Courthouse, 700 Railway Street North, Fessenden, ND 58438.

[FR Doc. 2017–04829 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–B–1670]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 12, 2017.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1670 to Rick Sacbibit, Chief, Engineering Services

Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: February 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Saline County, Kansas and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–07–1996S Preliminary Date: September 30, 2016	
City of Assaria	City Hall, 315 East Main Street, Assaria, KS 67416.
City of Brookville	City Office, 301 North Perry Street, Brookville, KS 67425.
City of Gypsum	City Office, 521 Maple Street, Gypsum, KS 67448.
City of New Cambria	City Hall, 103 South Center Street, New Cambria, KS 67470.
City of Salina	City of Salina Planning and Zoning Department, 300 West Ash Street, Salina, KS 67401.
City of Smolan	Community Center, 320 3rd Street, Smolan, KS 67456.
Unincorporated Areas of Saline County	Saline County Planning and Zoning Department, 300 West Ash Street, Salina, KS 67401.
San Juan County, Washington and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–10–0721S Preliminary Date: August 12, 2016	
Town of Friday Harbor	San Juan Office of Community Development, 135 Rhone Street, Friday Harbor, WA 98250.
Unincorporated Areas of San Juan County	San Juan Office of Community Development, 135 Rhone Street, Friday Harbor, WA 98250.

[FR Doc. 2017–04831 Filed 3–10–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2017–N012; FXES11140400000–178–FF04E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with listed species unless a Federal permit is issued that allows such activities. The Act requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given in **ADDRESSES** by April 12, 2017.

ADDRESSES:

Reviewing Documents: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service Regional Office, Ecological Services, 1875 Century Boulevard, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).

Submitting Comments: If you wish to comment, you may submit comments by any one of the following methods:

- *U.S. mail or hand-delivery:* Fish and Wildlife Service's Regional Office (see above).
- *Email: permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Karen Marlowe, Permit Coordinator, 404–679–7097 (telephone) or 404–679–7081 (fax).

SUPPLEMENTARY INFORMATION: We invite review and comment from local, State, and Federal agencies and the public on applications we have received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. With some exceptions, the Act prohibits activities with listed species unless a Federal permit is issued that allows such activities. The Act requires that we invite public comment before issuing these permits.

Public Availability of Comments

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.

Permit Applications

Permit Application Number: TE 23583B–2

Applicant: Holly K. Ober, University of Florida, Quincy, FL

The applicant requests amendment of her permit to increase the number of Florida bonneted bats (*Eumops floridanus*) that may be radio-tagged or tagged with GPS satellite transmitters from 30 non-reproductive adults to up to 70, and to renew the permit to continue take (work around bat houses and other roost sites, salvage dead bats, capture, handle, identify, collect biological samples, band (or freeze brand), radio-tag, GPS satellite tag, and tag with Passive Integrated Transponder (PIT) tags) Florida bonneted bats while conducting presence/absence surveys, studies to document habitat use, and population monitoring in Florida.

Permit Application Number: TE 61981B–2

Applicant: The Peregrine Fund, Boise, ID.

The applicant requests renewal of their permit to continue take (capture; band; radio-tag; collect blood; collect chest feathers; salvage carcasses, eggshells, and infertile eggs; and treat for parasites) the endangered Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*) in Puerto Rico for scientific research aimed at conservation of the species.

Permit Application Number: TE 41910B–1

Applicant: Scott A. Rush, Mississippi State University, Starkville, MS.

The applicant requests amendment of his permit to add authorization to take (capture with mist nets or harp traps, handle, identify, and release) Virginia big-eared bats (*Corynorhinus* (= *plecotus*) *townsendii virginianus*) for presence/absence surveys in Tennessee, and to add the States of Alabama and Tennessee to his current permit, which authorizes take (capture with mist nets or harp traps, handle, identify, and release) of gray bat (*Myotis grisescens*), Indiana bat (*M. sodalis*), and northern long-eared bat (*M. septentrionalis*) for presence/absence surveys in the State of Mississippi only.

Permit Application Number: TE 35594A–2

Applicant: Alabama Power Company, Birmingham, AL.

The applicant requests renewal of their permit to continue take (capture, identify, and release) of gopher tortoise (*Gopherus polyphemus*), flattened musk turtle (*Sternotherus depressus*), fine-lined pocketbook (*Lampsilis altilis*), Georgia pigtoe (*Pleurobema hanleyianum*), southern clubshell (*P. decisum*), southern pigtoe (*P. georgianum*), cylindrical lioplax (*Lioplax cyclostomaformis*), interrupted rocksnail (*Leptoxis foremani*), painted rocksnail (*L. taeniata*), rough hornsnail (*Pleurocera foremani*), and tulotoma (*Tulotoma magnifica*) while conducting presence/absence surveys, and take (cavity and nest monitoring) of red-cockaded woodpecker (*Picoides borealis*) for population monitoring throughout the State of Alabama.

Permit Application Number: TE 16616C–0

Applicant: Thomas E. Nupp, Arkansas Tech University, Russellville, AR.

The applicant requests a permit to take (enter nesting colony, monitor nests, float eggs, capture chicks, and band chicks) interior least terns (*Sterna antillarum*) for the purpose of calculating nest survival, chick survival, and fledgling rates in the Arkansas River Valley, Arkansas.

Permit Application Number: TE 48579B–2

Applicant: Ecological Solutions, Inc. Roswell, GA.

The applicant requests amendment of their permit to add the following States to their permit to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair

samples, band, radio-tag, light-tag, swab, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*M. grisescens*) and northern long-eared bats (*M. septentrionalis*) while conducting presence/absence surveys, studies to document habitat use, population monitoring, and white-nose syndrome surveillance: Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Permit Application Number: TE 18119C–0

Applicant: Joey A. Weber, Candler, NC.

The applicant requests a permit to take (enter hibernacula or maternity roost caves, salvage dead bats, capture with mist nets or harp traps, handle, identify, collect hair samples, band, radio-tag, light-tag, swab, and wing-punch) Indiana bats (*Myotis sodalis*), gray bats (*M. grisescens*), northern long-eared bats (*M. septentrionalis*), and Virginia big-eared bats (*Corynorhinus* (= *plecotus*) *townsendii virginianus*) while conducting presence/absence surveys, studies to document habitat use, population monitoring, and white-nose syndrome surveillance in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Permit Application Number: TE 56746B–2

Applicant: Joseph S. Johnson, Ohio University, Athens, OH.

The applicant requests amendment of his permit to add authorization to take (capture with mist nets, handle, band, and radio-tag) up to 5 adult Indiana bats (*Myotis sodalis*) in Athens and Hocking counties, Ohio, for scientific research to identify the habitat characteristics associated with reproductive success.

Permit Application Number: TE 18986C–0

Applicant: North Carolina Zoological Park, Asheboro, NC.

The applicant requests a permit to conduct the following activities with the Virgin Islands tree boa (*Epicrates monensis granti*) in St. Thomas, U.S. Virgin Islands: Collect 10 males and 10 females from the wild for holding and captive propagation at the North Carolina Zoo and Fort Worth Zoo to serve as founder stock for future reintroduction efforts and as an assurance colony population; take (capture, handle, PIT-tag, collect blood, clip ventral scales or tail tip, and salvage) all Virgin Islands tree boas encountered in the field while searching for appropriate individuals for the captive propagation program for population monitoring and genetic analyses; and take (capture, handle, radio-tag, and release) up to 10 individuals to study the species' spatial/temporal habitat use.

Permit Application Number: TE 68616B–1

Applicant: Carla Atkinson, Univ. of Alabama, Tuscaloosa, AL.

The applicant requests amendment of her permit to authorize take (relocate into in-stream enclosures, attach individually labeled fishing line) of up to 800 southern clubshells (*Pleurobema decisum*) in the Sipsey River, Alabama, for a 3-month mussel movement and burial preferences study.

Permit Application Number: TE 62778B–1

Applicant: Chanston T. Osborne, Kennesaw, GA.

The applicant requests amendment of his permit to add authorization to take (capture with mist nets and harp traps, handle, identify, band, and attach radio transmitters) gray bats (*Myotis grisescens*) in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, and West Virginia while conducting presence/absence surveys.

Authority: We provide this notice under section 10(c) of the Act.

Dated: February 1, 2017.

Leopoldo Miranda,

Assistant Regional Director, Ecological Services, Southeast Region.

[FR Doc. 2017–04846 Filed 3–10–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0008; FXIA16710900000–178–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before April 12, 2017.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–0008.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0008; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

When submitting comments, please indicate the name of the applicant and the PRT# you are commenting on. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

Viewing Comments: Comments and materials we receive will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

Endangered Species

Applicant: Yerkes National Primate Research Center, Atlanta, GA; PRT–837068

The applicant requests renewal of a permit to take captive-bred sooty mangabeys (*Cercocebus atys*) through limited invasive sampling, including anesthetizing, collecting blood, skin, and bone marrow tissue samples, and MRI scanning usually but not always, during routine veterinary examinations for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: University of Illinois, Brookfield, IL; PRT–203197

The applicant requests a permit to import biological specimens from wild and captive-held grey wolves (*Canis lupus*), bush dog (*Speothos venaticus*), and all cat species (*Felidae*) from any location where individuals from these species may be found for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Forrest Simpson, Bedias, TX; PRT–115344

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Barashingha (*Rucervus duvaucelii*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Stevens Forest Ranch, Sanderson, TX; PRT–13615C

The applicant requests a permit authorizing the culling of excess barasinghas (*Rucervus duvaucelii*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–04868 Filed 3–10–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2017–N005; FXES11140200000–178–FF02ENEH00]

Incidental Take Permit Application Received To Participate in American Burying Beetle Amended Oil and Gas Industry Conservation Plan in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act, as amended (Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an incidental take permit application for the federally listed American burying beetle. The applicant anticipates the take of American burying beetle as a result of impacts to habitat the species uses for breeding, feeding, and sheltering in Oklahoma. The take would be incidental to the applicant's activities associated with oil and gas well field and pipeline infrastructure (gathering, transmission, and distribution), including geophysical exploration (seismic), construction, maintenance, operation, repair, decommissioning, and reclamation. If approved, the permit would be issued under the approved *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.*

DATES: To ensure consideration, written comments must be received on or before April 12, 2017.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicant's Incidental Take Permit (ITP) application by one of the following methods. Please refer to the proposed permit number when requesting documents or submitting comments.

- *U.S. Mail:* U.S. Fish and Wildlife Service, Division of Endangered Species—HCP Permits, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.
- *Electronically: fw2_hcp_permits@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at: U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6034, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.;* Act), we, the U.S. Fish and Wildlife Service, invite the public to comment on an ITP application to take the federally listed American burying beetle (*Nicrophorus americanus*) beetle during oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

If approved, the permit would be issued to the applicant under the *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.* The original ICP was approved on May 21, 2014, and the ''no significant impact'' finding notice was published in the **Federal Register** on July 25, 2014 (79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The ICP and the associated environmental assessment/finding of no significant impact are available on the Web site at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these finalized, approved documents.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies, and the public to comment on the following application under the ICP, for incidentally taking the federally listed American burying beetle. Please refer to the appropriate permit number (*e.g.,* TE–123456) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted with this application are available for review, subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit TE38404B

Applicant: Canyon Creek Energy Operating, LLC, Tulsa, OK.

Applicant requests an amended permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure, geophysical exploration (seismic), and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Comments' Public Availability

Written comments we receive become part of the public record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under the Act, Section 10(c) (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Benjamin N. Tuggle,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2017–04845 Filed 3–10–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV912000 L13400000.PQ0000 LXSS006F0000; MO#4500104656]

Notice of Public Meeting: Bureau of Land Management Nevada Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the Bureau of Land Management (BLM) Nevada will hold a joint meeting of its three Resource Advisory Councils (RACs), the Sierra Front-Northwestern Great Basin RAC, the Northeastern Great Basin RAC, and the Mojave-Southern Great Basin RAC. The meeting is open to the public and a public comment period is scheduled for April 5, 2017.

DATES: The RACs will meet on Tuesday, April 4, 2017, from 1 p.m. to 4:30 p.m.; Wednesday, April 5, 2017, from 8 a.m. to 4:30 p.m.; and Thursday, April 6, 2017, from 8 a.m. to 3:30 p.m. A public comment period will be held on Wednesday, April 5, 2017 at 3:30 p.m. The agenda and additional information will be posted 2 weeks prior to the meeting at *https://on.doi.gov/2kxTU8l.* On Tuesday, April 4, 2017, prior to the Tri-RAC meeting, the recreation, planning, and standards and guides subcommittees of the Mojave-Southern Great Basin RAC will meet from 9 a.m. to 12 p.m.

ADDRESSES: The meetings will be held at the Elko Convention Center, 700 Moren Way, Elko, Nevada. Comments may also be submitted by email to *crose@blm.gov* with the words ''2017 Tri-RAC Comment'' in the subject line. Written comments should be sent to the following address and be received no later than March 21: BLM Nevada Tri-RAC Comments, Attention: Chris Rose, 1340 Financial Boulevard, Reno, Nevada 89502.

FOR FURTHER INFORMATION CONTACT: Chris Rose by telephone at (775) 861–6480, or by email at *crose@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The three 15-member Nevada RACs advise the Secretary of the Interior, through the BLM Nevada State Director, on a variety of planning and management issues associated with public land management in Nevada. Agenda topics include presentations on public lands, wild horses and burros, the Great Basin Landscape Conservation Cooperative, and the National Conservation Lands program. Training conducted during the meeting will include the National Environmental Policy Act, RAC roles

and responsibilities, and media training for RAC members and BLM staff. The meeting will also include closeout reports of the three RACs; breakout meetings of the three RACs and state level subgroups for sage grouse, wild horses and burros and grazing; and scheduling meetings of the individual RACs for the upcoming year. The public may provide written comments to the three RAC groups or to an individual RAC.

Individuals who plan to attend and need further information about the meeting or need special assistance such as sign language interpretation or other reasonable accommodations may contact Chris Rose at the phone number or email address above. Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

Rudy Evenson,

Deputy Chief, Office of Communications.

[FR Doc. 2017–04902 Filed 3–10–17; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22911; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY, at the address in this notice by April 12, 2017.

ADDRESSES: Dr. Rick L. Weathermon, Curator, Human Remains Repository, Department 3431, Anthropology, 1000 East University Avenue, University of Wyoming, Laramie, WY 82071, telephone (307) 314–2035, email *rikw@uwyo.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 Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY. The human remains were removed from the west side of the Miners Point site (HR330), Kodiak Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. 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 Human Remains Repository, Department of Anthropology, University of Wyoming, professional staff in consultation with representatives of the Native Village of Larsen Bay.

History and Description of the Remains

Prior to 1991, human remains representing, at minimum, one individual were removed from the west side of the Miner's Point site (HR330), Kodiak Island, AK, probably by a Rock Springs, WY, physician. By 1991, the human remains had been given to Western Wyoming College in Rock Springs, WY. In October 2016, the University of Wyoming evaluated the NAGPRA status of all human remains in their possession. Following analysis, in December of 2016, the Miner's Point individual (HR330) was formally accessioned into the Human Remains Repository, Department of Anthropology, University of Wyoming. The remains consist of a fragmentary human cranium of a Native American male, over the age of 50. No known individual was identified. No associated funerary objects are present.

The human remains are of an unknown age. The Alutiiq people assert that they have continuously lived on Kodiak Island and the surrounding areas for at least 7,000 years, which is the entire human history of the location. The human remains exhibit skeletal characteristics consistent with an assessment of Alaskan Native.

Determinations Made by the Human Remains Repository, Department of Anthropology, University of Wyoming

Officials of the Human Remains Repository, Department of Anthropology, University of Wyoming have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), no objects are present that are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Native Village of Larsen Bay.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Rick L. Weathermon, Curator, Human Remains Repository, Department 3431, Anthropology, 1000 East University Avenue, University of Wyoming, Laramie, WY 82071, telephone (307) 314–2035, email *rikw@uwyo.edu.by* April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Native Village of Larsen Bay may proceed.

The Human Remains Repository, Department of Anthropology, University

of Wyoming is responsible for notifying the Native Village of Larsen Bay that this notice has been published.

Dated: February 9, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04861 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22834; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, The University of Tulsa, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, The University of Tulsa 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 Department of Anthropology, The University of Tulsa. 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 Department of Anthropology, The University of Tulsa at the address in this notice by April 12, 2017.

ADDRESSES: Dr. Thomas Foster, Department of Anthropology, The University of Tulsa, Harwell Hall, Tulsa, OK 74104, telephone (918) 631–3082, email *thomas-foster@utulsa.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology, The University of Tulsa, Tulsa, OK. The human remains were removed from unknown locations in the state of Oklahoma.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, The University of Tulsa professional staff in consultation with representatives of The Osage Nation (previously listed as the Osage Tribe).

History and Description of the Remains

During an unknown period of time, human remains representing, at minimum, 30 individuals were removed from multiple locations in the state of Oklahoma. In 2015, these human remains were identified in the collection of the Department of Anthropology, The University of Tulsa. The collection of human remains has no credible documentation. They were apparently accumulated over a number of years with varying documentation and association. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Department of Anthropology, The University of Tulsa

Officials of the Department of Anthropology, The University of Tulsa have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on physical indicators of age and condition, associated documentation, cranial morphology, and associated human remains.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 30 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, the land from which the Native American human remains were removed is the aboriginal land of The Osage Nation (previously listed as the Osage Tribe).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of The Osage Nation (previously listed as the Osage Tribe).
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Osage Nation (previously listed as the Osage Tribe).

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Thomas Foster, Department of Anthropology, The University of Tulsa, Harwell Hall, Tulsa, OK 74104, telephone (918) 631–3082, email *thomas-foster@utulsa.edu,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Osage Nation (previously listed as the Osage Tribe) may proceed.

The Department of Anthropology, The University of Tulsa is responsible for notifying 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. 2017–04851 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23004; 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 12, 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

Between 1959 and 1968, Mary and Francis Crane purchased six cultural items from multiple collectors. The six sacred objects are four False Face masks (AC.4167, AC.4392, AC.9720, and AC.9743) and two corn husk masks (AC.8552 and AC.10791). Two False Face masks (AC.4167 and AC.4392) may have been part of a group stolen in 1959 from Onondaga keepers, Andrew Pierce, or his son, Stanley Pierce. Andrew Pierce was known to have sold False Face masks, though the sale, trade, collection, and display of False Face masks and corn husk masks has long been a controversial practice. Erich Kohlberg of Kohlberg's Antiques and Indian Arts obtained AC.4167 from Andrew Pierce on an unknown date, it is unclear whether the mask was purchased or not. The mask was then sold to Mary and Francis Crane on June 10, 1959, and the Cranes donated it to the Denver Museum of Nature & Science (DMNS; then called the Denver Museum of Natural History) in November 1972. Willis G. Tilton of Tilton Relics obtained AC.4392 from Andrew Pierce on an unknown date, it is unclear whether the mask was purchased or not. The mask was then sold to the Cranes on August 22, 1959, the Cranes then donated it to the DMNS on May 27, 1983. The False Face masks (AC.9720 and AC.9743) were purchased by the Cranes on December 15, 1965, from Gerald Fenstermaker, and were donated to the DMNS on May 27, 1983. The corn husk mask (AC.8552) was purchased from Fenstermaker by the Cranes on August 14, 1965, and was donated to the DMNS on May 27, 1983. The corn husk mask (AC.10791) was originally owned by Josephine Hill, a member of the Onondaga Nation born in 1896. Fenstermaker obtained the mask from her and sold it to Mary and Francis Crane on April 5, 1968. The Cranes then donated it to DMNS on May 27, 1983.

Museum accession, catalogue, and documentary records, as well as consultation with representatives of the Onondaga Nation, New York, indicate that the six cultural items are Haudenosaunee, and are from the Onondaga Reservation, New York. The six cultural items relate to the False Face Society and the Corn Husk Mask Society. The False Face masks and the spirits they represent are called Hodo'wi by the Onondaga. These masks are used ceremonially by the False Face Society, a medicine society of the Haudenosaunee. The corn husk masks are associated with the Corn Husk Mask Society and are used in its ceremonies.

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 sacred objects and the Onondaga Nation.

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 12, 2017. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to Onondaga Nation may proceed.

The Denver Museum of Nature & Science is responsible for notifying the Onondaga Nation that this notice has been published.

Dated: February 27, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04855 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22947; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Human Remains Repository, Department of Anthropology, University of Wyoming, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Human Remains Repository, Department of Anthropology, University of Wyoming. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Human Remains Repository, Department of

Anthropology, University of Wyoming, at the address in this notice by April 12, 2017.

ADDRESSES: Dr. Rick L. Weathermon, Curator, Human Remains Repository, Department 3431, Anthropology, 1000 East University Avenue, University of Wyoming, Laramie, WY 82071, telephone (307) 314–2035, email *rikw@uwyo.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY. The human remains and associated funerary objects were removed from an unknown location near Julesburg, Sedgwick County, CO.

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 Human Remains Repository, Department of Anthropology, University of Wyoming, Laramie, WY, professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming. The following tribes were invited to consult but did not participate in consultation: Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

History and Description of the Remains

At some time prior to 1995, human remains representing, at minimum, one individual were removed from an unknown location in near Julesburg, Sedgwick County, CO. The human remains and associated funerary objects were given to an instructor at the University of Wyoming in 1995. That individual transferred the human remains and associated funerary objects to the Human Remains Repository, Department of Anthropology, University of Wyoming, in 1997. The human remains represent a single male individual of American Indian ancestry, over the age of 65 years. The human remains and associated funerary objects are recorded as HR201 in the Human Remains Repository records. No known individual was identified. The four associated funerary objects are one (bison) first rib, one partial leather knife scabbard, one brass wire bracelet, and one lot of leather and fur fragments.

Determinations Made by the Human Remains Repository, Department of Anthropology, University of Wyoming

Officials of the Human Remains Repository, Department of Anthropology, University of Wyoming have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on features of the cranium.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the four objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), 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 the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.

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 Dr. Rick L. Weathermon, Curator, Human Remains Repository, Department 3431, Anthropology, 1000 East University Avenue, University of Wyoming, Laramie, WY 82071, telephone (307) 314–2035, email *rikw@uwyo.edu,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana may proceed.

The Human Remains Repository, Department of Anthropology, University of Wyoming, is responsible for notifying the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana that this notice has been published.

Dated: February 17, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04856 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23006; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nebraska State Historical Society (NSHS) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian

organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the NSHS. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the NSHS at the address in this notice by April 12, 2017.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 471–4789, email *rob.bozell@nebraska.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Nebraska State Historical Society, Lincoln, NE. The human remains were removed from the Linwood site (25BU1) in Butler County, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NSHS professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Pawnee Nation of Oklahoma; and Ponca Tribe of Nebraska.

History and Description of the Remains

At some time before 1973, human remains representing, at minimum, six individuals were removed from the Linwood site (25BU1) in Butler County, NE. The human remains are part of a large collection of archeological material donated by Alfred Ticacek to the Butler County Museum in 1973. In October of 2015, these human remains were discovered in storage at the Butler County Museum, and were given to the NSHS on October 21, 2015. The human remains were examined by a physical anthropologist, who indicated that the human remains are co-mingled, and they lack site feature-specific information. Based on crania and select post-cranial elements, the human remains represent, at minimum, three adults (one male, one female, and one indeterminate with regard to sex) and three children (one infant, one individual about 2 years in age, and one individual between 8 and 10 years in age). No known individuals were identified. No associated funerary objects are present.

The Linwood Site (25BU1) is a major Pawnee earthlodge village and cemetery complex that was occupied during A.D. 1750–1809 and again during A.D. 1850–1853. It is associated principally with the Grand and Republican bands of the Pawnee Confederacy. The affiliation is clearly documented through archeological materials (particularly architecture style, ceramic decoration and Euroamerican trade goods), as well as archival and historic cartographic sources. Human remains and associated funerary objects from the Linwood Site have previously been repatriated by the NSHS to the Pawnee Nation of Oklahoma.

Determinations Made by the Nebraska State Historical Society

Officials of the Nebraska State Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of six individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Pawnee Tribe of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 471–4789, email *rob.bozell@nebraska.gov,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Pawnee Tribe of Oklahoma may proceed.

The NSHS is responsible for notifying the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Pawnee Nation of Oklahoma; and Ponca Tribe of Nebraska that this notice has been published.

Dated: February 27, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04858 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22961; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Museum of Northern Arizona, Flagstaff, AZ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Museum of Northern Arizona has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Museum of Northern Arizona. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these

human remains should submit a written request with information in support of the request to the Museum of Northern Arizona at the address in this notice by April 12, 2017.

ADDRESSES: Elaine Hughes, Museum of Northern Arizona, 3101 North Fort Valley Road, Flagstaff, AZ 86001, telephone (928) 774–5211 x228, email *ehughes@musnaz.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Museum of Northern Arizona, Flagstaff, AZ. The human remains were removed from the Van Liere Site, Maricopa County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Museum of Northern Arizona professional staff in consultation with representatives of the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In January and February of 1978, human remains representing, at minimum, four individuals were removed from the Van Liere site (NA12552) in Maricopa County, AZ, during archeological investigations conducted by the Museum of Northern Arizona. The Van Liere site (NA12552) is a Hohokam settlement in central Arizona, located north of both the community of Liberty and the confluence of the Salt and Gila Rivers. The cremated human remains represent a minimum of four adults of indeterminate sex, and are comprised of one cranial fragment from Area 4, grid square 16 south, 24 west, level 2; one cranial fragment from Trench 436, backdirt 200; two cranial fragments from Trench 447, unit 2, plow zone; and fragments of one cranium, two vertebrae, and three ribs from Trench 444, backdirt 200. No known individuals were identified. No associated funerary objects are present.

Archeological evidence indicates that the Van Liere site (NA12552) was occupied during the period A.D. 950–1150 by the Hohokam people, for whom cremation was a common mortuary practice. Hopi and Zuni oral traditions also indicate that segments of the prehistoric Hohokam population migrated to areas occupied by the ancestors of the Hopi and Zuni, where they were assimilated into the resident populations. Archeological, historical, and oral tradition evidence indicate that there is a relationship of shared group identity between the Hohokam people and present-day Piman and O'odham cultures, which are represented by the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Determinations Made by the Museum of Northern Arizona

Officials of the Museum of Northern Arizona have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of a minimum of 4 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Elaine Hughes, Museum of Northern Arizona, 3101 North Fort Valley Road, Flagstaff, AZ 86001, telephone (928) 774–5211 x228, email *ehughes@musnaz.org,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Museum of Northern Arizona is responsible for notifying the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: February 17, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04854 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23000; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Museum of Northern Arizona, Flagstaff, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Museum of Northern Arizona has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on September 11, 2006. This notice corrects the number of associated funerary objects. 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 Museum of Northern Arizona. 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 Museum of Northern Arizona at the address in this notice by April 12, 2017.

ADDRESSES: Elaine Hughes, Museum of Northern Arizona, 3101 North Fort Valley Road, Flagstaff, AZ 86001, telephone (928) 774–5211 x228, email *ehughes@musnaz.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 correction of an inventory of human remains and associated funerary objects under the control of the Museum of Northern Arizona, Flagstaff, AZ. The human remains and associated funerary objects were removed from the Cashion site (NA14690), Maricopa County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (71 FR 53469–53470, September 11, 2006). These additional associated funerary objects were located during a comprehensive inventory prior to the legal transfer of the Cashion site (NA14690) collections to the ownership of the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (71 FR 53469, September 11, 2006), column 3, paragraph 1, sentence 5, is corrected by substituting the following sentence:

The 800 associated funerary objects are 325 pottery and ceramic fragments; 102 jewelry items and fragments; 1 reed mat; 2 different pieces of cloth; 123 soil, faunal bone, C–14, pollen, and wood samples; and 247 tools and implements.

In the **Federal Register** (71 FR 53470, September 11, 2006), column 1, paragraph 1, sentence 2, is corrected by replacing the number ''796'' with the number ''800.''

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 Elaine Hughes, Museum of Northern Arizona, 3101 North Fort Valley Road, Flagstaff, AZ 86001, telephone (928) 774–5211 x228, email *ehughes@musnaz.org,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak-Chin Indian Community (previously listed as the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Museum of Northern Arizona is responsible for notifying the Ak-Chin Indian Community (previously listed as the Ak-Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: February 23, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04853 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22865; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Fish and Wildlife Service, Southeast Region, Hardeeville, SC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service, Southeast Region (USFWS–SER) 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 USFWS–SER. 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 USFWS–SER at the address in this notice by April 12, 2017.

ADDRESSES: Richard S. Kanaski, Regional Historic Preservation Officer & Regional Archaeologist, Savannah Coastal Refuges, Office of the Regional Archaeologist, 694 Beech Hill Lane, Hardeeville, SC 29927–8958, telephone (843) 784–6310, email *richard_kanaski@fws.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the USFWS–SER, Hardeeville, SC. The human remains and associated funerary objects were removed from Limestone and Morgan Counties, AL, and Decatur County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). 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 Office of the Regional Archaeologist's professional staff in consultation with representatives of The Chickasaw Nation, Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma. The Coushatta Tribe of Louisiana and The Muscogee (Creek) Nation were invited to participate, but declined.

History and Description of the Remains

In 1979, human remains representing, at minimum, one individual were removed from site 40DR7 in Decatur County, TN. This one fragmentary human femur was removed during a general surface collection. Based upon the artifact assemblage recovered during the surface collection, site 40DR7 appeared to have been occupied during the Late Archaic, Middle Woodland, Late Woodland, and the Historic Periods. No known individual was identified. No associated funerary objects are present.

In 1953, human remains representing, at a minimum, three individuals, were removed from site 1LI48 in Limestone County, AL, during salvage excavations of the eroding shell midden. Based upon the recovered artifact assemblage, site 1LI48 was occupied during the Late Archaic through Late Woodland Periods. No known individuals were identified. No associated funerary objects are present.

In 1953, human remains representing, at a minimum, one individual, were removed from site 1MG107 in Morgan County, AL during salvage excavation of the eroding shell midden. Based upon the artifact assemblage, site 1MG107 was occupied during the Early Archaic through the Middle Woodland Periods. No known individual was identified. No associated funerary objects are present.

In 1969, human remains representing, at a minimum, seven individuals, were removed from site 1MG74 in Morgan County, AL during salvage excavations. The site was identified during Alabama Highway's construction of Interstate 65 across Wheeler National Wildlife Refuge and the Tennessee River.Site 1MG74 dates to the Early-Middle Woodland Periods. No known individuals were identified. No associated funerary objects are present.

In 1997, human remains representing, at a minimum, four individuals, were removed from site 1MG39 in Morgan County, AL as part of a federal law enforcement investigation of an archeological resource violation. Site 1MG39 was occupied at least as early as the Early Archaic [7000–8000 B.C.] and into the Mississippian Period [A.D. 1000]. The bulk of the occupation occurs during the Woodland Period [300 B.C.–A.D. 900]. No known individuals were identified. The 21 associated funerary objects include one left White-tailed deer scapular fragment, 10 UID mammal diaphyseal fragments, 1 UID turtle carapace fragment, 4 UID shell fragments, 1 sandstone abrader fragment, and 4 sand-temper plain ceramic sherds.

Determinations Made by the U.S. Fish and Wildlife Service, Southeast Region

Officials of the U.S. Fish and Wildlife Service, Southeast Region have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 16 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 21 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.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation, 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 may be jointly to The Chickasaw Nation, Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Richard S. Kanaski, Regional Historic Preservation Officer & Regional Archaeologist, Savannah Coastal Refuges, Office of the Regional Archaeologist, 694 Beech Hill Lane, Hardeeville, South Carolina 29927–8958, telephone (843) 784–6310, email *richard_kanaski@fws.gov,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation, Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The U.S. Fish and Wildlife Service, Southeast Region is responsible for notifying The Chickasaw Nation, Cherokee Nation, Eastern Band of Cherokee Indians, 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. 2017–04852 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23005; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nebraska State Historical Society, Lincoln, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nebraska State Historical Society (NSHS) 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 NSHS. 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 NSHS at the address in this notice by April 12, 2017.

ADDRESSES: Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 471–4789, email *rob.bozell@nebraska.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 Nebraska State Historical Society, Lincoln, NE. The human remains were removed from the Woodcliff site (25SD31) in Saunders County, NE.

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 NSHS professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; and Ponca Tribe of Nebraska.

History and Description of the Remains

In April of 2002, human remains representing, at minimum, two individuals were removed from the Woodcliff Archeological Site (25SD31) in Saunders County, NE. The human remains, which belong to two adults of undetermined age and sex, were removed from two adjacent but separate rectangular grave features. The human remains were discovered during county road construction. Construction was halted, and the NSHS was contacted to remove the human remains. The human remains were examined by a physical anthropologist, but are too fragmentary to determine biological affinity. No known individuals were identified. The 270 associated funerary objects include: Two white clay pipe bowl fragments, one ceramic body sherd, one daub, 262 glass trade beads, one lot of fragmented leather, one metal knife blade, one metal handle, and one lot of copper stained soil. The associated funerary objects date to the same time period as a documented Oto village at this location (A.D. 1750–1770).

In the late 1960s, human remains representing, at minimum, one individual, were removed from the Woodcliff site (25SD31) in Saunders County, NE. The human remains were given to The Valley Community Historical Society in Valley, NE, by Darwin Jorgenson. In 2004, The Valley Community Historical Society gave the human remains and associated funerary objects to the NSHS. The human remains were examined by a physical anthropologist, who determined they are most likely from a Native American female between 20–24 years of age. The 594 associated funerary objects include: 556 glass trade beads, one lot of coal, one copper ring, three copper bangles, one metal key, one copper pot, one unknown metal item with adhering glass beads, four unknown metal fragments, 10 pemmican pieces, eight textile fragments, two bone or wooden comb fragments, and six wood fragments.

The Woodcliff Site (25SD31) is a Native American village and cemetery complex that was occupied around A.D. 1700–1800 based on the archeological material recovered (particularly native-made ceramics and Euroamerican trade goods). The ceramics are most similar to Pawnee wares, although it is known that the Oto moved to eastern Nebraska in the early 1700s, were in close contact with the Pawnee, and made Pawnee-like ceramics. By the mid-1700s, the Pawnee were living in a series of villages located between 50 and 100 miles to the west of Woodcliff, and the Oto were living in the immediate vicinity of the Woodcliff area. Human remains and associated funerary objects from the Woodcliff Site (25SD31) have previously been repatriated by the NSHS to the Otoe-Missouria Tribe of Indians, Oklahoma.

Determinations Made by the Nebraska State Historical Society

Officials of the Nebraska State Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 864 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 Otoe-Missouria Tribe of Indians, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Rob Bozell, Nebraska State Historical Society, P.O. Box 82554, Lincoln, NE 68501, telephone (402) 471–4789, email *rob.bozell@nebraska.gov,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Otoe-Missouri Tribe of Indians, Oklahoma may proceed.

The NSHS is responsible for notifying the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Iowa Tribe of Kansas and Nebraska; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; and Ponca Tribe of Nebraska that this notice has been published.

Dated: February 27, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04857 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22959; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Ouachita National Forest, Hot Springs, AR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, Ouachita National Forest, 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 Ouachita National Forest. 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 Ouachita National Forest at the address in this notice by April 12, 2017.

ADDRESSES: Norman Wagoner, Forest Supervisor, U.S. Forest Service, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71901, telephone (501) 321–5202, email *nwagoner@fs.fed.us.*

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 Ouachita National Forest, Hot Springs, AR. The human remains and associated funerary objects were removed from McCurtain County, OK.

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 Ouachita National Forest professional staff in consultation with representatives of Caddo Nation of Oklahoma and Choctaw Nation of Oklahoma.

History and Description of the Remains

Between March 1997 and April 2005, human remains representing, at minimum, 8 individuals were removed from sites 34Mc254, 34Mc665, 34Mc762, and 34Mc898 in McCurtain County, OK. These human remains were removed during archeological excavations conducted on private land owned by the Weyerhauser Company. Under terms of a programmatic agreement with the Weyerhauser Company, the human remains and associated funerary objects are under the control of Ouachita National Forest. Dr. Terrance J. Martin, Curator and Chair of Anthropology, Illinois State Museum, Research and Collections Center, thoroughly examined the human remains, along with all associated excavation notes. No known individuals were identified. No associated funerary objects are present. Based on the available information and evidence, the human remains from sites 34Mc254, 34Mc665, 34Mc762, and 34Mc898 are culturally affiliated with Caddo Nation of Oklahoma.

Between March 1997 and April 2005, human remains representing, at minimum, 3 individuals were removed from sites 34Mc590 and 34Mc733 in McCurtain County, OK. These human remains were removed during archeological excavations conducted on private land owned by the Weyerhauser Company. Under terms of a programmatic agreement with the Weyerhauser Company, the human remains and associated funerary objects are under the control of the U.S. Forest Service, Ouachita National Forest. Dr. Terrance J. Martin, Curator and Chair of Anthropology, Illinois State Museum, Research and Collections Center, thoroughly examined the human remains, along with all associated excavation notes. No known individuals were identified. No associated funerary objects are present. Based on archeological evidence, the human remains from sites 34Mc590 and 34Mc733 are culturally affiliated with The Choctaw Nation of Oklahoma.

Between March 1997 and April 2005, human remains representing, at minimum, 1 individual were removed from site 34Mc850 in McCurtain County, OK. These human remains were removed during archeological excavations conducted on private land owned by the Weyerhauser Company. Under terms of a programmatic agreement with the Weyerhauser Company, the human remains and associated funerary objects are under the control of Ouachita National Forest. Dr. Terrance J. Martin, Curator and Chair of Anthropology, Illinois State Museum, Research and Collections Center, thoroughly examined the human remains, along with all associated excavation notes. No known individual was identified. No associated funerary objects are present. Based on archeological evidence, the human remains from site 34Mc850 are culturally affiliated with Caddo Nation of Oklahoma and The Choctaw Nation of Oklahoma.

Determinations Made by Ouachita National Forest

Officials of Ouachita National Forest, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of a minimum of 12 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects removed from sites 34Mc254, 34Mc665, 34Mc762, and 34Mc898 and Caddo Nation of Oklahoma.
- 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 removed from sites 34Mc590 and 34Mc733 and The Choctaw Nation of Oklahoma.
- 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 removed from site 34Mc850 and Caddo Nation of Oklahoma and The Choctaw 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 Norman Wagoner, Forest Supervisor, U.S. Forest Service, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71901, telephone (501) 321–5202, email *nwagoner@fs.fed.us,* by April 12, 2017.

After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Caddo Nation of Oklahoma and The Choctaw Nation of Oklahoma may proceed.

Ouachita National Forest is responsible for notifying Caddo Nation of Oklahoma and The Choctaw Nation of Oklahoma that this notice has been published.

Dated: February 17, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04849 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22999; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Diego Museum of Man, San Diego, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The San Diego Museum of Man has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on January 27, 2016. This notice corrects the minimum number of individuals and number of associated funerary objects. 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 San Diego Museum of Man. 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 San Diego Museum of Man at the address in this notice by April 12, 2017.

ADDRESSES: Ben Garcia, Deputy Director, San Diego Museum of Man, 1350 El Prado, San Diego, CA 92101, telephone (619) 239–2001 ext. 17, email *bgarcia@museumofman.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 correction of an inventory of human remains and associated funerary objects under the control of the San Diego Museum of Man, San Diego, CA. The human remains and associated funerary objects were removed from various locations in the La Jolla area of San Diego, San Diego County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (81 FR 4650–4651, January 27, 2016). The correction is being made as a re-inventory discovered more human remains and associated funerary objects linked with the archeological sites listed in the previous Notice of Inventory Completion. Also, additional consultation with the Kumeyaay Nation determined that these archeological sites are considered entirely cemetery sites based on traditional Kumeyaay burial practices. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (81 FR 4650, January 27, 2016), column 2, paragraph 3, sentence 4, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by substituting the following sentence:

The 283 associated funerary objects are 9 metates, 20 manos, 8 mortars, 17 stone pestles, 1 arrow shaft straightener, 2 stone pendants, 2 stone bowl fragments, 1 fire-effected modified stone, 1 round stone (possible weight), 2 heating stones, 2 donut stones, 6 hammerstones, 1 weight, 2 battered stones, 22 arrows, 2 dart points, 1 reamer, 1 fragment of a chert blade, 2 chert flakes, 12 cores, 17 core tools, 15 utilized flakes, 15 flakes, 6 lots of flakes, 7 soil samples, 11 ecofacts, 5 stones, 7 ceramic pottery fragments, 5 lots of sherds, 1 wood pestle, 6 unmodified shells, 8 shell pendants, 5 shell disks, 1 abalone fish hook, 14 lots of assorted shell, 3 bone awls, 13 unmodified faunal bones, 18 lots of faunal remains, 1 piece of metal, and 11 olivella shell beads.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, before paragraph 1, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' insert the following paragraphs:

On an unknown date, human remains representing, at minimum, 1 individual were removed from the vicinity of site CA–SDI–39 (W–1) or site CA–SDI–18307 (W–2). These human remains lack specific information on the date of collection/donation, name of the collector, or collection documentation beyond their association with sites CA–SDI–39 (W–1) or CA–SDI–18307 (W–2). No known individual was identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, 7 individuals were removed from site CA–SDI–18307 (W–2). These human remains lack specific information on the date of collection/donation, name of the collector, or collection documentation beyond their association to site CA–SDI–18307 (W–2). No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, 11 individuals were removed from the La Jolla Shores site (CA–SDI–18307 (W–2)) and are believed to have been collected by George Carter. These human remains lack specific collection documentation beyond their association to site CA–SDI–18307 (W–2). No known individuals were identified. No associated funerary objects are present.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, paragraph 1, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by substituting the following paragraph:

Between 1929 and 1945, human remains representing, at minimum, 3 individuals were removed from site CA–SDI–4670 (W–5) by Malcolm J. Rogers on behalf of the San Diego Museum of Man as a part of salvage archeology operations. No known individuals were identified. The 126 associated funerary objects are 4 metates, 15 manos, 1 scraper/plane, 1 pestle, 10 battered stones, 15 cores, 28 core tools, 18 utilized flakes, 6 flakes, 4 lot of unworked flakes, 1 hammerstone, 2 bone arrow points, 1 dart point, 1 dart point fragment, 2 lots of shell, 1 modified shell, 3 biface tools, 4 unmodified faunal bones, 3 lots of unmodified faunal bone, 2 lots of ecofacts, 1 lot of tourmaline, 1 soil sample, 1 reamer, and 1 lot of 110 olivella shell beads.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, paragraph 2, sentence 1, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by replacing the number ''1'' with the number ''4'' .

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, paragraph 3, sentence 3, under the heading

''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by substituting the following sentence:

The 192 associated funerary objects include 1 chopper, 12 manos, 1 metate, 1 mortar, 1 stone pestle, 1 stone pendant, 1 dart, 1 lot of modified stone, 4 cores, 4 flakes, 10 lots of unworked flakes, 20 battered stones, 3 arrows, 3 arrow fragments, 1 shell, 14 lots of shell, 4 unmodified faunal bones, 6 lots of unmodified faunal bone, 2 unmodified stones, 1 peach pit, 2 lots of unmodified stone, 2 soil samples, 30 utilized flakes, 5 olivella shell beads, 2 olivella shells, 1 lot of 309 olivella shell beads, 42 core tools, 1 protothaca shell, 13 lots of mixed earth, stone, shell, and faunal bone, 2 pieces of fire affected wood, and 1 piece of stone.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, paragraph 4, sentence 1, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by replacing the number ''2'' with the number ''3''.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, before paragraph 5, under the heading ''History and Description of the Human Remains and Associated Funerary Objects'', insert the following paragraph:

In 1949, human remains representing, at minimum, 1 individual were collected from the Scripps Plateau site (CA–SDI–525 (W–9)) by Al Allanson. No known individuals were identified. The 3 associated funerary objects are 1 discoidal and 2 manos.

On an unknown date, human remains representing, at minimum, 1 individual were removed from site CA–SDI–525 (W–9). These human remains lack specific information on the date of collection/donation, name of the collector, or collection documentation beyond their association with site CA–SDI–525 (W–9). No known individual was identified. No associated funerary objects are present.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, paragraph 5, sentence 4, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by substituting the following sentence:

The 470 associated funerary objects are 4 metates 41 manos, 1 scraper plane, 3 donut stones, 1 abrader, 61 battered stone tools, 66 cores, 76 core tools, 87 utilized flakes, 4 flakes, 29 lots of unworked flakes, 5 biface tools, 1 arrow, 2 ceramic fragments, 1 olivella shell bead, 20 lots of unworked shell, 14 pieces of modified faunal bone, 1 piece of burnt bone, 5 unmodified faunal bones, 13 lots of faunal bone, 22 lots of ecofacts, 1 piece of metal, 1 piece of red ceramic, 5 soil samples, and 6 lots of unworked stone.

In the **Federal Register** (81 FR 4650, January 27, 2016), column 3, paragraph 6, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by substituting the following paragraph:

From 1947 to 1948, human remains representing, at minimum, 14 individuals were collected from site CA–SDI–4669 (W–12) during San Diego Museum of Man field work, possibly done by H. T. Cain and George Carter. No known individuals were identified. The 57 associated funerary objects are 1 piece of unmodified faunal bone, 1 piece of metal, 4 battered stones, 4 utilized flakes, 6 stones, 1 core tools, 2 bone awls, 1 ring stone, 24 flakes, and 13 shells.

In the **Federal Register** (81 FR 4651, January 27, 2016), column 1, before paragraph 2, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' insert the following paragraphs:

In 1956, human remains representing at minimum, 11 individuals were recovered due to construction on the William H. Black Estate, site (CA–SDI–4669 (W–12)). These human remains lack specific information on the date of donation, name of the collector, or collection documentation beyond their association with site CA–SDI–4669 (W–12). No known individuals were identified. The 95 associated funerary objects are 29 manos, 1 metate, 5 cores, 4 core tools, 9 utilized flakes, 6 lots of unworked flakes, 19 battered stones, 1 olivella shell bead, 5 lots of unmodified shell, 2 lots of unmodified faunal bone, 2 soil samples, 9 lots of stone, 1 tile sherd, 1 lot of ceramic debris, and 1 ceramic sherd.

In 1976, human remains representing, at minimum, 9 individuals were removed by Dr. Jason Smith of Cal State Northridge and analyzed by Dr. Gail Kennedy of the University of California, Los Angeles, during a joint field school excavation class. The primary location for this excavation was the William H. Black Estate site (CA–SDI–4669 (W–12)), but collection documentation indicates that some work may have been done at the adjacent site CA–SDI–4670 (W–5) during this same field school collection. At an unknown date, these human remains were transferred to the San Diego Museum of Man. No known individuals were identified. The 10 associated funerary objects are 10 lots of faunal remains.

On an unknown date, human remains representing, at minimum, 13 individuals were removed from an unknown location. These human remains lack specific information on the date of collection/donation, name of the collector, or collection documentation beyond a general designation of prehistoric La Jollan, a classification previously used for individuals excavated from sites CA–SDI–39 (W–1), CA–SDI–18307 (W–2), CA–SDI–4670 (W–5), CA–SDI–525 (W–9), or CA–SDI–4669 (W–12). No known individuals were identified. No associated funerary objects are present.

In the **Federal Register** (81 FR 4651, January 27, 2016), column 1, paragraph 2, under the heading ''History and Description of the Human Remains and Associated Funerary Objects,'' is corrected by substituting the following paragraph:

These sites were originally identified by Malcolm J. Rogers. Excavations from these sites were conducted by Rogers, as well as numerous other individuals, including many former San Diego Museum of Man staff. Many of these excavations occurred while Rogers was employed by the San Diego Museum of Man. These sites are all located within well-known and documented aboriginal territories of the Kumeyaay Nation. Based on a systematic review of collection documentation, bio-cultural and archeological evidence, geographic location, ethnographic information, and oral history evidence, these remains have been identified as Native American.

In the **Federal Register** (81 FR 4651, January 27, 2016), column 1, paragraph 4, under the heading ''Determinations made by the San Diego Museum of Man,'' is corrected by replacing the number ''66'' with the number ''135''.

In the **Federal Register** (81 FR 4651, January 27, 2016), column 1, paragraph 5, under the heading ''Determinations made by the San Diego Museum of Man,'' is corrected by replacing the number ''82'' with the number ''1,239''.

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 Ben Garcia, Deputy Director, San Diego Museum of Man, 1350 El Prado, San Diego, CA 92101, telephone (619) 239–2001 ext. 17, email *bgarcia@museumofman.org,* by April 12, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California); Ewiiaapaayp Band of Kumeyaay Indians, California; Iipay Nation of Santa Ysabel, California (previously listed as the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation); Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the

Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; and Sycuan Band of the Kumeyaay Nation (hereinafter referred to as the Kumeyaay Nation) may proceed.

The San Diego Museum of Man is responsible for notifying the Kumeyaay Nation that this notice has been published.

Dated: February 23, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–04850 Filed 3–10–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–989]

Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same; Commission Determination Not To Review an Initial Determination Amending the Complaint and Notice of Investigation To Reflect a Corporate Name Change

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''the Commission'') has determined not to review an initial determination (''ID'') (''Order No. 32'') amending the complaint and notice of investigation to reflect a corporate name change.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3427. 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, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: On March 14, 2016, the Commission instituted this investigation based on a complaint filed by Nautilus Hyosung Inc. of Seoul, Republic of Korea, and Nautilus Hyosung America Inc. of Irving, Texas (collectively, ''Nautilus''). 81 FR 13419 (Mar. 14, 2016). The complaint alleges violations of Section 337 based upon the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain automated teller machines, ATM modules, components thereof, and products containing the same by reason of infringement of claims 1–3 and 5 of U.S. Patent No. 7,891,551 (''the '551 patent''); claims 1 and 6 of U.S. Patent No. 7,950,655 (''the '655 patent''); claims 1–4, 6, and 7 of U.S. Patent No. 8,152,165 (''the '165 patent''); and claims 1–3, 6, 8, and 9 of U.S. Patent No. 8,523,235 (''the '235 patent''). *Id.* The Commission's Notice of Investigation named as respondents Diebold, Incorporated and Diebold Self-Service Systems (collectively, ''Diebold''), both of North Canton, OH. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. The asserted claims of the '551, '165, and '655 patents have been withdrawn from this investigation. *See* Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation in Part as to U.S. Patent Nos. 7,891,551 and 8,152,165 (July 27, 2016); Commission Determination Not to Review an Initial Determination Terminating the Investigation in Part as to U.S. Patent No. 7,950,655 (Aug. 16, 2016).

On February 6, 2017, the administrative law judge issued Order No. 32, the subject ID, which granted an unopposed motion filed by Nautilus to amend the complaint and the Commission's Notice of Investigation to reflect a corporate name change ''such that the name Diebold, Incorporated be amended to recite Diebold Nixdorf, Incorporated.'' No petitions for review of the subject ID were filed. After consideration, the Commission has determined not to review the subject ID.

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 8, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04887 Filed 3–10–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Semiconductor Devices and Consumer Audiovisual Products Containing the Same, DN 3200* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Broadcom Corporation on March 7, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for

importation, and the sale within the United States after importation of certain semiconductor devices and consumer audiovisual products containing the same. The complaint names as respondents MediaTek Inc. of Taiwan; MediaTek USA Inc. of San Jose, CA; MStar Semiconductor Inc. of Taiwan; Sigma Designs, Inc. of Fremont, CA; LG Electronics Inc. of Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, NJ; Funai Electric Company, Ltd. of Japan; Funai Corporation, Inc. of Rutherford, NJ; P&F USA, Inc. of Alpharetta, GA; and Vizio, Inc. of Irvine, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3200'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 7, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04836 Filed 3–10–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mirrors with Internal Illumination and Components Thereof, DN 3202*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Electric Mirror, LLC and Kelvin 42 LLC on March 8, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mirrors with internal illumination and components thereof. The complaint names as respondents Aptations, Inc. of Dublin, CA; Foundation Art Services, Inc. of Deerfield Beach, FL; Lumidesign Inc. of Canada; Majestic Mirrors & Frame, LLC of Miami, FL; and Project Light, LLC of Stow, OH. The complainants request that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3202'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 8, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04905 Filed 3–10–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1334–1337 (Final)]

Emulsion Styrene-Butadiene Rubber From Brazil, Korea, Mexico, and Poland; Scheduling of the Final Phase of Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731–TA–1334–1337 (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 emulsion styrene-butadiene rubber from Brazil, Korea, Mexico, and Poland, provided for in subheading 4002.19.00 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 24, 2017.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (*nathanael.comly@usitc.gov;* (202) 205–3174), 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 investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled,[1] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that imports of emulsion styrene-butadiene rubber from Brazil, Korea, Mexico, and Poland 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 investigations were requested in a petition filed on July 21, 2016, by Lion Elastomers LLC (Port Neches, Texas) and East West Copolymer, LLC (Baton Rouge, Louisiana).

For further information concerning the conduct of this phase of the investigations, 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 investigations 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 these investigations 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 investigations 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 investigations.

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 these investigations available to authorized applicants under the APO issued in the investigations, 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 investigations. A party granted access to BPI in the preliminary phase of the investigations 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 these investigations will be placed in the nonpublic record on June 15, 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 these investigations beginning at 9:30 a.m. on Thursday, June 29, 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 June 23, 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 June 26, 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 June 22, 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 July 7, 2017. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before July 7, 2017. On July 28, 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 1, 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 investigations must be served on all other parties to the investigations (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: These investigations are 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.

Issued: March 7, 2017.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04825 Filed 3–10–17; 8:45 am]

BILLING CODE 7020–02–P

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as cold-polymerized emulsion styrene-butadiene rubber (ESB rubber). This includes, but is not limited to, ESB rubber in primary forms, bales, granules, crumbs, pellets, powders, plates, sheets, strip, etc. ESB rubber consists of non-pigmented rubbers and oil-extended non-pigmented rubbers, both of which contain at least one percent of organic acids from the emulsion polymerization process. For a full description of the scope of these investigations, including product exclusions, see *Emulsion Styrene-Butadiene Rubber From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 11538, February 24, 2017.

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Non-Volatile Memory Devices and Products Containing Same, DN 3199;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Macronix International Co., Ltd. and Macronix America, Inc. on March 7, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain non-volatile memory devices, and products containing same. The complaint names as respondents Toshiba Corporation of Japan; Toshiba America, Inc. of New York, NY; Toshiba America Electronic Components, Inc. of Irvine, CA; Toshiba America Information Systems, Inc. of Irvine, CA; and Toshiba Information Equipment (Philippines), Inc. of the Philippines. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3199'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

Issued: March 7, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–04790 Filed 3–10–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Siemens Healthcare Diagnostics, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before May 12, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 14, 2016, Siemens Healthcare Diagnostics, Inc., Attn: RA, 100 GBC Drive, Mailstop 514, Newark, Delaware 19702 applied to be registered as a bulk manufacturer of Ecgonine (9180) a basic class of controlled substance listed in schedule II.

The company plans to produce the listed controlled substance in bulk to be used in the manufacture of DEA exempt products.

Dated: March 6, 2017.

Louis J. Milione,

Assistant Administrator.

[FR Doc. 2017–04875 Filed 3–10–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0058]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Currently Approved Collection; National Incident-Based Reporting System (NIBRS)

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 12, 2017.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension, with change of a currently approved collection.

2. *The Title of the Form/Collection:* National Incident-Based Reporting System.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1110–0058. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, county, state, tribal and federal law enforcement agencies.

Abstract: Under U.S. Code, Title 28, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials, June 11, 1930; Public Law 109–177 (H.R. 3199), March 9, 2006, USA Patriot Improvement and Reauthorization Act of 2005; Public Law 110–457, Title II, Section 237(a), (b), December 23, 2008, the William Wilberforce Trafficking Victims Reauthorization Act of 2008, and Matthew Shepard Hate Crimes Prevention Act, April 28, 2009, this collection requests Incident data from city, county, state, tribal and federal law enforcement agencies in order for the FBI UCR Program to serve as the national clearinghouse for the collection and dissemination of incident data and to publish these statistics in Crime in the United States, Hate Crime Statistics, and Law Enforcement Officers Killed and Assaulted. NIBRS is an incident-based reporting system in which law enforcement collects data on each crime occurrence. Designed to be generated as a byproduct of local, state, and federal automated records systems, currently, the NIBRS collects data on each incident and arrest within 24 crime categories made up of 52 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, various facts about the crime are collected. In addition to the Group A offenses, there are 10 Group B offense categories for which only arrest data are reported. The most significant

difference between NIBRS and the traditional Summary Reporting System (SRS) is the degree of detail in reporting. In reporting data via the traditional SRS, law enforcement agencies tally the occurrences of eight Part I crimes. NIBRS is capable of producing more detailed, accurate, and meaningful data because data are collected about when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators. Although most of the general concepts for collecting, scoring, and reporting UCR data in the SRS apply in the NIBRS, such as jurisdictional rules, there are some important differences in the two systems. The most notable differences that give the NIBRS an advantage over the SRS are: No Hierarchy Rule, in a multiple-offense incident NIBRS reports every offense occurring during the incident where SRS would report just the most serious offense and the lower-listed offense would not be reported; NIBRS provides revised, expanded, and new offense definitions; NIBRS provides more specificity in reporting offenses, using NIBRS offense and arrest data for 24 Group A offense categories can be reported while in the SRS eight Part I offenses can be reported; NIBRS can distinguish between attempted and completed Group A crimes; NIBRS also provides crimes against society while the SRS does not; the victim-to-offender data, circumstance reporting, drug related offenses, offenders suspected use of drugs, and computer crime is expanded in NIBRS; the NIBRS update reports are directly tied to the original incident submitted. The Group A offense categories include animal cruelty, arson, assault offenses, bribery, burglary/breaking and entering, counterfeiting/forgery, destruction/damage/vandalism of property, drug/narcotic offenses, embezzlement, extortion/blackmail, fraud offenses, gambling offenses, homicide offenses, human trafficking, kidnapping/abduction, larceny/theft offenses, motor vehicle theft, pornography/obscene material, prostitution offenses, robbery, sex offenses, sex offenses/nonforcible, stolen property offenses, and weapon law violations. The Group B offense categories include bad checks, curfew/loitering/vagrancy violations, disorderly conduct, DUI, drunkenness, family offenses/nonviolent, liquor law violations, peeping tom, trespass of real property, and all other offenses. Beginning in 2019, the NIBRS will also collect additional data values to capture data on domestic violence, cargo theft, and negligent manslaughter.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 6,648 law enforcement agencies. The amount of time estimated for an average respondent to respond is two hours monthly which totals to an annual hour burden of 24 hours. The two hours to respond is the time it takes for the agencies records management system (RMS) to download the NIBRS and send to the FBI. By design, law enforcement agencies generate NIBRS data as a by-product of their RMS. Therefore, a law enforcement agency builds its system to suit its own individual needs, including all of the information required for administration and operation; then forwards only the data required by the NIBRS to participate in the FBI UCR Program.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 159,552 hours, annual burden, associated with this information collection. The total number of respondents is 6,648 with a total annual hour burden of 24 hours ($6{,}648 \times 24 = 159{,}552$ total annual hours).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: March 8, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–04871 Filed 3–10–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Agency Information Collection Activities; Request for Comments; Revision of the BJS Confidentiality Pledge

AGENCY: Bureau of Justice Statistics, U.S. Department of Justice.

ACTION: Notice.

SUMMARY: The Bureau of Justice Statistics (BJS), a component of the Office of Justice Programs (OJP) in the U.S. Department of Justice (DOJ), is seeking comments on revisions to the confidentiality pledge it provides to its respondents. These revisions are required by the passage and implementation of provisions of the federal Cybersecurity Enhancement Act of 2015, which requires the Secretary of the Department of Homeland Security (DHS) to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. More details on this announcement are presented in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Comments are encouraged and will be accepted for 60 days until May 12, 2017.

ADDRESSES: Questions about this notice should be addressed to the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, ATTN: Devon Adams, 810 7th Street NW., Washington, DC 20531 (email: *Devon.Adams@usdoj.gov;* telephone: 202–307–0765 (this is not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Allina Lee by telephone at 202–305–0765 (this is not a toll-free number); by email at *Allina.Lee@usdoj.gov;* or by mail or courier to the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, ATTN: Allina Lee, 810 7th Street NW., Washington, DC 20531. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

SUPPLEMENTARY INFORMATION:

I. Abstract

Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, employment, health, investments, taxes, and a host of other significant topics. Most federal surveys are completed on a voluntary basis. Respondents, ranging from businesses to households to institutions, may choose whether or not to provide the requested information. Many of the most valuable federal statistics come from surveys that ask for highly sensitive information such as proprietary business data from companies or particularly personal information or practices from individuals. BJS protects all personally identifiable information collected under its authority under the confidentiality provisions of 42 U.S.C. 3789(g). Strong and trusted confidentiality and exclusively statistical use pledges under 42 U.S.C. 3789(g) and similar statutes are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies.

Under statistical confidentiality protection statutes, federal statistical agencies make statutory pledges that the information respondents provide will be

seen only by statistical agency personnel or their agents and will be used only for statistical purposes. These statutes protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from legal process. Moreover, many of these statutes carry monetary fines and/or criminal penalties for conviction of a knowing and willful unauthorized disclosure of covered information. Any person violating the confidentiality provisions of 42 U.S.C. 3789(g) may be punished by a fine of up to $10,000, in addition to any other penalties imposed by law.

As part of the Consolidated Appropriations Act for Fiscal Year 2016 (Pub. L. 114–113) signed on December 17, 2015, the Congress included the Federal Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. 151). This act, among other provisions, permits and requires the Secretary of Homeland Security to provide federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. The technology currently used to provide this protection against cyber malware is known as Einstein 3A. Einstein 3A electronically searches internet traffic in and out of federal civilian agencies in real time for malware signatures.

When such a signature is found, the internet packets that contain the malware signature are shunted aside for further inspection by DHS personnel. Because it is possible that such packets entering or leaving a statistical agency's information technology system may contain a small portion of confidential statistical data, statistical agencies can no longer promise their respondents that their responses will be seen only by statistical agency personnel or their agents. However, federal statistical agencies can promise, in accordance with provisions of the Federal Cybersecurity Enhancement Act of 2015, that such monitoring can be used only to protect information and information systems from cybersecurity risks, thereby, in effect, providing stronger protection to the integrity of the respondents' submissions.

Consequently, with the passage of the Federal Cybersecurity Enhancement Act of 2015, the federal statistical community has an opportunity to welcome the further protection of its confidential data offered by DHS' Einstein 3A cybersecurity protection program. The DHS cybersecurity program's objective is to protect federal civilian information systems from malicious malware attacks. The federal statistical system's objective is to endeavor to ensure that the DHS Secretary performs those essential duties in a manner that honors the statistical agencies' statutory promises to the public to protect their confidential data. DHS and the federal statistical system have been successfully engaged in finding a way to balance both objectives and achieve these mutually reinforcing objectives.

However, pledges of confidentiality made pursuant to 42 U.S.C. 3789(g) and similar statutes assure respondents that their data will be seen only by statistical agency personnel or their agents. Because it is possible that DHS personnel could see some portion of those confidential data in the course of examining the suspicious Internet packets identified by Einstein 3A sensors, statistical agencies are revising their confidentiality pledges to reflect this process change. Therefore, BJS is providing this notice to alert the public to these confidentiality pledge revisions in an efficient and coordinated fashion.

II. Method of Collection

The following is the revised statistical confidentiality pledge for applicable BJS data collections, with the new line added to address the new cybersecurity monitoring activities bolded for reference only:

''*The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 42 U.S.C. 3732. BJS is dedicated to maintaining the confidentiality of your personally identifiable information, and will protect it to the fullest extent under federal law. BJS, BJS employees, and BJS data collection agents will use the information you provide for statistical or research purposes only, and will not disclose your information in identifiable form without your consent to anyone outside of the BJS project team. All personally identifiable data collected under BJS's authority are protected under the confidentiality provisions of 42 U.S.C. 3789g, and any person who violates these provisions may be punished by a fine up to $10,000, in addition to any other penalties imposed by law.* ***Further, per the Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.*** *For more information on the federal statutes, regulations, and other authorities that govern how BJS, BJS employees, and BJS data collection agents collect, handle, store, disseminate, and protect your information, see the BJS Data Protection Guidelines—(https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf).*''

The following listing shows the current BJS Paperwork Reduction Act (PRA) OMB numbers and information collection titles whose confidentiality pledges will change to reflect the statutory implementation of DHS' Einstein 3A monitoring for cybersecurity protection purposes.

OMB control No.	Information collection title
1121–0094	Deaths in Custody Reporting Program.
1121–0065	National Corrections Reporting Program.

Affected Public: Survey respondents to applicable BJS information collections.

Total Respondents: Unchanged from current collection.

Frequency: Unchanged from current collection.

Total Responses: Unchanged from current collection.

Average Time per Response: Unchanged from current collection.

Estimated Total Burden Hours: Unchanged from current collection.

Estimated Total Cost: Unchanged from current collection.

BJS has also added information about the Cybersecurity Enhancement Act and Einstein 3A to the BJS Data Protection Guidelines to provide more details to interested respondents about the new cybersecurity monitoring requirements. The following text has been added to Section V. Information System Security and Privacy Requirements:

''*The Cybersecurity Enhancement Act of 2015 (codified in relevant part at 6 U.S.C. 151) required the Department of Homeland Security (DHS) to provide cybersecurity protection for federal civilian agency information technology systems and to conduct cybersecurity screening of the Internet traffic going in and out of these systems to look for viruses, malware, and other cybersecurity threats. DHS has implemented this requirement by instituting procedures such that, if a potentially malicious malware signature were found, the Internet packets that contain the malware signature would be further inspected, pursuant to any required legal process, to identify and mitigate the cybersecurity threat. In accordance with the Act's provisions, DHS conducts these cybersecurity screening activities solely to protect federal information and information systems from cybersecurity risks. To*

comply with the Act's requirements and to increase the protection of information from cybersecurity threats, OJP facilitates, through the DOJ Trusted Internet Connection and DHS's EINSTEIN 3A system, the inspection of all information transmitted to and from OJP systems including, but not limited to, respondent data collected and maintained by BJS.''

The Census Bureau collects data on behalf of BJS for BJS's National Crime Victimization Survey (NCVS) and its supplements. These collections are protected under Title 13 U.S.C. 9. The Census Bureau issued a **Federal Register** notice (FRN) to revise its confidentiality pledge language to address the new cybersecurity screening requirements (new line bolded for reference only):

''*The U.S. Census Bureau is required by law to protect your information. The Census Bureau is not permitted to publicly release your responses in a way that could identify you.* ***Per the Federal Cybersecurity Enhancement Act of 2015, your data are protected from cybersecurity risks through screening of the systems that transmit your data.***''

The following listing includes the BJS information collections that are administered by the Census Bureau whose confidentiality pledge will be revised.

OMB control No.	Information collection title
1121–0111	NCVS.
1121–0184	School Crime Supplement to the NCVS.
1121–0317	Identity Theft Supplement to the NCVS.
1121–0260	Police Public Contact Supplement to the NCVS.
1121–0302	Supplemental Victimization Survey to the NCVS.

Affected Public: Survey respondents to applicable BJS information collections.

Total Respondents: Unchanged from current collection.

Frequency: Unchanged from current collection.

Total Responses: Unchanged from current collection.

Average Time per Response: Unchanged from current collection.

Estimated Total Burden Hours: Unchanged from current collection.

Estimated Total Cost: Unchanged from current collection.

The 60-day FRN submitted by the Census Bureau can be accessed at *https://www.federalregister.gov/documents/2016/12/23/2016-30959/agency-information-collection-activities-request-for-comments-revision-of-the-confidentiality-pledge.* The Census Bureau will publish a 30-day FRN to solicit additional public comment. Comments on the Census Bureau's revised confidentiality pledge should be submitted directly to the point-of-contact listed in the notice.

III. Data

OMB Control Number: 1121–0358.

Legal Authority: 44 U.S.C. 3506(e) and 42 U.S.C. 3789(g).

Form Number(s): None.

IV. Request for Comments

Comments are invited on the efficacy of BJS's revised confidentiality pledge above. Comments submitted in response to this notice will become a matter of public record. If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: March 8, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice

[FR Doc. 2017–04886 Filed 3–10–17; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

National Council on the Arts 190th Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held in Conference Rooms A & B at Constitution Center, 400 7th St. SW., Washington, DC 20506. Agenda times are approximate.

DATES: Friday, March 31, 2017 from 9:00 a.m. to 12:00 p.m.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

SUPPLEMENTARY INFORMATION: The meeting, in Conference Rooms A & B, is scheduled from 9:00 a.m. to 12:00 p.m. and will be open to the public on a space available basis. The tentative agenda is as follows: The meeting will begin at 9:00 a.m. with opening remarks and voting on recommendations for funding and rejection and guidelines, followed by updates from the Chairman. There also will be presentations related to several Arts Education projects supported by the National Endowment for the Arts, including: The Regional Arts and Culture Council (Oregon) presenting on their Right Brain Initiative; Paper Mill Playhouse (New Jersey) presenting on their autism-friendly theater performances; Architecture Resource Center (Connecticut) presenting on their design education program; ProjectSTEP (Massachusetts) presenting on their music education program, including a student presentation/performance; and Adventure Theatre (Maryland) presenting on its programs, including a vocal performance by students. After the presentations there will be concluding remarks from the Chairman and announcement of voting results. The meeting will adjourn at 12:00 p.m.

The session also will be webcast. To register to watch the webcasting of this open session of the meeting, go to *https://www.arts.gov/event/2017/national-council-arts-march-2017-webcast.*

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the July 5, 2016 determination of the Chairman. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC 20506, 202/682–5567, Voice/T.T.Y. 202/682–5496, at least seven (7) days prior to the meeting.

Dated: March 8, 2017.

Kathy Plowitz-Worden,

Committee Management Officer, National Endowment for the Arts.

[FR Doc. 2017–04888 Filed 3–10–17; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 81 FR 91959, and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission (including comments) may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

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

DATES: Written comments on this notice must be received by April 12, 2017, to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for the Emerging Frontiers in Research and Innovation program.

OMB Clearance Number: 3145–0233.

Type of Request: Intent to seek approval to renew an information collection system.

Abstract

Proposed Project

The Emerging Frontiers in Research and Innovation (EFRI) program recommends, prioritizes, and funds interdisciplinary initiatives at the emerging frontier of engineering research and education. These investments represent transformative opportunities, potentially leading to: New research areas for NSF, ENG, and other agencies; new industries or capabilities that result in a leadership position for the country; and/or significant progress on a recognized national need or grand challenge.

Established in 2007, EFRI supports cutting-edge research that is difficult to fund through other NSF programs, such as single-investigator grants or large research centers. EFRI seeks high-risk opportunities with the potential for a large payoff where researchers are encouraged to stretch beyond their ongoing activities. Based on input from workshops, advisory committees, technical meetings, professional societies, research proposals, and suggestions from the research community the EFRI program identifies those emerging opportunities and manages a formal process for funding their research. The emerging ideas tackled by EFRI are ''frontier'' because they not only push the understood limits of engineering but actually overlap multiple fields. The EFRI funding process inspires investigators with different expertise to work together on one emerging concept.

EFRI awards require multi-disciplinary teams of at least one Principal Investigator and two Co-Principal Investigators. The anticipated duration of all awards is 4-years. The anticipated funding level for each project team may receive support of up to a total of $2,000,000 spread over four years, pending the availability of funds. In that sense EFRI awards are above the average single-investigator award amounts.

EFRI-funded projects could include research opportunities and mentoring for educators, scholars, and university students, as well as outreach programs that help stir the imagination of K–12 students, often with a focus on groups underrepresented in science and engineering.

We are seeking to collect additional information from the grantees about the outcomes of their research that goes above and beyond the standard reporting requirements used by the NSF and spans over a period of 5 years after the award. This data collection effort will enable program officers to longitudinally monitor outputs and outcomes given the unique goals and purpose of the program. This is very important to enable appropriate and accurate evidence-based management of the program and to determine whether or not the specific goals of the program are being met.

Grantees will be required to submit this information on an annual basis to support performance review and the management of EFRI grants by EFRI officers. EFRI grantees will be required to submit these indicators to NSF via a data collection Web site that will be embedded in NSF's IT infrastructure. These indicators are both quantitative and descriptive and may include, for example, the characteristics of project personnel and students; sources of complementary cash and in-kind support to the EFRI project; characteristics of industrial and/or other sector participation; research activities; education activities; knowledge transfer activities; patents, licenses; publications; descriptions of significant advances and other outcomes of the EFRI effort. Such reporting requirements will be included in the cooperative agreement which is binding between the academic institution and the NSF.

Each submission will address the following major categories of activities: (1) Knowledge transfer across disciplines, (2) innovation of ideas in areas of greater opportunity, (3) potential for translational research, (4) project results advance the frontier/creation of new fields of study, (5) innovative research methods or discoveries are introduced to the classroom, and (6) fostering participation of underrepresented groups in science. For each of the categories, the report will enumerate specific outputs and outcomes.

Use of the Information: The data collected will be used for NSF internal reports, historical data, and performance review by peer site visit teams, program level studies and evaluations, and for securing future funding for continued EFRI program maintenance and growth.

Estimate of Burden: Approximately 10 hours per grant for approximately 80 grants per year for a total of 800 hours per year.

Respondents: Principal Investigators who lead the EFRI grants.

Estimated Number of Responses per Report: One report collected for each of the approximately 80 grantees every year.

Dated: March 8, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–04889 Filed 3–10–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0073]

Non-Light Water Reactor Security Design Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Preliminary draft guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment preliminary draft guidance on non-light water reactor security design considerations. The Commission's ''Policy Statement on the Regulation of Advanced Reactors'' states that the design of advanced reactors should consider safety and security requirements together in the design process such that security issues (*e.g.,* newly identified threats of terrorist attacks) can be effectively resolved through facility design and engineered security features, formulation of mitigation measures, and reduced reliance on human actions. The NRC's preliminary draft guidance document would set forth a set of ''security design considerations'' that a designer should consider while developing the facility design.

DATES: Submit comments by April 27, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Because this is a preliminary draft, comments will not be responded to individually but will be considered by the NRC staff when developing the draft guidance document.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specified subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0073. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: George Tartal, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0016, email: *George.Tartal@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0073 when contacting the NRC about the availability of information regarding this action. You may obtain publicly-available information related to this action, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0073.
- *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 preliminary draft guidance document is available in ADAMS under Accession No. ML16305A328.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0073 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as enters the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment preliminary draft guidance on non-light water reactor security design considerations. This document would set forth a set of ''security design considerations'' that a designer should consider while developing the facility design. Consistent with the Commission's ''Policy Statement on the Regulation of Advanced Reactors,'' these considerations should be considered early in the design process. The preliminary draft guidance document is available in ADAMS under Accession No. ML16305A328.

After receiving and considering comments, the NRC staff intends to include the security design considerations in a guidance document that is being developed for advanced reactor design criteria for non-light water reactors (non-LWRs). These design criteria address the safety aspects of non-LWRs. The NRC staff intends that the guidance document will include both safety design criteria and security design considerations.

Please note that some of the referenced documents within the security design considerations are not publicly available because they contain safeguards information, security-related information, or other types of information that the NRC cannot release to the public.

III. Backfitting and Issue Finality

This preliminary draft guidance would set forth a set of security design considerations that a designer should consider while developing the facility design. These considerations, if adequately implemented through detailed design, along with the adequate implementation of administrative controls and security programs, are one way to protect a nuclear power reactor against the design basis threat for radiological sabotage. These considerations do not limit designers or applicants from applying other methods or approaches in designing engineered systems to perform intended security functions.

The purpose of this preliminary draft guidance is to assist the NRC staff and future applicants. The security design considerations are not regulatory requirements. Parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR), require that an application for an operating license, design certification, combined license, standard design approval, or manufacturing license, describe how the proposed facility would comply with the physical and cyber security requirements in §§ 73.55 and 54, respectively. The security design considerations provide guidance intended to support the resolution of security issues through the facility design.

This preliminary draft guidance, if finalized, for example, in a regulatory guide, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' This guidance, if finalized, would represent the first NRC guidance on this subject. Issuance of new guidance, by itself, does not represent backfitting unless the NRC intends to impose the guidance on existing licensees and currently-approved design certification rules issued under 10 CFR part 52. The NRC does not have such an intention.

Existing licensees and applicants of final design certification rules would not be required to comply with this guidance, unless the licensee or design certification rule applicant seeks a voluntary change to its licensing basis with respect to resolving security matters through facility design.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exceptions discussed in the next paragraph—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants. Therefore, this guidance, if finalized and imposed on applicants, would not represent backfitting (except as discussed below).

The exceptions to the general principle are applicable whenever a combined license applicant references a 10 CFR part 52 license (*i.e.,* an early site permit or a manufacturing license) and/or 10 CFR part 52 regulatory approval (*i.e.,* a design certification rule or standard design approval). The NRC does not, at this time, intend to impose the positions represented in this preliminary draft guidance in a manner that is inconsistent with any issue finality provisions in the 10 CFR part 52 licenses and regulatory approvals. If, in the future, the NRC seeks to impose a position in this guidance in a manner which does not provide issue finality as described in the applicable issue finality provision, then the NRC must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 3rd day of March, 2017.

For the Nuclear Regulatory Commission.

Michael E. Mayfield,

Deputy Director (Acting), Office of New Reactors.

[FR Doc. 2017–04873 Filed 3–10–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–341; NRC–2017–0072]

DTE Electric Company; Fermi, Unit 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License No. NPF–43, issued to DTE Electric Company (DTE), for operation of the Fermi, Unit 2. The proposed amendment revises technical specifications (TS) for emergency core cooling system (ECCS) instrumentation (TS 3.3.5.1) and reactor core isolation cooling (RCIC) system instrumentation (TS 3.3.5.2). The proposed changes add footnotes indicating that the injection functions of ''Drywell Pressure—High'' for high-pressure coolant injection (HPCI) and ''Manual Initiation'' for HPCI and RCIC are not required to be operable under low reactor pressure conditions.

DATES: Submit comments by April 12, 2017. Requests for a hearing or petition for leave to intervene must be filed by May 12, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0072 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–2017–0072. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the project manager listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Sujata Goetz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8004, email: *Sujata.Goetz@NRC.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0072 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0072.
- *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 ''License Amendment Request to Revise Technical Specifications for Emergency Core Cooling System Instrumentation and Reactor Core Isolation Cooling System Instrumentation'' is available in ADAMS under Accession No. ML17055A365.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0072 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Renewed Facility Operating License No. NFP–43, issued to DTE, for operation of the Fermi, Unit 2, located in Monroe County, Michigan. The proposed amendment requests modification of the TSs for emergency core cooling system (ECCS) instrumentation (TS 3.3.5.1) and reactor core isolation cooling (RCIC) system instrumentation (TS 3.3.5.2). The proposed changes add footnotes indicating that the injection functions of ''Drywell Pressure—High'' for HPCI and ''Manual Initiation'' for HPCI and RCIC are not required to be operable under low reactor pressure conditions.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes involve the addition of clarifying footnotes to the HPCI [High Pressure Cooling Injection] and RCIC [Reactor Core Isolation Cooling] actuation instrumentation TS [Technical Specification] to reflect the as-built plant design and operability requirements of HPCI and RCIC instrumentation as described in the Fermi 2 UFSAR [Updated Final Safety Analysis Report].

HPCI is an initiator of the increase in reactor coolant inventory accident in UFSAR (Reference 7.1) Section 15.5.1. However, the accident assumes inadvertent manual startup of HPCI. The change being requested in this amendment is administrative in nature and does not make any changes to the HPCI system or procedures that would increase the probability for inadvertent manual startup of HPCI. RCIC is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased. In addition, the manual initiation of HPCI and RCIC are not credited to mitigate the consequences of design basis accidents or transients within the current Fermi 2 design and licensing basis and automatic actuation of the HPCI system on the high drywell pressure signal is not required for the HPCI to perform its system safety functions in mitigating the consequences of a LOCA initiating at low reactor pressure.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not alter the protection system design, create new failure modes, or change any modes of operation. The proposed changes do not involve a physical alteration of the plant, and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes have no adverse effect on plant operation. The plant response to the design basis accidents does not change. The proposed changes do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analyses. There is no change being made to safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need

to take this action will occur very infrequently.

Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by May 12, 2017. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing

system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated February 23, 2017.

Attorney for licensee: Jon P. Christinidis, Expert Attorney—Regulatory, DTE Energy, 688 WCB, One Energy Plaza, Detroit, MI 48226.

Acting NRC Branch Chief: Kimberly J. Green.

Dated at Rockville, Maryland, this 7th day of March 2017.

For the Nuclear Regulatory Commission.

Sujata Goetz,

Project Manager, Division of Operating Reactor Licensing, Office of New Reactor Regulation.

[FR Doc. 2017–04874 Filed 3–10–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0229]

Design of Structures, Components, Equipment, and Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-final section revision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to sections in Chapter 3, ''Design of Structures, Components, Equipment, and Systems Reactor Coolant System and Connected Systems'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.'' The changes to these Standard Review Plan (SRP) sections reflect responses to public comments and additional guidance based on current NRC staff review methods and practices based on lessons learned from the NRC's reviews of design certification and combined license applications completed since the last revision of this chapter.

DATES: The effective date of this Standard Review Plan (SRP) update is April 12, 2017.

ADDRESSES: Please refer to Docket ID NRC–2015–0229 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–2015–0229. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public 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.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Mark Notich, Office of New Reactors, telephone: 301–415–3053; email: *Mark.Notich@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On September 29, 2015 (80 FR 58512), the NRC published for public comment the proposed revisions to these sections of the SRP. The staff made changes to the proposed revisions after consideration of comments received from one (1) commenter. A summary of the comments and the staff's disposition of the comments is available in a separate document, ''Response to Public Comments on Draft Standard Review Plan Section from Chapter 3: Design of Structures, Components, Equipment, and Systems'' (ADAMS Accession No. ML16133A361). The additional guidance for staff reviews includes the following:

- Analytical procedures for piping systems
- Torsional effects of eccentric masses
- Seismic Category I Buried Piping systems
- Interaction of other piping with seismic Category I piping
- Additional discussion on Rayleigh damping
- Comprehensive forcing function lists for all reactor internals
- Scale Model Testing (SMT) results and demonstration of model adequacy

These sections have been developed to assist the NRC staff review the design of structures, components, equipment, and systems under parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR). The revisions to these SRP sections reflect no changes in staff position; rather they clarify the original intent of these SRP sections using plain language throughout in accordance with the NRC's Plain Writing Action Plan. Additionally, these revisions reflect operating experience, lessons learned, and updated guidance since the last revision, and address the applicability of regulatory treatment of non-safety systems where appropriate. Details of specific changes in the proposed revisions are included at the end of each of the proposed sections.

Following the NRC staff's evaluation of public comments, the NRC intends to finalize the proposed revisions of the subject SRP Sections in ADAMS and post them on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.*

II. Backfitting and Finality Provisions

Issuance of these revised SRP sections does not constitute backfitting as defined in § 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Backfitting,'' (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. The SRP positions do not constitute backfitting, inasmuch as the SRP is internal guidance directed at the NRC staff with respect to their regulatory responsibilities.

The SRP provides guidance to the staff on how to review an application for the NRC's regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. The NRC staff has no intention to impose the SRP positions on current licensees and regulatory approvals either now or in the future.

The staff does not intend to impose or apply the positions described in the SRP to existing (already issued) licenses and regulatory approvals. Therefore, the issuance of a final SRP—even if considered guidance that is within the purview of the issue finality provisions in 10 CFR part 52—need not be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP on holders of already issued licenses in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed in the next paragraph—were intended to apply to every NRC action which substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) and/or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP in a manner which does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

III. Congressional Review Act

This action is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No.
Section 3.9.2, ''Dynamic Testing and Analysis of Systems, Structures, and Components''	ML16133A418

Document	ADAMS Accession No.
Section 3.9.4, ''Control Rod Drive Systems''	ML16133A472
Section 3.9.5, ''Reactor Pressure Vessel Internals''	ML16134A059
Section 3.9.6, ''Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints''	ML16134A116

* No changes resulting from public comments. See documents in the package at ADAMS Accession Number ML16133A148 to see changes made since last revision.

Dated at Rockville, Maryland, this 7th day of March 2017.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, New Reactor Rulemaking and Guidance Branch, Division of Engineering, Infrastructure and Advanced Reactors, Office of New Reactors.

[FR Doc. 2017–04844 Filed 3–10–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Letter Reply To Request for Information (RI 20–64); Former Spouse Survivor Annuity Election (RI 20–64A); Information on Electing a Survivor Annuity for Your Former Spouse (RI 20–64B)

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR), Letter Reply to Request for Information and Information on Electing a Survivor Annuity for Your Former Spouse.

DATES: Comments are encouraged and will be accepted until April 12, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT:

A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0235) was previously published in the **Federal Register** on September 21, 2016 at 81 FR 64957 allowing for a 60-day public comment period. No comments were received for this information collection.

The purpose of this notice is to allow an additional 30 days for public comments.

The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Form RI 20–64, Letter Reply to Request for Information, is used by the Civil Service Retirement System (CSRS) to provide information about the amount of annuity payable after a survivor reduction, to explain the annuity reductions required to pay for the survivor benefit, and to give the beginning rate of survivor annuity. Form RI 20–64A, Former Spouse Survivor Annuity Election, is used by the CSRS to obtain a survivor benefit election from annuitants who are eligible to elect to provide survivor benefits for a former spouse. Form RI 20–64B, Information on Electing a Survivor Annuity for Your Former Spouse, is a pamphlet that provides important information to retirees under the CSRS who want to provide a survivor annuity for a former spouse.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Letter Reply to Request for Information; Former Spouse Survivor Annuity Election.

OMB Number: 3206–0235.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 38.

Estimated Time per Respondent: 45 minutes for RI 20–64A and 8 minutes for RI 20–64.

Total Burden Hours: 24 hours.

U.S. Office of Personnel Management.

Kathleen McGettigan,

Acting Director.

[FR Doc. 2017–04896 Filed 3–10–17; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80004A; File No. SR–FINRA–2016–047]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of a Proposed Rule Change To Amend FINRA Rules To Conform to the Commission's Proposed Amendment to Commission Rule 15c6–1(a) and the Industry-Led Initiative To Shorten the Standard Settlement Cycle for Most Broker-Dealer Transactions From T+3 to T+2; Correction

March 6, 2017.

AGENCY: Securities and Exchange Commission.

ACTION: Order; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** on February 15, 2017, concerning an Order Granting Approval of a Proposed Rule Change to

Amend FINRA Rules to conform to the Commission's Proposed Amendment to Commission Rule 15c6–1(a) and the Industry-led Initiative to Shorten the Standard Settlement Cycle for Most Broker-Dealer Transactions from T+3 to T+2. The document made an erroneous reference to ''an Equity Regulatory Alert'' instead of to ''a Regulatory Notice.''

FOR FURTHER INFORMATION CONTACT: Steve Kuan, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, (202) 551–5624.

Correction

In the **Federal Register** of February 15, 2017 in FR Doc. 2017–02998, on page 10836, in the second column in the 44–45 lines and on page 10837, in the first column in the 5–6 lines, correct the references to ''an Equity Regulatory Alert'' instead to ''a Regulatory Notice.''

Dated: March 6, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04869 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80166; File No SR–C2–2017–009]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Amend the C2 Bylaws and Certificate of Incorporation

March 7, 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 22, 2017, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Bylaws and Certificate of Incorporation. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Bylaws and make corresponding changes to its Certificate of Incorporation. Specifically the Exchange proposes to amend its Board size range and eliminate its Compensation Committee.

First, the Exchange proposes to amend its Bylaws relating to Board size range. Currently, Section 3.1 of the Bylaws provide that the Board shall consist of not less than 12 and not more than 16 directors. The Exchange proposes to change the Board size range such that the Board shall consist of no less than 5 directors. The Exchange believes the proposed change will provide greater flexibility by permitting the Board to increase or decrease the size of the board without the need to further amend the Bylaws.[3] The Exchange notes that any changes in the number of directors will continue to be in all cases subject to the compositional requirements of the board set forth in the Bylaws, including its provision relating to the fair representation of members.[4] The Exchange also notes that the Bylaws of other Exchanges have similar board size provisions.[5] The Exchange also proposes to make conforming changes to its Certificate of Incorporation. Specifically, C2 proposes to amend subparagraph (b) of Article Fifth to also provide that the Board of Directors shall consist of not less than 5 directors, and eliminate the current referenced range of 12 to 16 directors.

Next, the Exchange proposes to eliminate the Exchange-level Compensation Committee. The Exchange seeks to eliminate the Compensation Committee because it believes that the Compensation Committee's functions are duplicative of the functions of the Compensation Committee of its parent company, CBOE Holdings.[6] Specifically, under its charter, the CBOE Holdings Compensation Committee has authority to assist the CBOE Holdings Board of Directors in carrying out its overall responsibilities relating to executive compensation and also, among other things, (i) recommending the compensation of the Company's Chief Executive Officer and certain other executive officers and (ii) approving and administering all cash and equity-based incentive compensation plans of the Company that affect employees of the Company and its subsidiaries. Similarly, under its charter, the C2 Compensation Committee has authority to assist the C2 Board and the Parent Compensation Committee in carrying out its overall responsibilities relating to executive compensation as well as (i) recommending the compensation of certain executive officers designated by the Board whose compensation has not been, and is not expected to be, determined by the compensation committee of the Parent Board or another Board committee[7] and (ii) assist the Parent Compensation Committee in the administration of cash and equity-based incentive compensation plans of the Company that affects employees of the Company and its subsidiaries. As such, other than to the extent that the C2 Compensation Committee recommends the compensation of executive officers whose compensation is not already determined by the CBOE Holdings Compensation Committee, its activities are duplicative of the activities of the CBOE Holdings Compensation Committee. The Exchange notes that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Board notes that it does not at this time anticipate changing the current Board size outside of the original range of 12–16 directors.

[4] *See* Section 3.2 of the C2 Bylaws.

[5] *See e.g.,* Fourth Amended and Restated Bylaws of BZX Exchange, Inc., Article III, Board of Directors, Section 2(a), which provides that the Board of Directors shall consist of four (4) or more Directors, the number of which would be determined by resolution of the Board.

[6] The Exchange notes that the current composition of the C2 and CBOE Holdings Compensation Committees are the same.

[7] The Exchange notes that pursuant to its Charter, the C2 Regulatory Oversight and Compliance Committee (ROCC) of the C2 Board recommends to the Board compensation for the Chief Regulatory Officer and any Deputy Chief Regulatory Officers. The Exchange notes that the proposed change will not affect this process. The Exchange also notes that currently not all executive officers of C2 are required to have their compensation determined by the Compensation Committee.

currently, each of the executive officers whose compensation would be determined by the C2 Compensation Committee is also an executive officer of CBOE Holdings, and as such, the CBOE Holdings Compensation Committee already performs these functions for such officers. To the extent that compensation need be determined by [sic] any C2 officer who is not also a CBOE Holdings officer in the future, the C2 Board or senior management will perform such action without the use of a compensation committee, as provided for in Section 5.11 of the Bylaws. Thus, the responsibilities of the C2 Compensation Committee are fully duplicated by the responsibilities of the CBOE Holdings Compensation Committee. Accordingly, C2 is proposing to delete Section 4.3 of the C2 Bylaws which provides for the C2 Compensation Committee and to delete a reference to the C2 Compensation Committee in Section 4.1(a) of the C2 Bylaws (which lists the required C2 Board committees). C2 also proposes to eliminate the reference to the C2 Compensation Committee in Section 5.11 of the C2 Bylaws (which provides that officers are entitled to salaries, compensation or reimbursement as shall be fixed or allowed from time to time by the Board unless otherwise delegated to the Compensation Committee of the Board or to members of senior management). C2 believes that its proposal to eliminate its Compensation Committee is substantially similar to prior actions taken by other securities exchanges with parent company compensation committees to eliminate their exchange-level compensation committees.[8]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change to amend the Board size range in the Bylaws and Certificate of Incorporation provides the Board with flexibility. Additionally, the Exchange is not proposing to amend any of the compositional requirements currently set forth in the Bylaws. The Exchange therefore believes that the proposed changes will provide greater flexibility to the Exchange in populating a Board of Directors that includes directors with relevant and diverse expertise, while continuing to ensure that the Board is of adequate size and the existing compositional requirements of the Exchange are met, including the provision relating to the fair representation of members.

The Exchange believes eliminating the Exchange-level Compensation Committee allows the Exchange to eliminate a board committee whose responsibilities overlap with, and are adequately handled by, the corresponding committee of the Exchange's ultimate parent. This will allow directors of the Exchange to focus their attention on matters falling directly within the purview of the Exchange's board, including its orderly discharge of regulatory duties to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change relates to the corporate governance of C2 and not the operations of the Exchange. This is not a competitive filing and, therefore, imposes no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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–C2–2017–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–C2–2017–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

[8] *See e.g.,* Securities Exchange Act Release No. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042). *See also* Securities Exchange Act Release No. 62304 (June 16, 2010), 75 FR 36136 (June 24, 2010) (SR–NYSEArca–2010–31).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

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 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–C2–2017–009 and should be submitted on or before April 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04814 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–4660; File No. 803–00230]

Katahdin Asset Management LLC; Notice of Application

March 7, 2017.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an exemptive order under the Investment Advisers Act of 1940 (''Advisers Act'').

APPLICANT: Katahdin Asset Management LLC (the ''Applicant'').

RELEVANT ADVISERS ACT SECTIONS: Exemption requested under Section 202(a)(11)(H) of the Advisers Act from Section 202(a)(11) of the Advisers Act.

SUMMARY OF APPLICATION: The Applicant requests that the Commission issue an order declaring the Applicant to be a person not within the intent of Section 202(a)(11) of the Advisers Act, which defines the term ''investment adviser.''

FILING DATES: The application was filed on September 2, 2016, and amended on December 14, 2016 and February 9, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 3, 2017, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Advisers Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicant, Katahdin Asset Management LLC, c/o Dan L. Jaffe, Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: James McGinnis, Senior Counsel, at (202) 551–3025 or Holly Hunter-Ceci, Acting Assistant Chief Counsel, at (202) 551–6825 (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 either at *http://www.sec.gov/rules/iareleases.shtml* or by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicant's Representations

1. The Applicant, a Delaware limited liability company, is a multi-generational single-family office that provides services to the family and descendants of Joseph A. Jeffrey (1836–1928) (''J.A. Jeffrey'') through the provision of services to Jeffrey LLC, a Delaware limited liability company, and to The Jeffrey Company, an Ohio corporation (''TJC''). The securities of each of Jeffrey LLC and TJC are 100% owned directly or indirectly by the descendants of J.A. Jeffrey. The managing member of Jeffrey LLC is TJC. Unless otherwise defined herein, capitalized terms have the same meaning as defined in the Family Office Rule.

2. The Applicant provides a wide array of services (both advisory and non-advisory) to, and conducts the day-to-day operations of, Jeffrey LLC and TJC with the Applicant's own employees (neither Jeffrey LLC nor TJC having employees of its own), subject to the direction of the board of directors of TJC (the ''Board''). TJC is managed by the Board, a majority of the members of which are Family Members as defined in paragraph (d)(6) of Rule 202(a)(11)(G)–1 (the ''Family Office Rule'') (with J.A. Jeffrey being the ''common ancestor'' for this purpose). The Applicant is wholly owned and controlled by the same individual who is TJC's chief executive officer, and who also is a Family Member.

3. The Applicant represents that (i) each of the persons served by the Applicant is a Family Client, *i.e.,* the Applicant has no clients other than Family Clients as required by paragraph (b)(1) of the Family Office Rule, (ii) the Applicant is owned and controlled in a manner that complies in all respects with paragraph (b)(2) of the Family Office Rule, and (iii) the Applicant does not hold itself out to the public as an investment adviser as required by paragraph (b)(3) of the Family Office Rule.

4. The Applicant represents that Jeffrey LLC currently relies on an exception from the definition of investment company pursuant to Section 3(c)(1) of the Investment Company Act of 1940, as amended (the ''ICA''). Jeffrey LLC would like to offer to additional Family Clients the opportunity to invest in Jeffrey LLC (subject to securities law compliance, including complying with applicable federal and state exemptions from the registration of its securities). The Applicant states that the 100 beneficial owner limitation of Section 3(c)(1) of the ICA would cause family friction by denying to many Family Clients the opportunity to invest in Jeffrey LLC. The Applicant states that there are approximately 350 Family Members. Accordingly, on March 11, 2016, Jeffrey LLC filed an application with the Commission pursuant to Section 6(c) of the ICA requesting an exemption from all of the provisions of the ICA and all rules and regulations thereunder. Such exemption would permit Jeffrey LLC to allow all Family Clients the opportunity to invest in Jeffrey LLC without imposing on Jeffrey LLC the costs of registering under, and complying with, the ICA.

5. The Applicant represents that, in the event Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA, the Applicant would continue to meet the three general conditions of the Family Office Rule set forth in item 3 above, with the exception that Jeffrey LLC would not qualify as a Family Client, as more fully described below. The Applicant represents that the assets owned

[12] 17 CFR 200.30–3(a)(12).

beneficially by Family Members and/or Family Entities (including assets beneficially owned by Family Members and/or Family Entities indirectly through Jeffrey LLC) will account for at least 75% of the assets for which the Applicant provides services.

6. The Applicant represents that the membership interests of Jeffrey LLC (''units'') have not been, and will not be, offered or sold to the public. The Applicant states that under Jeffrey LLC's limited liability company agreement, sales or other transfers of units for value to any purchaser, other than to Jeffrey LLC itself, are prohibited. The Applicant further states that transfers for value to existing members or other Family Clients are prohibited.[1] The Applicant represents that a market never will develop for units. Applicant represents that the exit strategies available to a Family Client will be to surrender units for redemption by Jeffrey LLC at fair market value or to gift or contribute units to other Family Clients. Investors are permitted to redeem their units at the end of each calendar quarter.

7. The Applicant represents that TJC, since 1974, has relied on an exception from the definition of investment company pursuant to Section 3(c)(1) of the ICA. As of December 31, 2016, however, virtually all of TJC's assets consist of managing member units of Jeffrey LLC, which Jeffrey LLC has determined are not securities. Applicant represents that TJC no longer is required to rely on Section 3(c)(1) of the ICA and does not require an exemption from the provisions of the ICA.

Applicant's Legal Analysis

1. Section 202(a)(11) of the Advisers Act defines the term ''investment adviser'' to mean ''any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities . . . .''

[1] Applicant states that Jeffrey LLC allows a very limited exception for estate planning transfers for value, such as installment sales to a grantor trust. Any such transfers will be made only to Family Clients. Additionally, investors are permitted to pledge units as collateral for a loan, but only if the pledge documents require, in lieu of foreclosure or other enforcement action in the event of a default, that the pledged units be redeemed by Jeffrey LLC prior to any transfer of economic or voting rights. In the event that units are pledged, the party to which such units are pledged shall not receive direct economic benefit from the units nor can such party directly or indirectly vote the units.

2. The Applicant currently complies with the Family Office Rule, and thus the Applicant is not considered to be an ''investment adviser'' under Section 202(a)(11) of the Advisers Act. In the event that Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA and thereby no longer would be excepted from the definition of ''investment company'' under the ICA, the Applicant would not comply with the Family Office Rule exclusion from the term ''investment adviser'' because the Applicant's ''client'' (Jeffrey LLC) would not qualify as a Family Client under paragraph (d)(4)(xi) of the Family Office Rule. The Applicant does not qualify for any of the exemptions from registration as an investment adviser set forth in Section 203(b) of the Advisers Act and, because the Applicant has regulatory assets under management of more than $100 million, the Applicant is not prohibited from registering with the Commission under Section 203A(a) of the Advisers Act. Therefore, absent relief, the Applicant would be required to register as an investment adviser under Section 203(a) of the Advisers Act.

3. The Applicant submits that, in the event Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA, the Applicant's relationship with Jeffrey LLC would not change the nature of the Applicant into that of a commercial advisory firm. In support of this argument, the Applicant notes that the Applicant would continue to be held entirely by Family Clients, and the Applicant would continue not to hold itself out to the public as an investment adviser. The Applicant represents that Jeffrey LLC would continue to be managed and controlled by TJC, which in turn is managed by the Board, a majority of the members of which are Family Members.

4. The Applicant states that, in requesting the order, the Applicant is not attempting to expand its operations or engage in any level of commercial activity to which the Advisers Act is designed to apply. Further, in the event Jeffrey LLC receives from the Commission an order exempting Jeffrey LLC from all of the provisions of the ICA and all rules and regulations thereunder, given the conditions of such exemptive order, which are designed to alleviate the policy concerns implicated by expanding Jeffrey LLC beyond one hundred investors, the Applicant submits that there is no practical difference from a regulatory standpoint between (i) a pooled investment vehicle created exclusively for the benefit of and wholly owned by Family Clients that is ''excepted from the definition'' of ''investment company'' under the ICA, and (ii) such a pooled investment vehicle that is, by virtue of a Commission order, exempt from all the provisions of the ICA and all rules and regulations thereunder.

5. The Applicant also submits that there is no public interest in requiring the Applicant to be registered under the Advisers Act. The Applicant is a private organization that was formed to be the ''family office'' for descendants of J.A. Jeffrey. The Applicant's clients are Jeffrey LLC and TJC; the Applicant has no clients other than Family Clients. Applicant represents that such services would not change or be affected in the event Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA.

6. The Applicant argues that, although the Family Office Rule largely codified the exemptive orders that the Commission had previously issued before the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Commission recognized in proposing the Family Office Rule that the exact representations, conditions, or terms contained in every exemptive order could not be captured in a rule of general applicability. The Commission noted that family offices would remain free to seek a Commission exemptive order to advise an individual or entity that did not meet the proposed ''family client'' definition, and that certain situations may raise unique conflicts and issues that are more appropriately addressed through an exemptive order process where the Commission can consider the specific facts and circumstances, than through a rule of general applicability.

7. The Applicant notes that the Commission has issued orders subsequent to the adoption of the Family Office Rule, and that each of those orders treated the applicant as a Family Office even though the applicant was providing services to persons who did not fall within the definition of ''Family Client.'' The Applicant submits that those orders recognized unusual circumstances in which an entity provided services to such persons while remaining focused on a single family's needs. The Applicant maintains that its unusual circumstances—providing services to an entity that currently qualifies as a Family Client because it is excepted from the definition of ''investment company'' under the ICA but would not be so excepted if it were to exceed 100 beneficial owners—would not change the nature of the Applicant's operations into that of a commercial advisory business, and that an

exemptive order is appropriate based on the Applicant's facts and circumstances.

8. For the foregoing reasons, the Applicant requests an order declaring it to be a person not within the intent of Section 202(a)(11) of the Advisers Act. The Applicant submits that the order is necessary and appropriate, in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Advisers Act.

Applicant's Conditions

1. The Applicant will offer and provide services only to: (i) Jeffrey LLC, which will generally be deemed to be, and treated as if it were, a Family Client, and (ii) other Family Clients.

2. The Applicant at all times will be wholly owned by Family Clients and exclusively controlled (directly or indirectly) by one or more Family Members and/or Family Entities as defined in paragraph (d)(5) of the Family Office Rule.

3. Jeffrey LLC at all times will be wholly owned by Family Clients.

4. At all times the assets beneficially owned by Family Members and/or Family Entities (including assets beneficially owned by Family Members and/or Family Entities indirectly through Jeffrey LLC) will account for at least 75% of the assets for which the Applicant provides services.

5. The Applicant will comply with all the terms for exclusion from the definition of ''investment adviser'' under the Advisers Act set forth in the Family Office Rule except for the limited exception requested by the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04811 Filed 3–10–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80168; File No. SR–OCC–2017–002]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Concerning Changes to The Options Clearing Corporation's Management Structure

March 7, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 22, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by OCC would amend OCC's By-Laws, Rules, Board of Directors Charter (''Board Charter''), Compensation and Performance Committee Charter (''CPC Charter''), Dividend Policy, and Refund Policy to address organizational changes within OCC's management structure. Specifically, OCC is proposing the following changes: (1) Amendment of OCC's By-Laws to provide that the Executive Chairman would also serve as Chief Executive Officer (''CEO''); (2) amendment of OCC's By-Laws and Rules to reflect that the President would no longer be a recognized officer of OCC; (3) amendment of OCC's By-Laws to provide that the Board would appoint the Chief Operating Officer (''COO'') and a newly recognized Chief Administrative Officer (''CAO''); (4) amendment of OCC's By-Laws and Rules to provide that the COO and CAO would each have authority to take certain actions or grant exceptions where that authority was previously granted to the President; (5) conforming changes to OCC's Board Charter, CPC Charter, and the Dividend and Refund Policies reflecting the proposed amendments described above; (6) amendment of OCC's By-Laws to separate the positions of Treasurer and Chief Financial Officer (''CFO''); and (7) a number of administrative and clean-up edits to the By-Laws and Rules.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to implement organizational changes to OCC's management structure in OCC's By-Laws and Rules. Specifically, OCC is proposing the following changes: (1) Amendment of OCC's By-Laws to provide that the Executive Chairman would also serve as CEO; (2) amendment of OCC's By-Laws and Rules to reflect that the President would no longer be a recognized officer of OCC; (3) amendment of OCC's By-Laws to provide that the Board would appoint the COO and a newly recognized CAO; (4) amendment of OCC's By-Laws and Rules to provide that the COO and CAO would each have authority to take certain actions or grant exceptions where that authority was previously granted to the President; (5) conforming changes to OCC's Board Charter, CPC Charter, and the Dividend and Refund Policies reflecting the proposed amendments described above; (6) amendment of OCC's By-Laws to separate the positions of Treasurer and CFO; and (7) a number of administrative and clean-up edits to the By-Laws and Rules. These changes are proposed as a result of the Board's continual evaluation of OCC's governance arrangements, and OCC believes that they represent leadership enhancements that promote OCC's efficient management and operation and would therefore improve OCC's ability to serve Clearing Members and the markets for which it clears.

Overview of OCC's Management Structure

Officers Appointed by the Board

The organizational structure of OCC's management is primarily addressed in Article IV of the By-Laws (Officers). Under Article IV, Section 1, the Board is required to elect an Executive Chairman from among OCC's full-time employees and is also required to elect a President, Secretary, and a Treasurer, who are not required to be members of the Board at the time of their election.[3] The Board also has discretion to elect other officers or one or more Vice Presidents, as it may determine to be appropriate from time to time, to promote the efficient management and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Under Article IV, Section 1 of the By-Laws, the Board is also required to elect the Vice Chairman of the Board from among the Member Directors.

operation of OCC. In addition, under Article IV, Section 11 of the By-Laws, the Treasurer also serves as the CFO unless another person is designated by the Board of Directors to serve in that capacity.

Responsibilities and Authority of the Executive Chairman and the President

Pursuant to OCC's By-Laws, the Executive Chairman is responsible for OCC's control functions, including, but not limited to, enterprise risk management, internal audit and compliance, and external affairs.[4] The President is responsible for all aspects of OCC's business that do not report directly to the Executive Chairman, administers OCC's day-to-day affairs in accordance with directions from the Executive Chairman, generally fulfills the duties and powers of the Executive Chairman if the Executive Chairman is ever absent or disabled and also serves as OCC's COO.[5] The Executive Chairman and President also have those duties and powers that usually pertain to their offices and as may be further prescribed by the By-Laws and Rules, the Board, or a Board committee.[6]

In addition to officers who are elected by the Board, the Executive Chairman and President may, to the extent that they deem it necessary and appropriate, appoint officers and agents to carry out the functions that are assigned to them.[7] The Executive Chairman and President are responsible for the supervision of any such officers and agents they appoint.[8]

Proposed Changes to OCC's Management Structure

OCC proposes a number of management structure changes in its By-Laws and Rules that are primarily related to the elimination of the office of President. Accordingly, the President's powers and duties would be allocated among other officers in OCC's management, and in many cases, the proposed changes are designed to vest the powers and duties of the President in the COO and CAO, without otherwise modifying OCC's management structure. In addition, OCC is proposing an amendment to its By-Laws to separate the positions of Treasurer and CFO. The proposed changes are described in detail below.

(1) The Executive Chairman Also Serves as a Newly Recognized CEO

Under the proposed rule change, the Executive Chairman would continue to be appointed by the Board and be responsible for OCC's control functions. However, OCC proposes to amend Article IV, Section 6 of the By-Laws to provide that the Executive Chairman would also serve as a newly recognized CEO. In that capacity, the Executive Chairman and CEO would be responsible for all aspects of OCC's business and the day-to-day administration of its affairs that are not otherwise assigned to the COO or CAO. OCC notes that, under its current By-Laws, the President is responsible for all aspects of OCC's business that do not report directly to the Executive Chairman and is responsible for the day-to-day administration of OCC's affairs in accordance with the directions of the Executive Chairman. The proposed rule change would provide the Executive Chairman/CEO with explicit responsibility for overseeing all aspects of OCC's business and the day-to-day administration of its affairs, with the COO and CAO each being responsible for aspects of the business of OCC that do not report directly to the Executive Chairman and CEO and administering the day to day affairs and business of OCC in accordance with the directions of the Executive Chairman and CEO. In connection with this change, OCC's senior management would be reorganized within an Office of the Executive Chairman that would be comprised of the Executive Chairman (who would also serve as CEO), the COO and the CAO. OCC believes that this new management structure will combine the breadth and depth of experience and skill necessary within OCC's senior management team to provide for the efficient and effective management and operation of OCC, improve OCC's ability to serve Clearing Members and the markets for which it clears, and help to ensure that OCC is so organized and has the capacity to facilitate the prompt and accurate clearance and settlement of the transactions it clears.

(2) The President Is No Longer a Recognized Officer of OCC

OCC proposes a number of amendments throughout its By-Laws and Rules to remove references to the office of President to reflect the fact that the President would no longer be a recognized officer within OCC's management. As described in more detail below, all references to the authority and responsibilities of the President would generally be replaced with references to the COO and newly appointed CAO. OCC believes that eliminating the role of President and distributing the wide range of authority and responsibilities associated therewith to two senior officers (the CAO and COO) would provide for an even broader range of knowledge, skills, and experience within OCC's senior management team, promote more efficient and effective management and operation of OCC, improve OCC's ability to serve Clearing Members and the markets for which it clears, and help to ensure that OCC is so organized and has the capacity to facilitate the prompt and accurate clearance and settlement of the transactions it clears.

(3) Election of the COO and CAO

OCC proposes to amend Article IV, Sections 1, 8 and 13 of the By-Laws to provide that the Board would elect a COO and a CAO and would set the salaries for such officers. Accordingly, OCC would continue to have a COO within its management structure because, as noted above, the President also serves as COO under OCC's existing By-Laws. The CAO, however, is a newly recognized officer within OCC's management structure. As is currently the case regarding the President, neither the COO nor the CAO would be required to be a member of the Board upon election. Also, consistent with the existing prohibition against the same person holding any two of the offices of Executive Chairman, President and Member Vice Chairman,[9] the restriction would continue to apply but would reference the COO and CAO rather than the President. As noted above, OCC believes that eliminating the role of President and distributing the wide range of responsibilities associated therewith to the COO and a newly appointed CAO would provide for more efficient and effective management and operation of OCC, improve OCC's ability to serve Clearing Members and the markets for which it clears, and help to ensure that OCC is so organized and has the capacity to facilitate the prompt and

[4] *See* Article IV, Section 6 of the By-Laws.

[5] *See* Article IV, Section 8 of the By-Laws.

[6] *See* Article IV, Section 5 of the By-Laws. For example, OCC's Rules provide the Executive Chairman and President with the authority to, among other things, impose certain restrictions on a Clearing Member's transactions, positions and activities based on the financial or operational condition of the Clearing Member (Rule 305); extend settlement times in emergency conditions (Rule 505); waive the required margin deposit of a Clearing Member in the interest of maintaining fair and orderly markets (Rule 609A); and make a determination as to whether the immediate liquidation of some or all of a suspended Clearing Member's margin deposits and/or contributions to the Clearing Fund would not be in the best interests of the Corporation, other Clearing Members, or the general public (Rule 1104).

[7] *See* Article IV, Section 2 of the By-Laws.

[8] *See* Article IV, Sections 6 and 8 of the By-Laws.

[9] *See* Article IV, Section 1 of the By-Laws.

accurate clearance and settlement of the transactions it clears.

(4) Assignment of Certain Responsibilities to the COO and CAO

The responsibility of management to carry out OCC's affairs is frequently assigned to groups of officers, including the Executive Chairman, President, and other officers of appropriate seniority. This approach provides important flexibility to help ensure that responsibility is not unduly concentrated in any one officer, that OCC's affairs are carried out efficiently, and that management has the capacity to continue carrying out OCC's business and day-to-day affairs even if a particular officer is absent or becomes disabled. To preserve the benefits of this structure given the elimination of the office of President, OCC proposes that the COO and CAO would instead assume certain responsibilities in the By-Laws and Rules where they are currently assigned, at least in part, to the President.

Under the proposed changes to Article IV, Section 8 of the By-Laws, the COO and CAO would be responsible for the aspects of OCC's business that do not report directly to the Executive Chairman, as determined by the Board to promote the efficient and effective management and operation of OCC, and they would administer their responsibilities in accordance with directions from the Executive Chairman. Under the proposed management structure changes, the COO initially would be responsible for the oversight of OCC's technology and operations functions while the CAO would be responsible for the oversight of the finance, human resources, financial risk management, corporate planning, product and business development, and project management aspects of OCC's business. In addition, in the event of any absence or disability of the Executive Chairman, the COO and CAO would each have the authority and responsibility to fulfill the duties and have the powers of the Executive Chairman. However, in the absence or disability of the Executive Chairman, neither the COO nor the CAO would be permitted to preside at meetings of the Board or stockholders. This same restriction currently applies to the President.

Under the proposed amendments to Article IV, Sections 2, 3, 9, and 13 of the By-Laws, the COO and CAO each would have authority, consistent with the authority previously granted to the President, to appoint officers and agents as they deem necessary or appropriate to carry out the functions assigned to them. This includes, but is not limited to, the authority to appoint certain Vice Presidents within management. Any officers or agents who are appointed by the COO or CAO would be subject to their supervision and would be able to be removed by the COO and CAO, respectively, at any time, with or without cause. Such officers or agents would exercise powers and perform duties as determined by the COO or the CAO and the term and salary [10] of any such positions would also be determined by the COO or CAO, respectively. The Executive Chairman and CEO would also have the authority to set the terms, powers, duties, and salaries of any officer or agent appointed by the COO or CAO and to remove officers or agents appointed by the COO and CAO.

Other examples of the responsibilities of the President being reallocated to the COO and CAO in the By-Laws and Rules include, but are not limited to, that the COO and CAO would, under certain conditions, have shared authority with the Executive Chairman and other officers to: (1) Approve banks or trust companies as Approved Custodians; (2) declare the existence of an emergency and take related actions; (3) approve clearing membership applications and grant related extensions; (4) impose restrictions on options exercises; (5) determine reasonable means through which to borrow or otherwise obtain funds using Clearing Fund contributions; (6) sign certificates representing shares in OCC; (7) waive or suspend OCC's By-Laws, Rules, policies, procedures or any other of OCC's rules in emergency circumstances to protect OCC or the public interest; (8) impose restrictions on certain Clearing Member transactions, positions and activities; (9) extend settlement times in emergency conditions; (10) waive the required margin deposit of a Clearing Member in the interest of maintaining fair and orderly markets; [11] and (11) authorize late filing of an exercise notice by a Clearing Member.[12]

OCC believes the proposed changes described above will result in an appropriate and effective management structure that combines the breadth and depth of experience and skill necessary within OCC's senior management team to provide for the efficient and effective management and operation of OCC, improve OCC's ability to serve Clearing Members and the markets for which it clears, and help to ensure that OCC is so organized and has the capacity to facilitate the prompt and accurate clearance and settlement of the transactions it clears. Moreover, the proposed changes to OCC's management structure would provide important flexibility to help ensure that responsibility is not unduly concentrated in any one officer, that OCC's affairs are carried out efficiently, and that management has the capacity to continue carrying out OCC's business and day-to-day affairs even if a particular officer is absent or becomes disabled.

OCC also proposes to amend Article IV, Section 12 of the By-Laws to provide that, in the event of a vacancy of the office of Controller, the Executive Chairman (in addition to the Board) would have the authority to designate a person to serve as chief accounting officer of OCC until the office of Controller is filled. OCC believes it would be appropriate for the Executive Chairman to replace the President in this role given the Executive Chairman's capacity as Management Director.

(5) Conforming Changes to Certain OCC Charters and Policies

In connection with the proposed changes described above, OCC also proposes to change certain references to the President that appear in its Board Charter, CPC Charter, Dividend Policy and Refund Policy. These changes are described below and would not otherwise modify OCC's management structure.

OCC proposes to amend the Board Charter to reflect that the Board has responsibility for selecting, overseeing and, where appropriate, replacing the COO and CAO, and that the Board evaluates and sets the compensation of these officers. The proposed amendments would also state that the Board provides counsel and advice to the COO and CAO and oversees those officers as part of the Board's evaluation of whether OCC's business is being appropriately managed. OCC notes that the proposed amendments are consistent with the Board's existing obligations with respect to the election and oversight of the President.

[10] Any salary fixed by the COO or CAO would be subject to any contrary action taken by the Board, as is the case today regarding any officers or agents appointed by the Executive Chairman or the President. *See* Article IV, Section 13 of the By-Laws.

[11] *See* Rule 609A. OCC also proposes to make a ministerial change to this rule to clarify a reference to the Securities and Exchange Commission.

[12] *See* Proposed changes in (1) OCC By-Laws Article I, Section 1; (2) Article III, Section 15; (3) Article V, Sections 1–3, I&P .01; (4) Article VI, Section 17; (5) Article VIII, Section 5; (6) Article IX, Section 12; (7) Article IX, Section 14; (8) OCC Rule 305; (9) Rule 505; (10) Rule 609A; and (11) Rule 801.

Additionally, OCC proposes to amend the CPC Charter to reflect that the CPC would generally oversee the compensation, benefits and perquisites of the COO and CAO, including responsibility for making associated recommendations to the Board, and to identify that the CPC is responsible for reviewing and approving the annual goals and objectives of the COO and CAO. OCC also proposes to amend the CPC Charter to reflect that the CPC will now meet at least annually with the COO and CAO (instead of the President) to discuss and review compensation and performance levels of senior management and other key officers. In addition, the CPC Charter would be amended to reflect that the CPC reviews OCC's employment contracts with the COO and CAO (in place of the President) and makes recommendations to the Board regarding related approvals.

OCC's Refund Policy would be amended to reflect that, in addition to the Executive Chairman, the COO or CAO would have authority under certain conditions to determine the payment date of refunds. This authority is currently reserved to the Executive Chairman and the President. OCC would also amend the Dividend Policy to reflect that, in addition to the Executive Chairman, the COO or CAO (rather than the President) would have authority under certain conditions to determine the payment date of dividends if for any reason OCC's Refund Policy is not in effect. As a housekeeping matter that is unrelated to the COO and CAO assuming certain responsibilities of the President, OCC is also updating its Dividend Policy and Refund Policy to reflect that the Commission recently adopted its Standards for Covered Clearing Agencies.[13]

(6) Separation of Treasurer and Chief Financial Officer Positions

OCC proposes to amend Article IV, Section 11 of the By-Laws to eliminate a sentence that provides that OCC's Treasurer shall also serve as CFO absent another person being designated by the Board to serve in that capacity. Under the proposed rule change, the Board would continue to appoint OCC's Treasurer as currently required under Article IV, Section 1 of the By-Laws; however, the Treasurer would no longer automatically serve as CFO, and the Board would not be responsible for appointing OCC's CFO. OCC believes that separating these positions and eliminating this provision of the By-Laws will allow for greater flexibility relative to the structure, management and operation of OCC's corporate finance group.

(7) Administrative and Clean-Up Changes

OCC is proposing a number of administrative and clean-up changes to its By-Laws and Rules. Specifically, OCC proposes to add a definition of ''Designated Officer'' in Article I, Section 1 of the By-Laws. The term is already used elsewhere in OCC's By-Laws and Rules (*e.g.,* Article III, Section 15 of the By-Laws and Rule 1102). OCC believes that locating this definition in Article, I, Section 1 of the By-Laws with the majority of the other definitions that are used in OCC's By-Laws and Rules promotes organizational consistency and clarity in OCC's legal framework. OCC also proposes to amend Interpretation and Policy .01 of Rule 309 to change a reference to ''OCC'' to ''the Corporation'' to conform to existing convention in OCC's By-Laws and Rules.

Additionally, OCC proposes to amend Interpretation and Policy .01 of Article III, Section 7 of the By-Laws, which concerns the use of the criteria of OCC's Fitness Standards for Directors, Clearing Members and Others in the election of Management Directors, to remove a reference to the President. OCC notes that, in addition to the proposed elimination of the office of President in this proposed rule change, in 2014, the Commission approved a proposed rule change providing that OCC's President would no longer be considered a Management Director.[14] OCC also proposes to amend Interpretation and Policy .02 of Rule 1104 to remove references to the Management Vice Chairman. In September 2016,[15] the Commission approved a proposed rule change by OCC to eliminate the role of Management Vice Chairman.[16] OCC is proposing to remove remaining references to this position that were intended to be removed as part of SR–OCC–2016–002.

Finally, OCC proposes a number of non-substantive amendments to correct typographical errors in the By-Laws and Rules (*e.g.,* correction of typographical error in Rule 305(c) to refer to the ''Executive'' Chairman and in Rule 309A to state ''an'' Appointed Clearing Member).

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Act[17] and the rules thereunder applicable to OCC. Section 17A(b)(3)(A) of the Act[18] requires, among other things, that a clearing agency be so organized and have the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible. Rule 17Ad–22(d)(1)[19] requires each registered clearing agency to provide for a well-founded transparent, and enforceable legal framework for each aspect of its operations in all relevant jurisdictions. Rule 17Ad–22(d)(8)[20] further requires each registered clearing agency to have clear and transparent governance arrangements to, in part, fulfill the public interest requirements in Section 17A of the Act[21] and support the objectives of owners and participants.

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(A) of the Act[22] and the rules thereunder because it is designed to ensure that OCC is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions for which it is responsible by implementing certain leadership enhancements intended to promote OCC's efficient management and operation. Specifically, OCC believes that having the Executive Chairman also serve as OCC's CEO, reallocating the President's duties and powers among the Executive Chairman, COO and CAO, authorizing the COO and CAO to take action or grant exceptions under certain conditions, and separating the positions of Treasurer and CFO, as described in detail above, would: (i) Provide for a broad range of knowledge, skills, and experience within OCC's management team, (ii) improve the alignment of officers' responsibilities with their skills and experience and thereby enhance efficiency and effectiveness within OCC's management, and (iii) ensure that there continues to be an appropriate allocation of duties and powers among

[13] *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016).

[14] *See* Securities Exchange Act Release No. 73785 (December 8, 2014), 79 FR 73915 (December 12, 2014) (SR–OCC–2014–18).

[15] Commission staff revised this text, previously reading ''Earlier this year,'' to read ''In September 2016,'' at the request of the OCC.

[16] *See* Securities Exchange Act Release No. 78862 (September 16, 2016), 81 FR 65415 (September 22, 2016) (SR–OCC–2016–002).

[17] 15 U.S.C. 78q–1.

[18] 15 U.S.C. 78q–1(b)(3)(A).

[19] 17 CFR 240.17Ad–22(d)(1).

[20] 17 CFR 240.17Ad–22(d)(8).

[21] 15 U.S.C. 78q–1.

[22] 15 U.S.C. 78q–1(b)(3)(A).

officers such that management has the capacity to continue carrying out OCC's affairs even if a particular officer is absent or disabled. Moreover, OCC believes the proposed management structure changes would provide clear and transparent governance arrangements designed to improve OCC's ability to serve Clearing Members and the markets for which it clears and thereby fulfill the public interest requirements in Section 17A of the Act [23] and support the objectives of owners and participants consistent with Rule 17Ad–2(d)(8).[24]

In addition, OCC believes that centralizing the definition of ''Designated Officer'' in Article I, Section 1 and making other clarifying, conforming and clean-up changes to OCC's governing documents would promote organizational consistency and clarity in OCC's legal framework to ensure that it remains well-founded, transparent and enforceable in all relevant jurisdictions in accordance with Rule 17Ad–22(d)(1).[25]

Finally, recently adopted Rule 17Ad–22(e)(2) [26] requires covered clearing agencies to maintain written policies and procedures reasonably designed to, among other things, provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. OCC believes that the proposed amendments to its By-Laws, Rules, charters and policies would provide explicit, clear, and transparent statements of the responsibilities of its Executive Chairman/CEO, COO and CAO within the overall management structure of OCC in accordance with Rule 17Ad–22(e)(2).

The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[27] OCC does not believe that the proposed rule change would impose any burden or have any impact on competition. The proposed rule change would implement certain leadership changes within OCC's management to have the Executive Chairman also serve as OCC's CEO, reallocate the President's duties and powers among the Executive Chairman, COO and CAO, authorize the COO and CAO to take action or grant exceptions under certain conditions, and de-couple the positions of Treasurer and CFO. This proposed rule change would not inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another. As a result, OCC believes the proposed rule change would not impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

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 if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2017–002 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–OCC–2017–002. 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 such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_17_002.pdf.*

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–OCC–2017–002 and should be submitted on or before April 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04816 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 102; SEC File No. 270–409, OMB Control No. 3235–0467]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

[23] 15 U.S.C. 78q–1.

[24] 17 CFR 240.17Ad–22(d)(8).

[25] 17 CFR 240.17Ad–22(d)(1). For the same reasons, OCC believes that the proposed change also is consistent with recently adopted Rule 17Ad–22(e)(1), which requires covered clearing agencies to maintain written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. 17 CFR 240.17Ad–22(e)(1).

[26] 17 CFR 240.17Ad–22(e)(2).

[27] 15 U.S.C. 78q–1(b)(3)(I).

[28] 17 CFR 200.30–3(a)(12).

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 102 of Regulation M (17 CFR 242.102), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 102 prohibits distribution participants, issuers, and selling security holders from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by these rules may seek to use several applicable exceptions such as an exclusion for actively traded reference securities and the maintenance of policies regarding information barriers between their affiliates.

There are approximately 998 respondents per year that require an aggregate total of 1,898 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes on average approximately 1.902 hours to complete. Thus, the total compliance burden per year is 1,898 burden hours. The total internal compliance cost for all respondents is approximately $123,370.00, resulting in a cost of compliance per respondent of approximately $124.00 (*i.e.,* $123,370.00/998 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 8, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04865 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 103; SEC File No. 270–410, OMB Control No. 3235–0466]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 103 of Regulation M (17 CFR 242.103), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 103 permits passive market-making in Nasdaq securities during a distribution. A distribution participant that seeks use of this exception would be required to disclose to third parties its intention to engage in passive market making.

There are approximately 309 respondents per year that require an aggregate total of 309 hours to comply with this rule. Each respondent makes an estimated 1 response annually. Each response takes approximately 1 hour to complete. Thus, the total hourly burden per year is 309 hours. The total estimated internal labor cost of compliance for the respondents is approximately $20,085.00 per year, resulting in an estimated internal labor cost of compliance per response of approximately $65.00 (*i.e.,* $20,085.00/309 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: March 8, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04866 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80167; File No SR–CBOE–2017–017]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Amend the Bylaws and Certificate of Incorporation

March 7, 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 22, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Bylaws and Certificate of Incorporation. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Bylaws and Certificate of Incorporation. Specifically the Exchange proposes to amend its Board size range and eliminate its Compensation Committee.

First, the Exchange proposes to amend its Bylaws relating to Board size range. Currently, Section 3.1 of the Bylaws provide that the Board shall consist of not less than 12 and not more than 16 directors. The Exchange proposes to change the Board size range such that the Board shall consist of no less than 5 directors. The Exchange believes the proposed change will provide greater flexibility by permitting the Board to increase or decrease the size of the board without the need to further amend the Bylaws.[3] The Exchange notes that any changes in the number of directors will continue to be in all cases subject to the compositional requirements of the board set forth in the Bylaws, including its provision relating to the fair representation of members.[4] The Exchange also notes that the Bylaws of other Exchanges have similar board size provisions.[5] The Exchange also proposes to make conforming changes to its Certificate of Incorporation. Specifically, CBOE proposes to amend subparagraph (b) of Article Fifth to also provide that the Board of Directors shall consist of not less than 5 directors, and eliminate the current referenced range of 12 to 16 directors.

Next, the Exchange proposes to eliminate the Exchange-level Compensation Committee. The Exchange seeks to eliminate the Compensation Committee because it believes that the Compensation Committee's functions are duplicative of the functions of the Compensation Committee of its parent company, CBOE Holdings.[6] Specifically, under its charter, the CBOE Holdings Compensation Committee has authority to assist the CBOE Holdings Board of Directors in carrying out its overall responsibilities relating to executive compensation and also, among other things, (i) recommending the compensation of the Company's Chief Executive Officer and certain other executive officers and (ii) approving and administering all cash and equity-based incentive compensation plans of the Company that affect employees of the Company and its subsidiaries. Similarly, under its charter, the CBOE Compensation Committee has authority to assist the CBOE Board and the Parent Compensation Committee in carrying out its overall responsibilities relating to executive compensation as well as (i) recommending the compensation of certain executive officers designated by the Board whose compensation has not been, and is not expected to be, determined by the compensation committee of the Parent Board or another Board committee[7] and (ii) assist the Parent Compensation Committee in the administration of cash and equity-based incentive compensation plans of the Company that affects employees of the Company and its subsidiaries. As such, other than to the extent that the CBOE Compensation Committee recommends the compensation of executive officers whose compensation is not already determined by the CBOE Holdings Compensation Committee, its activities are duplicative of the activities of the CBOE Holdings Compensation Committee. The Exchange notes that currently, each of the executive officers whose compensation would be determined by the CBOE Compensation Committee is also an executive officer of CBOE Holdings, and as such, the CBOE Holdings Compensation Committee already performs these functions for such officers. To the extent that compensation need be determined by [sic] any CBOE officer who is not also a CBOE Holdings officer in the future, the CBOE Board or senior management will perform such action without the use of a compensation committee, as provided for in Section 5.11 of the Bylaws. Thus, the responsibilities of the CBOE Compensation Committee are fully duplicated by the responsibilities of the CBOE Holdings Compensation Committee. Accordingly, CBOE is proposing to delete Section 4.3 of the CBOE Bylaws which provides for the CBOE Compensation Committee and to delete a reference to the CBOE Compensation Committee in Section 4.1(a) of the CBOE Bylaws (which lists the required CBOE Board committees). CBOE also proposes to eliminate the reference to the CBOE Compensation Committee in Section 5.11 of the CBOE Bylaws (which provides that officers are entitled to salaries, compensation or reimbursement as shall be fixed or allowed from time to time by the Board unless otherwise delegated to the Compensation Committee of the Board or to members of senior management). CBOE believes that its proposal to eliminate its Compensation Committee is substantially similar to prior actions taken by other securities exchanges with parent company compensation committees to eliminate their exchange-level compensation committees.[8]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[3] The Board notes that it does not at this time anticipate changing the current Board size outside of the original range of 12–16 directors.

[4] *See* Section 3.2 of the CBOE Bylaws.

[5] *See e.g.,* Fourth Amended and Restated Bylaws of BZX Exchange, Inc., Article III, Board of Directors, Section 2(a), which provides that the Board of Directors shall consist of four (4) or more Directors, the number of which would be determined by resolution of the Board.

[6] The Exchange notes that the current composition of the CBOE and CBOE Holdings Compensation Committees are the same.

[7] The Exchange notes that pursuant to its Charter, the CBOE Regulatory Oversight and Compliance Committee (ROCC) of the CBOE Board recommends to the Board compensation for the Chief Regulatory Officer and any Deputy Chief Regulatory Officers. The Exchange notes that the proposed change will not affect this process. The Exchange also notes that currently not all executive officers of CBOE are required to have their compensation determined by the Compensation Committee.

[8] *See e.g.,* Securities Exchange Act Release No. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042). *See also* Securities Exchange Act Release No. 62304 (June 16, 2010), 75 FR 36136 (June 24, 2010) (SR–NYSEArca–2010–31).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

In particular, the proposed rule change to amend the Board size range in the Bylaws and Certificate of Incorporation provides the Board with flexibility. Additionally, the Exchange is not proposing to amend any of the compositional requirements currently set forth in the Bylaws. The Exchange therefore believes that the proposed changes will provide greater flexibility to the Exchange in populating a Board of Directors that includes directors with relevant and diverse expertise, while continuing to ensure that the Board is of adequate size and the existing compositional requirements of the Exchange are met, including the provision relating to the fair representation of members.

The Exchange believes eliminating the Exchange-level Compensation Committee allows the Exchange to eliminate a board committee whose responsibilities overlap with, and are adequately handled by, the corresponding committee of the Exchange's ultimate parent. This will allow directors of the Exchange to focus their attention on matters falling directly within the purview of the Exchange's board, including its orderly discharge of regulatory duties to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change relates to the corporate governance of CBOE and not the operations of the Exchange. This is not a competitive filing and, therefore, imposes no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove 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–CBOE–2017–017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–CBOE–2017–017. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2017–017 and should be submitted on or before April 3, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04815 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32523; File No. 812–14608]

Advanced Series Trust, et al.; Notice of Application

March 7, 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: Advanced Series Trust, Prudential's Gibraltar Fund, Inc., The Prudential Series Fund, Prudential Global Total Return Fund, Inc., Prudential Government Money Market Fund, Inc., The Prudential Investment Portfolios, Inc., Prudential Investment Portfolios 2, Prudential Investment Portfolios 3, Prudential Investment Portfolios 4, Prudential Investment Portfolios 5, Prudential Investment Portfolios 6, Prudential Investment Portfolios 7, Prudential Investment Portfolios 8, Prudential Investment Portfolios 9, Prudential Investment Portfolios, Inc. 10, Prudential

[12] 17 CFR 200.30–3(a)(12).

Investment Portfolios 12, Prudential Investment Portfolios, Inc. 14, Prudential Investment Portfolios, Inc. 15, Prudential Investment Portfolios 16, Prudential Investment Portfolios, Inc. 17, Prudential Investment Portfolios 18, Prudential Jennison Blend Fund, Inc., Prudential Jennison Mid-Cap Growth Fund, Inc., Prudential Jennison Natural Resources Fund, Inc., Prudential Jennison Small Company Fund, Inc., Prudential National Muni Fund, Inc., Prudential Sector Funds, Inc., Prudential Short-Term Corporate Bond Fund, Inc., Prudential World Fund, Inc., The Prudential Variable Contract Account–2, The Prudential Variable Contract Account–10, The Prudential Variable Contract Account–11, and The Target Portfolio Trust, each registered under the Act as an open-end management investment company with one or more series or portfolios, and Prudential Investments LLC and AST Investment Services, Inc., each registered as an investment adviser under the Investment Advisers Act of 1940.

FILING DATES: The application was filed on February 3, 2016, and amended on June 30, 2016, February 7, 2017 and March 1, 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 April 3, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, c/o Jonathan D. Shain, Esq., Prudential Investments LLC, 655 Broad Street, 17th Floor, Newark, NJ 07102.

FOR FURTHER INFORMATION CONTACT: Kaitlin C. Bottock, Senior Counsel, at (202) 551–8658 or David J. Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or 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.[1] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[2]

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, an 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.[3]

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.[4] 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).[5]

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 Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a 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

[1] Applicants request that the order apply to the applicants and to any existing or future registered open-end management investment company or series thereof for which Prudential Investments LLC, AST Investment Services, Inc., or any successor thereto or an investment adviser controlling, controlled by, or under common control with Prudential Investments LLC, AST Investment Services, Inc., or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment adviser an ''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.

[2] Any Fund, however, will be able to call a loan on one business day's notice.

[3] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[4] 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.

[5] 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.

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. 2017–04812 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–4659; File No. 803–00231]

The Jeffrey Company; Notice of Application

March 7, 2017.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an exemptive order under the Investment Advisers Act of 1940 (''Advisers Act'').

APPLICANT: The Jeffrey Company (the ''Applicant'').

RELEVANT ADVISERS ACT SECTIONS: Exemption requested under Section 202(a)(11)(H) of the Advisers Act from Section 202(a)(11) of the Advisers Act.

SUMMARY OF APPLICATION: The Applicant requests that the Commission issue an order declaring the Applicant to be a person not within the intent of Section 202(a)(11) of the Advisers Act, which defines the term ''investment adviser.''

FILING DATES: The application was filed on September 2, 2016, and amended on December 14, 2016 and February 9, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 3, 2017, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Advisers Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicant, The Jeffrey Company, c/o Dan L. Jaffe, Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, Columbus, Ohio 43215.

FOR FURTHER INFORMATION CONTACT: James McGinnis, Senior Counsel, at (202) 551–3025 or Holly Hunter-Ceci, Acting Assistant Chief Counsel, at (202) 551–6825 (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 either at *http://www.sec.gov/rules/iareleases.shtml* or by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicant's Representations

1. The Applicant, an Ohio corporation, is the managing member of Jeffrey LLC, a Delaware limited liability company. By acting as managing member of Jeffrey LLC, the Applicant provides services to the family and descendants of Joseph A. Jeffrey (1836–1928) (''J.A. Jeffrey''); all of the membership interests in Jeffrey LLC (''units'') are owned directly or indirectly by the descendants of J.A. Jeffrey. The securities of the Applicant also are 100% owned directly or indirectly by the descendants of J.A. Jeffrey. The Applicant is managed by a board of directors (the ''Board''), a majority of the members of which are Family Members as defined in paragraph (d)(6) of Rule 202(a)(11)(G)–1 (the ''Family Office Rule'') (with J.A. Jeffrey being the ''common ancestor'' for this purpose). Unless otherwise defined herein, capitalized terms have the same meaning as defined in the Family Office Rule.

2. The Applicant provides services (both advisory and non-advisory) to Jeffrey LLC in its capacity as the managing member of Jeffrey LLC.

3. The Applicant has engaged Katahdin Asset Management LLC, a Delaware limited liability company (''KAM''), to provide advisory and non-advisory services to, and to conduct the day-to-day operations of, Jeffrey LLC and the Applicant, with KAM's own employees (neither Jeffrey LLC nor the Applicant having employees of its own), subject to the direction of the Board. The Board also has the responsibility to establish and periodically review and change as necessary the policies, directives, and goals of Jeffrey LLC, as well as the right to monitor and evaluate the performance of KAM in implementing the policies and directives and in obtaining the goals of Jeffrey LLC.

4. The Applicant represents that (i) each person served by the Applicant is a Family Client, *i.e.,* the Applicant has no clients other than a Family Client as required by paragraph (b)(1) of the Family Office Rule, (ii) the Applicant is owned and controlled in a manner that complies in all respects with paragraph (b)(2) of the Family Office Rule, and (iii) the Applicant does not hold itself out to the public as an investment adviser as required by paragraph (b)(3) of the Family Office Rule.

5. The Applicant represents that Jeffrey LLC currently relies on an exception from the definition of investment company pursuant to Section 3(c)(1) of the Investment Company Act of 1940, as amended (the ''ICA''). Jeffrey LLC would like to offer to additional Family Clients the opportunity to invest in Jeffrey LLC (subject to securities law compliance, including complying with applicable federal and state exemptions from the registration of its securities). The Applicant states that the 100 beneficial owner limitation of Section 3(c)(1) of the ICA would cause family friction by denying to many Family Clients the opportunity to invest in Jeffrey LLC. The Applicant states that there are approximately 350 Family Members.

Accordingly, on March 11, 2016, Jeffrey LLC filed an application with the Commission pursuant to Section 6(c) of the ICA requesting an exemption from all of the provisions of the ICA and all rules and regulations thereunder. Such exemption would permit Jeffrey LLC to allow all Family Clients the opportunity to invest in Jeffrey LLC without imposing on Jeffrey LLC the costs of registering under, and complying with, the ICA.

6. The Applicant represents that, in the event Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA, the Applicant would continue to meet the three general conditions of the Family Office Rule set forth in item 4 above, with the exception that Jeffrey LLC would not qualify as a Family Client, as more fully described below. The Applicant represents that the assets owned beneficially by Family Members and/or Family Entities (including assets beneficially owned by Family Members and/or Family Entities indirectly through Jeffrey LLC) will account for at least 75% of the assets for which the Applicant provides services.

7. The Applicant represents that units have not been, and will not be, offered or sold to the public. The Applicant states that under Jeffrey LLC's limited liability company agreement, sales or other transfers of units for value to any purchaser, other than to Jeffrey LLC itself, are prohibited. The Applicant further states that transfers for value to existing members or other Family Clients are prohibited.[1] The Applicant represents that a market never will develop for units. Applicant represents that the exit strategies available to a Family Client will be to surrender units for redemption by Jeffrey LLC at fair market value or to gift or contribute units to other Family Clients. Investors are permitted to redeem their units at the end of each calendar quarter.

Applicant's Legal Analysis

1. Section 202(a)(11) of the Advisers Act defines the term ''investment adviser'' to mean ''any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities . . . .''

2. The Applicant currently complies with the Family Office Rule, and thus the Applicant is not considered to be an ''investment adviser'' under Section 202(a)(11) of the Advisers Act. In the event that Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA and thereby no longer would be excepted from the definition of ''investment company'' under the ICA, the Applicant would not comply with the Family Office Rule exclusion from the term ''investment adviser'' because the Applicant's ''client'' (Jeffrey LLC) would not qualify as a Family Client under paragraph (d)(4)(xi) of the Family Office Rule. The Applicant does not qualify for any of the exemptions from registration as an investment adviser set forth in Section 203(b) of the Advisers Act and, because the Applicant has regulatory assets under management of more than $100 million, the Applicant is not prohibited from registering with the Commission under Section 203A(a) of the Advisers Act. Therefore, absent relief, the Applicant may be required to register as an investment adviser under Section 203(a) of the Advisers Act.

3. The Applicant submits that, in the event Jeffrey LLC were to exceed the 100 beneficial owner limitation of Section 3(c)(1) of the ICA, the Applicant's relationship with Jeffrey LLC would not change the nature of the Applicant into that of a commercial advisory firm. In support of this argument, the Applicant notes that the Applicant would continue to be held entirely by Family Clients, and the Applicant would continue not to hold itself out to the public as an investment adviser. The Applicant represents that Jeffrey LLC would continue to be managed and controlled by the Applicant, which in turn is managed by the Board, a majority of the members of which are Family Members.

4. The Applicant states that, in requesting the order, the Applicant is not attempting to expand its operations or engage in any level of commercial activity to which the Advisers Act is designed to apply. Further, in the event Jeffrey LLC receives from the Commission an order exempting Jeffrey LLC from all of the provisions of the ICA and all rules and regulations thereunder, given the conditions of such exemptive order, which are designed to alleviate the policy concerns implicated by expanding Jeffrey LLC beyond one hundred investors, the Applicant submits that there is no practical difference from a regulatory standpoint between (i) a pooled investment vehicle created exclusively for the benefit of and wholly owned by Family Clients that is ''excepted from the definition'' of ''investment company'' under the ICA, and (ii) such a pooled investment vehicle that is, by virtue of a Commission order, exempt from all the provisions of the ICA and all rules and regulations thereunder.

5. The Applicant also submits that there is no public interest in requiring the Applicant to be registered under the Advisers Act. The Applicant's services as managing member of Jeffrey LLC are specifically and exclusively tailored to the needs of Jeffrey LLC. In the event Jeffrey LLC were to exceed 100 beneficial owners, the Applicant's only ''client'' would continue to be Jeffrey LLC (and possibly other Family Clients).

6. The Applicant argues that, although the Family Office Rule largely codified the exemptive orders that the Commission had previously issued before the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Commission recognized in proposing the Family Office Rule that the exact representations, conditions, or terms contained in every exemptive order could not be captured in a rule of general applicability. The Commission noted that family offices would remain free to seek a Commission exemptive order to advise an individual or entity that did not meet the proposed ''family client'' definition, and that certain situations may raise unique conflicts and issues that are more appropriately addressed through an exemptive order process where the Commission can consider the specific facts and circumstances, than through a rule of general applicability.

7. The Applicant notes that the Commission has issued orders subsequent to the adoption of the Family Office Rule, and that each of those orders treated the applicant as a Family Office even though the applicant was providing services to persons who did not fall within the definition of ''Family Client.'' The Applicant submits that those orders recognized unusual circumstances in which an entity provided services to such persons while remaining focused on a single family's needs. The Applicant maintains that its unusual circumstances—providing services, in its capacity as a managing member, to an entity that currently qualifies as a Family Client because it is excepted from the definition of

[1] Applicant states that Jeffrey LLC allows a very limited exception for estate planning transfers for value, such as installment sales to a grantor trust. Any such transfers will be made only to Family Clients. Additionally, investors are permitted to pledge units as collateral for a loan, but only if the pledge documents require, in lieu of foreclosure or other enforcement action in the event of a default, that the pledged units be redeemed by Jeffrey LLC prior to any transfer of economic or voting rights. In the event that units are pledged, the party to which such units are pledged shall not receive direct economic benefit from the units nor can such party directly or indirectly vote the units.

''investment company'' under the ICA but would not be so excepted if it were to exceed 100 beneficial owners—would not change the nature of the Applicant's operations into that of a commercial advisory business, and that an exemptive order is appropriate based on the Applicant's facts and circumstances.

8. For the foregoing reasons, the Applicant requests an order declaring it to be a person not within the intent of Section 202(a)(11) of the Advisers Act. The Applicant submits that the order is necessary and appropriate, in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Advisers Act.

Applicant's Conditions

1. The Applicant will offer and provide services only to: (i) Jeffrey LLC, which will generally be deemed to be, and treated as if it were, a Family Client, and (ii) other Family Clients.

2. The Applicant at all times will be wholly owned by Family Clients and exclusively controlled (directly or indirectly) by one or more Family Members and/or Family Entities as defined in paragraph (d)(5) of the Family Office Rule.

3. Jeffrey LLC at all times will be wholly owned by Family Clients.

4. At all times the assets beneficially owned by Family Members and/or Family Entities (including assets beneficially owned by Family Members and/or Family Entities indirectly through Jeffrey LLC) will account for at least 75% of the assets for which the Applicant provides services.

5. The Applicant will comply with all the terms for exclusion from the definition of ''investment adviser'' under the Advisers Act set forth in the Family Office Rule except for the limited exception requested by the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04810 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–32526; File No. 812–14624]

Jeffrey LLC; Notice of Application

March 7, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from all provisions of the Act and all rules and regulations thereunder.

SUMMARY OF APPLICATION: Applicant requests an order for an exemption from all provisions of the Act and all rules and regulations thereunder, as Applicant is a private investment company wholly owned and controlled by a single family.

APPLICANT: Jeffrey LLC (''Applicant'').

FILING DATES: The application was filed on March 11, 2016 and amended on September 2, 2016, December 14, 2016, and February 9, 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 applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 3, 2017, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, 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 St. NE., Washington, DC 20549–1090. Applicant: Jeffrey LLC, 100 East Broad Street, Suite 1700, Columbus, OH 43215.

FOR FURTHER INFORMATION CONTACT: James D. McGinnis, Senior Counsel, at (202) 551–3025, or Holly Hunter-Ceci, Acting Assistant Chief Counsel, at (202) 551–6825 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. Applicant is a Delaware limited liability company. Applicant's managing member is The Jeffrey Company, an Ohio corporation (''TJC''). All of the outstanding shares of capital stock of TJC are owned by trusts for descendants of Joseph A. Jeffrey (1836–1928) (''J.A. Jeffrey''). Approximately 50% of the units of membership interest in Applicant (''units'') are owned by TJC as the managing member, with the remaining units being owned by trusts for descendants of J.A. Jeffrey. 100% of Applicant's units are owned directly or indirectly by trusts for descendants of J.A. Jeffrey.

2. J.A. Jeffrey created the Joseph A. Jeffrey Trust (the ''Trust'') on May 6, 1914, for the benefit of his descendants, and transferred virtually all of the TJC shares to the Trust. TJC was founded to manufacture the world's first coal-mining machines. TJC sold its operating assets to Dresser Industries in 1974 and became a pure investment enterprise. TJC thereafter relied on an exception from the definition of investment company pursuant to Section 3(c)(1) of the Investment Company Act of 1940, as amended (the ''Act''). In 2002, the Trust was divided into separate trusts, one for each current income beneficiary (each an ''Individual Trust''), but still operating pursuant to the terms of the instrument establishing the Trust. In 2009, in connection with the formation of Applicant, TJC contributed marketable securities to Applicant in exchange for 100% of the units in Applicant, and immediately distributed the non-managing member units to TJC's shareholders. In 2010 and then again in 2011, TJC distributed marketable securities to its shareholders, who in turn contributed those securities to Applicant in exchange for additional units in Applicant.

3. TJC contributed to Applicant, as of December 31, 2016, 100% of TJC's marketable securities and other assets (excluding its managing member units in Applicant and any assets associated with TJC's deferred compensation plans) in exchange for additional managing member units in Applicant.[1] Applicant states that the number of additional units in Applicant issued to TJC as of December 31, 2016 was based on relative fair market value at that time. As a result of the contribution, Applicant holds essentially all of the family enterprise's investment assets.

4. On January 17, 2017, the Trust terminated pursuant to its terms, and the assets of each Individual Trust (substantially all of which consist of units in Applicant and shares of TJC) became distributable to the then-current

[1] As a result of such contribution, virtually all of TJC's assets consist of the managing member units in Applicant, which Applicant has determined are not securities. Applicant has stated that, as such, TJC itself can no longer rely on Section 3(c)(1) of the Act and does require the relief requested by the application.

income beneficiary of such Individual Trust, after all outstanding expenses and claims are satisfied. Upon the distribution of such assets, Applicant will be owned 100% by descendants of J.A. Jeffrey, either directly or through TJC.

5. Applicant represents that, to date, Applicant has met the requirements of Section 3(c)(1) of the Act. Applicant has 62 non-managing members, each of which is an Individual Trust, plus TJC as its sole managing member. Forty-eight of the 62 Individual Trusts are beneficial owners within the meaning of the Act, having made investments into Applicant in exchange for units in 2010 and 2011. The remaining fourteen Individual Trusts received their non-managing member units in Applicant involuntarily, after the 2011 investments were made and pursuant to the operation of the Trust, in accordance with Rule 3c–6 under the Act. These fourteen Individual Trusts collectively stepped into the shoes of five former Individual Trusts that had made investments into Applicant in 2010 and 2011. Thus, the 62 Individual Trusts today represent 53 beneficial owners.[2]

6. Applicant will limit its security holders to ''family clients,'' as defined under Rule 202(a)(11)(G)–1 (the ''Family Office Rule'') under the Investment Advisers Act of 1940 (the ''Advisers Act''), with J.A. Jeffrey being the ''common ancestor'' for this purpose (''Family Clients''). Applicant further does not intend to offer to key employees or their entities the opportunity to invest in Applicant unless a key employee is also a ''family member,'' as defined under the Family Office Rule (a ''Family Member''). Thus, Applicant's owners will consist of a subset of Family Clients.

7. Applicant would like to offer to such subset of Family Clients the opportunity to invest in Applicant (subject to securities law compliance, including complying with applicable federal and state exemptions from registration of its securities). Applicant states that the 100 beneficial owner limitation of Section 3(c)(1) of the Act potentially would cause family friction by denying to many Family Members the opportunity to invest in Applicant. Applicant states that, as of the date of the Application, there are approximately 350 Family Members.

8. Units in Applicant have not been and will not be offered or sold to the public. Under Applicant's limited liability company agreement, sales or other transfers of units for value to any purchaser, other than to Applicant itself, are prohibited. Transfers for value to existing members or other Family Clients are prohibited.[3] Applicant states that, as a result, a market will never develop for units in Applicant. Applicant states that the only exit strategies available to a Family Client will be to surrender units for redemption by Applicant at fair market value[4] or to gift or contribute units to other Family Clients.

9. TJC is the sole managing member of Applicant. TJC is managed by a board of directors (the ''Board''). At all times, a majority of Board directors will be Family Members; provided, however, that if by reason of the death, disqualification or bona fide resignation of any director or directors, a majority of the directors are not Family Members, the vacancy or vacancies will be filled in order to reestablish such majority within 90 days (consistent with Act Rule 10e–1(a)). The directors are paid on the basis of fixed fees and expenses, and do not receive any form of commission or performance-based compensation. None of the directors is affiliated with Applicant's investment advisers. All directors are elected annually, thereby providing an opportunity to evaluate the continued contribution of each director on an annual basis.

10. Applicant has no employees of its own. Applicant has a management agreement with Katahdin Asset Management LLC (the ''Family Management Co.''). The Family Management Co. conducts the day-to-day operations of Applicant with the Family Management Co.'s own employees, subject to the direction of the Board. The Family Management Co. is wholly owned and controlled by the same individual who is TJC's chief executive officer, who also is a Family Member. Applicant states that, because the Family Management Co.'s owner is both a Family Member and a current income beneficiary of an Individual Trust, the Family Management Co.'s interests are aligned with those of fellow owners of Applicant. Applicant states that Applicant, TJC and the Family Management Co. together function like a cooperative association for the benefit of the owners.

11. In addition to the Family Management Co., Applicant relies on Commission-registered investment advisers in managing its investments, subject to the oversight of the Board. Applicant states that currently, substantially all of Applicant's assets are managed by six unrelated investment advisers, all of which are registered with the Commission. Applicant states that all investment management fees paid by Applicant to these investment advisers are based on either a fixed or graduated fee calculated as a percentage of assets under management. Applicant further states that Applicant does not pay any performance-based fees.

12. Applicant states that Applicant has provided detailed quarterly and annual reports to investors, and held Board meetings with family guests and frequent meetings with the current income beneficiaries of the Individual Trusts. The financial statements of Applicant are audited by a nationally recognized accounting firm annually.

Applicant's Legal Analysis

1. Applicant is seeking an order pursuant to Section 6(c) of the Act for an exemption from all of the provisions of the Act and all rules and regulations thereunder, except as otherwise specified in the application. Applicant submits that Section 3(c)(1) of the Act evidences the intention of Congress to exclude ''private'' investment companies from the scope of the Act. Under Section 6(c) of the Act, the Commission may exempt any person, security, or transaction from any provision of the Act, if and to the extent that 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. Applicant submits that the requested exemption from all provisions of the Act and all rules and regulations thereunder (except as otherwise specified in the application) meets these standards, as Applicant is a private investment company wholly owned and controlled by a single family.

2. Applicant states that similarly situated companies typically may rely on Section 3(c)(1) of the Act for an exclusion from registration under the Act. Section 3(c)(1) excepts from the definition of ''investment company'' any issuer whose outstanding securities are

[2] Applicant states that TJC, as the sole managing member of the Applicant, is not treated as a beneficial owner by Applicant pursuant to guidance from the staff of the Division of Investment Management at the Commission.

[3] Applicant allows a very limited exception for estate planning transfers for value, such as installment sales to a grantor trust. Any such transfers will be made only to Family Clients. Additionally, investors are permitted to pledge units as collateral for a loan, but only if the pledge documents require, in lieu of foreclosure or other enforcement action in the event of a default, that the pledged units be redeemed by Applicant prior to any transfer of economic or voting rights. In the event that units are pledged, the party to which such units are pledged shall not receive direct economic benefit from the units nor can such party directly or indirectly vote the units.

[4] Investors are permitted to redeem their units in Applicant at the end of each calendar quarter.

beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities. Applicant submits that the descendants of J.A. Jeffrey are numerous and Applicant does not wish to exclude any Family Member from investing in Applicant.

3. Applicant submits that the exemption requested is necessary and 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. Applicant further submits that the exemption requested is consistent with relief granted by the Commission to other private investment companies that have more than 100 beneficial owners and that are substantially owned and controlled by a single family.

4. Applicant submits that one of the key purposes of the Act is to ensure that every investment company properly identifies and mitigates conflicts of interest and legal, compliance, financial, and operational risks. Applicant submits that the Board's structure and practice, including its review of compliance with legal and regulatory requirements, evaluation of operational risk management processes, establishment of a Code of Ethics (addressing, among other things, conflicts of interest) and provision of periodic reports to investors, are designed to protect Applicant's investors. Applicant submits that Applicant's ''co-op'' style, where no money is taken off the top for management (*i.e.,* management does not receive a carried interest or other share of profits), no performance fees are paid, and management's incentives otherwise are aligned with clients, provides further protection. Applicant represents that its efforts to mitigate conflicts of interest are at least as robust as those the Commission historically has required in similar exemptive relief.

Applicant's Conditions

Applicant agrees that the order of the Commission granting the requested relief shall be subject to the following conditions, which conditions shall continue for so long as Applicant seeks to rely on such relief:

1. Interests in Applicant have not been and will not be offered or sold to the public. Applicant will neither admit as a new investor, nor permit the assignment or transfer of any interest in Applicant to, any individual or entity that is not a Family Client.

2. Applicant at all times will be controlled by Family Members and/or ''family entities'' (as defined under the Family Office Rule) that are Family Clients.

3. Applicant will not have as an investment adviser any investment adviser other than (i) a Commission-registered investment adviser, (ii) a ''family office'' as defined in the Family Office Rule or (iii) an entity that has obtained an order from the Commission declaring it to be a person not within the intent of the Advisers Act to the extent that it cannot satisfy all of the conditions to be a ''family office'', as defined in the Family Office Rule.

4. A majority of the Board will consist of Family Members; provided, however, that if by reason of the death, disqualification or bona fide resignation of any director or directors, a majority of the directors are not Family Members, the vacancy or vacancies will be filled in order to reestablish such majority within 90 days (consistent with Act Rule 10e–1(a) under the Act).

5. Applicant will continue to hold annual meetings of its investors for the purpose of electing Board members and transacting such other business as may properly come before such meetings.

6. The Board will meet no less frequently than quarterly to review Applicant's investment portfolio to review compliance with all applicable investment restrictions and policies.

7. Applicant will not knowingly make available to any broker or dealer registered under the Securities Exchange Act of 1934, as amended, any financial information concerning Applicant for the purpose of knowingly enabling such broker or dealer to initiate any regular trading market in any interests in Applicant.

8. Applicant will provide each investor in Applicant annual financial statements audited by an independent public accountant.

9. Applicant will comply with the provisions set forth in subparagraphs (A)(i) and (B)(i) of Section 12(d)(1) of the Act as if Applicant were an investment company relying on the exemption set forth in Section 3(c)(1) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04813 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 104; SEC File No. 270–411, OMB Control No. 3235–0465]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 104 of Regulation M (17 CFR 242.104), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 104 permits stabilizing by a distribution participant during a distribution so long as the distribution participant discloses information to the market and investors. This rule requires disclosure in offering materials of the potential stabilizing transactions and that the distribution participant inform the market when a stabilizing bid is made. It also requires the distribution participants (*i.e.,* the syndicate manager) to maintain information regarding syndicate covering transactions and penalty bids and disclose such information to the Self-Regulatory Organization.

There are approximately 848 respondents per year that require an aggregate total of 170 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes approximately 0.20 hours (12 minutes) to complete. Thus, the total compliance burden per year is 170 hours. The total internal labor cost of compliance for the respondents is approximately $11,050.00 per year, resulting in an internal cost of compliance of about $13.03 (*i.e.,* $11,050.00/848 responses) per response.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and

Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: March 8, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–04867 Filed 3–10–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80169; File No. SR–BatsBZX–2016–80]

Self-Regulatory Organizations; Bats BZX Exchange, 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, Relating to BZX Rule 14.11, Other Securities, and BZX Rule 14.12, Failure To Meet Listing Standards

March 7, 2017.

I. Introduction

On November 18, 2016, Bats BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend BZX Rule (''Rule'') 14.11 to add specific continued listing standards for exchange-traded products (''ETPs'') and to amend Rule 14.12 to specify the delisting procedures for these products. The proposed rule change was published for comment in the **Federal Register** on December 7, 2016.[3] On January 18, 2017, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[4] On March 1, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the original proposal.[5] On March 3, 2017, the Exchange filed Amendment No. 2 to the proposed rule change.[6] The Commission received nine comment letters on the proposed rule change.[7] The Commission is publishing this notice to solicit comments on Amendment Nos. 1 and 2 from interested persons, and is approving the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2

The Exchange proposes to amend Rule 14.11 to specify continued listing requirements for products listed under that rule, which include products listed pursuant to Rule 19b–4(e) under the Act (''generically-listed products'') and products listed pursuant to proposed rule changes filed with the Commission (''non-generically-listed products'').[8]

The Exchange also proposes to amend Rule 14.11(a) to specify issuer notification requirements related to failures to comply with continued listing requirements. Specifically, the Exchange proposes to amend Rule 14.11(a) to require a company with securities listed under Rule 14.11 to promptly notify the Exchange after the company becomes aware of any non-compliance by the company with the requirements of the rule. As proposed, the Exchange would initiate delisting proceedings for a product listed under Rule 14.11 if any of its continued listing requirements (including those set forth in an Exchange Rule and those set forth in an applicable proposed rule change) is not continuously maintained.[9]

The Exchange also proposes to amend Rule 14.12 to specify the delisting procedures for products listed under Rule 14.11. Under proposed Rule 14.12(f)(2)(A), unless the company is currently under review by an Adjudicatory Body for a Staff Delisting Determination, the Listing Qualifications Department may accept and review a plan to regain compliance when the company fails to meet a continued listing requirement contained in Rule 14.11. Under the proposed rule, the company would be required to submit its compliance plan within 45 calendar days of the Exchange staff's notification of deficiencies.

Finally, the Exchange proposes to make conforming and technical changes throughout Rule 14.11 to maintain consistency in its rules. For example, the Exchange proposes to consistently use the language ''initiate delisting proceedings pursuant to Rule 14.12'' when describing the delisting procedures for a product that fails to meet continued listing requirements; [10] consistently state that, if the index that underlies a series of Portfolio Depository Receipts or Index Fund Shares is maintained by a broker-dealer or fund advisor, the index shall be calculated by a third party who is not

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 79450 (December 1, 2016), 81 FR 88284.

[4] *See* Securities Exchange Act Release No. 79839, 82 FR 8452 (January 25, 2017).

[5] In Amendment No. 1, the Exchange: (i) Further amended Rule 14.11(a) to require a Company with securities listed under Rule 14.11 to provide the Exchange with prompt notification if the Company (rather than an Executive Officer of the Company) becomes aware of its non-compliance with the requirements of Rule 14.11; (ii) further amended Rule 14.11 to reflect that certain listing requirements apply on an initial and ongoing basis; (iii) further amended Rule 14.11 to consistently state that the Exchange will initiate delisting proceedings if continued listing requirements are not maintained; (iv) further amended Rule 14.11 to provide that the Exchange would initiate delisting proceedings due to an interruption to the dissemination of index, reference asset, or intraday indicative values (as applicable to the product) only if the interruption persists past the trading day in which it occurred; (v) further amended Rule 14.11 to consistently state that the Exchange will implement and maintain surveillance procedures for the applicable product; and (vi) made other technical, clarifying, and conforming changes throughout Rule 14.11. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-batsbzx-2016-80/batsbzx201680-1610929-135984.pdf.*

[6] In Amendment No. 2, the Exchange specified the implementation date for the proposed rule change and made clarifying and technical changes. Amendment No. 2 is available at *https://www.sec.gov/comments/sr-batsbzx-2016-80/batsbzx201680-1610934-135985.pdf.*

[7] *See* Letters to Brent J. Fields, Secretary, Commission, from David W. Blass, General Counsel, Investment Company Institute, dated January 12, 2017 (''ICI Letter''); Anna Paglia, Head of Legal, Invesco PowerShares Capital Management LLC, dated February 10, 2017 (''PowerShares Letter''); Steven Price, SVP, Director of Distribution Services and Chief Compliance Officer, ALPS Distributors, Inc., ALPS Portfolio Solutions Distributor, Inc., dated February 10, 2017 (''ALPS Letter''); James E. Ross, Executive Vice President and Chairman, Global SPDR Business, State Street Global Advisors, dated February 13, 2017 (''SSGA Letter''); Samara Cohen, Managing Director, U.S. Head of iShares Capital Markets, Joanne Medero, Managing Director, Government Relations & Public Policy, and Deepa Damre, Managing Director, Legal & Compliance, BlackRock, Inc., dated February 14, 2017 (''BlackRock Letter''); Peter K. Ewing, Senior Vice President, Northern Trust Investments, Inc., dated February 14, 2017 (''NTI Letter''); Ryan Louvar, General Counsel, WisdomTree Asset Management, Inc., dated February 15, 2017 (''WisdomTree Letter''); Kevin McCarthy, Senior Managing Director, Nuveen Fund Advisors, LLC, dated February 15, 2017 (''Nuveen Letter''); and Matthew B. Farber, Assistant General Counsel, First Trust Advisors L.P., dated February 23, 2017 (''First Trust Letter'').

[8] *See infra* notes 33–35 and accompanying text.

[9] Unlike failures to comply with other continued listing requirements, if there is an interruption to the dissemination of the reference asset, index, or intraday indicative values for a listed product, the Exchange would initiate delisting proceedings under Rule 14.12 only if the interruption persists past the trading day in which it occurred. *See, e.g.,* proposed changes to Rules 14.11(b)(9)(B)(i)(b) and (e), and 14.11(c)(9)(B)(i)(b) and (e).

[10] *See, e.g.,* proposed changes to Rules 14.11(b)(9)(B)(i) and 14.11(c)(9)(B)(i).

a broker-dealer or fund advisor; [11] consistently reflect that delisting ''following the initial 12 month period following commencement of trading on the Exchange'' only applies to the record/beneficial holder, number of shares issued and outstanding, and the market value of shares issued and outstanding requirements; [12] and consistently use the term ''Regular Trading Hours'' in the context of intraday indicative value dissemination.[13]

The Exchange proposes to implement the rule changes by October 1, 2017.

III. Discussion and Commission Findings

The Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[14] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[15] 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.

The Commission received nine comment letters that express concerns regarding the proposal.[16] First, commenters question how an ETF, especially one that uses indexes established and maintained by unaffiliated third parties, would comply with the proposed rules, and how the Exchange would enforce them.[17] Commenters assert that it would be unrealistic to anticipate that an ETF could ensure that an unaffiliated index complies with the initial listing standards on an ongoing basis, and express concern that an equity-index ETF, through no action of its own, could see certain of the constituent securities of the unaffiliated index fall below the listing requirements.[18] One commenter believes that even if a third party index provider was amenable to changes to an underlying index that would allow an ETF to regain compliance with the continued listing standards, it is unlikely that the ETF would be able to formulate a compliance plan within 45 calendar days of the Exchange staff's notification.[19] Second, commenters argue that the proposal would provide for unfair discrimination because the proposed rules would result in differential treatment of ETFs as compared to other securities (*e.g.,* common stock).[20] Commenters believe that the continued listing standards for equity securities generally differ from the initial listing standards, whereas the proposed ETF continued listing standards would be the same as the initial listing standards.[21] Third, commenters assert that the proposal provides no explanation or evidence regarding the potential manipulation of ETFs under the current rules, or how the proposal would reduce the potential for manipulation.[22] One commenter also believes that significant compliance enhancements could be required to ensure proper and continuous testing of securities held in an index, and questions how this type of testing would enhance investor protection.[23]

The Commission believes that the proposal is consistent with the Act. As the Commission previously stated, the development, implementation, and enforcement of standards governing the initial and continued listing of securities on an exchange are activities of critical importance to financial markets and the investing public.[24] Once a security has been approved for initial listing, continued listing criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained.

With respect to commenters' concerns regarding the inability of certain ETFs to assure compliance with the proposal, the Commission believes that a variety of means are available to ETP (including ETF) issuers to monitor for a product's compliance with the continued listing standards. For example, information regarding the composition of a third party index may be publicly available, or may be obtained from the index provider pursuant to provisions in the index licensing agreement, so that the ETP issuer can monitor its compliance on an ongoing basis. If an index approaches the thresholds set forth in the continued listing standards, the issuer may decide to engage in discussions with the index provider regarding potential modifications to the index so that the ETP can continue to be listed on the Exchange. If an index provider is unwilling to modify the index in order to comply with the Exchange's listing requirements, the Exchange may submit a rule proposal to continue to list the product based on the index.[25] Moreover, as noted below, the listing standards that address the index composition with respect to certain index-based ETPs already apply equally on an initial and ongoing basis,[26] so some ETP issuers should have experience complying with these requirements. With respect to commenters' questions regarding the Exchange's enforcement of the proposed continued listing requirements, the Commission notes that the Exchange is proposing to apply its existing delisting procedures, which allow for the time to

[11] *See* proposed changes to Rules 14.11(b)(4)(B)(i), 14.11(b)(5)(A)(i), 14.11(c)(4)(C)(i), and 14.11(c)(5)(A)(i); *see also* Rule 14.11(b)(3)(B)(i) (currently stating that, for certain Portfolio Depository Receipts, ''[i]f the index is maintained by a broker-dealer or fund advisor . . . the index shall be calculated by a third party who is not a broker-dealer or fund advisor'') and Rule 14.11(c)(3)(B)(i) (currently stating that, for certain Index Fund Shares, ''[i]f the index is maintained by a broker-dealer or fund advisor . . . the index shall be calculated by a third party who is not a broker-dealer or fund advisor'').

[12] *See, e.g.,* proposed changes to Rule 14.11(e)(4)(E)(ii); *see also, e.g.,* Rule 14.11(e)(8)(D)(ii)(a) (currently applying the 12-month threshold only to the record/beneficial holder, number of units issued and outstanding, and market value of units issued and outstanding requirements for Partnership Units).

[13] *See, e.g.,* proposed changes to Rule 14.11(b)(3)(C); *see also, e.g.,* Rule 14.11(i)(4)(B)(i) (currently requiring the dissemination of intraday indicative values for Managed Fund Shares during Regular Trading Hours).

[14] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

[16] *See supra* note 7.

[17] *See* ICI Letter at 1–2; *see also* PowerShares Letter at 1; SSGA Letter at 1; BlackRock Letter at 1–2; and Nuveen Letter at 1. The Commission notes that the ALPS Letter, NTI Letter, WisdomTree Letter, and First Trust Letter also express general support for all the views expressed in the ICI Letter.

[18] *See* ICI Letter at 1–3; *see also* PowerShares Letter at 2; SSGA Letter at 1; BlackRock Letter at 2; and Nuveen Letter at 2.

[19] *See* BlackRock Letter at 2.

[20] *See* ICI Letter at 2; *see also* PowerShares Letter at 1; SSGA Letter at 1; and Nuveen Letter at 1–2.

[21] *See* ICI Letter at 2; *see also* Nuveen Letter at 1–2.

[22] *See* ICI Letter at 2; *see also* PowerShares Letter at 1–2; SSGA Letter at 1; and Nuveen Letter at 2.

[23] *See* BlackRock Letter at 2.

[24] *See, e.g.,* Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148, 55152 (September 6, 2011) (SR–BATS–2011–018).

[25] The Commission also notes that the Exchange may preemptively submit a rule proposal to provide for the continued listing of a specific product where the underlying index is approaching thresholds in the continued listing requirements, but has not yet fallen below those thresholds (*i.e.,* submit a rule proposal before the delisting procedures are triggered).

For an example of an exchange rule proposal to continue the listing of a product that no longer meets generic listing standards, *see* Securities Exchange Act Release No. 57320 (February 13, 2008), 73 FR 9395 (February 20, 2008) (SR–NYSEArca–2008–15).

[26] *See infra* note 30 and accompanying text.

regain compliance to be extended to as long as 180 days,[27] to products listed under Rule 14.11, rather than adopting new delisting procedures for these products.

With respect to commenters' concerns that the proposed listing standards would treat ETPs fundamentally differently than other types of listed equity securities, the Commission notes that ETPs and other types of equity securities each have certain listing standards that are higher on an initial basis and lower on a continuing basis.[28] Similarly, ETPs and other types of equity securities each have certain listing standards that are the same on an initial and continuing basis.[29] In fact, the listing standards that address the index composition with respect to certain index-based ETPs already apply equally on an initial and ongoing basis.[30]

Finally, with respect to commenters' questions regarding the purpose of the proposal and its impact on the potential for manipulation and investor protection, the Commission notes that, in approving a wide variety of ETP listing standards, including standards that apply to underlying indexes or portfolios, the Commission has consistently explained that these standards, among other things,[31] are intended to reduce the potential for manipulation by assuring that the ETP is sufficiently broad-based, and that the components of an index or portfolio underlying an ETP are adequately capitalized, sufficiently liquid, and that no one stock dominates the index.[32]

For exchange listing standards to effectively achieve their goals, including to effectively address the potential for manipulation of a listed ETP, their application cannot be linked to only a single point in time (*i.e.,* the time of initial listing). Instead, they must be applied on an ongoing basis. The Commission notes that, currently, certain provisions within Rule 14.11 impose specific listing requirements on an initial basis, without imposing ongoing listing requirements that are intended to achieve the same goals as these initial listing requirements.[33] To fill this gap, the proposal would specify that certain listing requirements in Rule 14.11 apply both on an initial and ongoing basis, rather than only at the time of initial listing.[34] Also, with

[27] *See* Rule 14.12(f)(2)(B) (stating that, upon review of a plan of compliance, Exchange staff may, among other things, grant an extension of time to regain compliance not greater than 180 calendar days from the date of staff's initial notification, unless the company is currently under review by an Adjudicatory Body for a Staff Delisting Determination). Exchange staff may also extend the 45-calendar day period for the submission of a compliance plan by 5 calendar days upon good cause shown. *See* Rule 14.12(f)(2)(C).

[28] *See, e.g.,* Rule 14.11(e)(5), Interpretations and Policies .04(a) (requiring a minimum of 100,000 shares of a series of Currency Trust Shares to be outstanding at commencement of trading) and Rule 14.11(e)(5)(E)(ii)(b) (requiring 50,000 Currency Trust Shares issued and outstanding for continued listing).

[29] *See, e.g.,* Rule 14.8(b)(1)(B) (requiring at least 1,100,000 publicly held shares for the initial listing of primary equity securities on BZX); Rule 14.8(e)(2)(B)(ii) (requiring at least 1,100,000 publicly held shares for the continued listing of primary equity securities on BZX under the Market Value Standard); and Rule 14.8(e)(2)(C)(ii) (requiring at least 1,100,000 publicly held shares for the continued listing of primary equity securities on BZX under the Total Assets/Total Revenue Standard).

[30] *See* Rule 14.11(d)(2)(K)(iii) (setting forth the initial and continued listing requirements for Fixed Income Index-Linked Securities and stating that ''[t]he Exchange will commence delisting or removal proceedings if any of the initial listing criteria described above are not continuously maintained''). The Commission also notes that ETPs are structurally different from other types of equity securities. *See* Securities Exchange Act Release No. 53142 (January 19, 2006), 71 FR 4180, 4182 and 4187 (January 25, 2006) (SR–NASD–2006–001) (approving generic listing standards for Index-Linked Securities, stating that ''[a]n Index Security, just like an ETF, derives its value by reference to the underlying index. For this reason, the Commission has required that markets that list index based securities monitor the qualifications of not just the actual security (*e.g.,* the ETF, index option, or Index Securities), but also of the underlying indexes (and of the index providers),'' and where the NASD stated that ''[i]n contrast to a typical corporate security (*e.g.,* a share of common stock of a corporation), whose value is determined by the interplay of supply and demand in the marketplace, the fair value of an index-based security can be determined only by reference to the underlying index itself, which is a proprietary creation of the particular index provider. For this reason, the Commission has always required that markets that list or trade index-based securities continuously monitor the qualifications of not just the actual securities being traded (*e.g.,* exchange-traded funds ('ETF'), index options, or Index Securities), but also of the underlying indexes and of the index providers.'').

[31] *See, e.g.,* Securities Exchange Act Release Nos. 54739 (November 9, 2006), 71 FR 66993, 66997 (November 17, 2006) (SR–AMEX–2006–78) (approving generic listing standards for Portfolio Depositary Receipts and Index Fund Shares based on international or global indexes, and stating that ''the proposed listing standards are designed to preclude ETFs from becoming surrogates for trading in unregistered securities'' and that ''the requirement that each component security underlying an ETF be listed on an exchange and subject to last-sale reporting should contribute to the transparency of the market for ETFs'' and that ''by requiring pricing information for both the relevant underlying index and the ETF to be readily available and disseminated, the proposal is designed to ensure a fair and orderly market for ETFs''); 53142 (January 19, 2006), 71 FR 4180, 4186 (January 25, 2006) (SR–NASD–2006–001) (approving generic listing standards for Index-Linked Securities and stating that ''[t]he Commission believes that by requiring pricing information for both the relevant underlying index or indexes and the Index Security to be readily available and disseminated, the proposed listing standards should help ensure a fair and orderly market for Index Securities''); 34758 (September 30, 1994), 59 FR 50943, 50945–46 (October 6, 1994) (SR–NASD–94–49) (approving listing standards for Selected Equity-Linked Debt Securities (''SEEDS'') and stating that ''the listing standards and issuance restrictions should help to reduce the likelihood of any adverse market impact on the securities underlying SEEDS,'' and where the NASD stated that ''the proposed numerical, quantitative listing standards should ensure that only substantial companies capable of meeting their contingent obligations created by SEEDS are able to list such products on Nasdaq'').

[32] *See, e.g.,* Securities Exchange Act Release Nos. 54739 (November 9, 2006), 71 FR 66993, 66996–97 (November 17, 2006) (SR–AMEX–2006–78) (approving generic listing standards for Portfolio Depositary Receipts and Index Fund Shares based on international or global indexes, and stating that standards related to the composition of an index or portfolio underlying an ETF ''are designed, among other things, to require that components of an index or portfolio underlying an ETF are adequately capitalized and sufficiently liquid, and that no one stock dominates the index'' and that ''[t]aken together, the Commission finds that these standards are reasonably designed to ensure that stocks with substantial market capitalization and trading volume account for a substantial portion of any underlying index or portfolio, and that when applied in conjunction with the other applicable listing requirements, will permit the listing only of ETFs that are sufficiently broad-based in scope to minimize potential manipulation''); 53142 (January 19, 2006), 71 FR 4180, 4186 (January 25, 2006) (SR–NASD–2006–001) (approving generic listing standards for Index-Linked Securities and stating that the listing standards for Index-Linked Securities, including minimum market capitalization, monthly trading volume, and relative weight requirements ''are designed to ensure that the trading markets for index components underlying Index Securities are adequately capitalized and sufficiently liquid, and that no one stock dominates the index. The Commission believes that these requirements should significantly minimize the potential for [ ] manipulation.''); 78396 (July 22, 2016), 81 FR 49698, 49702 (July 28, 2016) (SR–BATS–2015–100) (approving generic listing standards for Managed Fund Shares, noting the Exchange's statement that the proposed requirements for Managed Fund Shares are based in large part on the generic listing criteria currently applicable to Index Fund Shares and stating that ''the Commission believes that this is an appropriate approach with respect to underlying asset classes covered by the existing generic standards, because the mere addition of active management to an ETF portfolio that would qualify for generic listing as an index-based ETF should not affect the portfolio's susceptibility to manipulation'').

[33] Moreover, certain of the listing requirements do not explicitly state that they apply on an ongoing, as well as initial, basis. In these cases, the proposal would make explicit that the requirements apply both on an initial and ongoing basis. *See, e.g.,* proposed changes to Rule 14.11(b)(3)(B)–(C) (making explicit that, for Portfolio Depository Receipts, requirements related to index methodology and index value dissemination, as well as intraday indicative value dissemination, apply on an initial and ongoing basis); proposed changes to Rule 14.11(d)(2)(E) (making explicit that, for Linked Securities, requirements related to tangible net worth and earnings apply on an initial and ongoing basis); proposed changes to Rule 14.11(e)(3), Interpretations and Policies .03 (making explicit that, for Trust Certificates, requirements related to the qualifications of a trustee and changes to a trustee apply on an initial and ongoing basis).

[34] For example, current Rule 14.11(b)(3)(A)(i) sets forth requirements for component stocks of an index or portfolio underlying a series of generically-listed Portfolio Depository Receipts, which apply upon initial listing. These requirements include, for

respect to non-generically listed products, the Exchange proposes to amend Rule 14.11(a) to state that any of the statements or representations in the proposed rule change regarding the index composition, the description of the portfolio or reference asset, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in the proposed rule change constitute continued listing requirements.[35]

Because the proposal specifies continued listing requirements for products listed pursuant to Rule 14.11, the Commission believes the proposal is designed to achieve on a continuing basis the goals of the listing requirements, including ensuring that the Exchange lists products that are not susceptible to manipulation and maintaining fair and orderly markets for the listed products. In particular,[36] the Commission believes that the proposal is designed to ensure that stocks with substantial market capitalization and trading volume account for a substantial portion of the weight of an index or portfolio underlying a listed product; [37] provide transparency regarding the components of an index or portfolio underlying a listed product; [38] ensure that there is adequate liquidity in the listed product itself; [39] and provide timely and fair disclosure of useful information that may be necessary to price the listed product.[40] Moreover, the Commission believes that the proposal to require an issuer to notify the Exchange of its failures to comply with continued listing requirements would supplement the Exchange's own surveillance of the listed products.[41]

As noted above, the proposal specifies the delisting procedures for products listed pursuant to Rule 14.11. The Commission believes that the proposed amendments to Rule 14.12 would provide transparency regarding the process that the Exchange will follow if a listed product fails to meet its continued listing requirements. Also, as noted above, the process surrounding compliance plans already exists in Rule 14.12. As a result, the proposed delisting procedures are not novel.

Finally, the Commission believes that the conforming and technical proposed changes do not raise novel issues, are designed to further the goals of the listing standards, and provide clarity and consistency in the Exchange's rules.

For the reasons discussed above, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the Act.

IV. Accelerated Approval of Amendment Nos. 1 and 2

As noted above, in Amendment No. 1, the Exchange: (i) Further amended Rule 14.11(a) to require a Company with securities listed under Rule 14.11 to provide the Exchange with prompt notification if the Company (rather than an Executive Officer of the Company) becomes aware of its non-compliance with the requirements of Rule 14.11; (ii) further amended Rule 14.11 to reflect that certain listing requirements apply on an initial and ongoing basis; (iii) further amended Rule 14.11 to consistently state that the Exchange will initiate delisting proceedings if continued listing requirements are not maintained; (iv) further amended Rule 14.11 to provide that the Exchange would initiate delisting proceedings due to an interruption to the dissemination of index, reference asset, or intraday indicative values (as applicable to the product) only if the interruption persists past the trading day in which it occurred; (v) further amended Rule 14.11 to consistently state that the Exchange will implement and maintain surveillance procedures for the applicable product; and (vi) made other technical, clarifying, and conforming changes throughout Rule 14.11. The Commission believes that Amendment No. 1 furthers the goals of the proposed rule change as discussed above, and enhances consistency between the Exchange's proposal and a recently approved proposal from another exchange.[42] In Amendment No. 2, the Exchange specified the implementation date for the proposed rule change and made clarifying and technical changes. The Commission believes that Amendment No. 2 provides clarity and does not alter the substance of the proposed rule change. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[43] to approve the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

V. 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 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–BatsBZX–2016–80 on the subject line.

Paper Comments

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

example, minimum market value, minimum monthly trading volume, and concentration limits for the component stocks. The proposal would specify that these requirements apply both on an initial and continued basis.

[35] The Commission notes that it has approved proposed rule changes for the listing and trading of ETPs that included similar representations. *See, e.g.,* Securities Exchange Act Release No. 77548 (April 6, 2016), 81 FR 21626, 21630 (April 12, 2016) (SR–NASDAQ–2015–161). The Commission also notes that similar types of requirements exist in Rule 14.11. *See, e.g.,* Rule 14.11(b)(3) (setting forth, among other things, index composition requirements and intraday indicative value dissemination requirements for certain generically-listed Portfolio Depository Receipts).

[36] *See also supra* notes 31–32 (noting additional goals of the ETP listing standards).

[37] For example, as proposed, the requirements under Rule 14.11(b)(3)(A), including minimum market value and minimum monthly trading volume requirements for components of the index or portfolio underlying Portfolio Depository Receipts, would apply both on an initial and ongoing basis. Also, for non-generically listed products, the proposal would provide that statements or representations made in the proposed rule changes relating to the index composition and the description of the portfolio, among other things, constitute continued listing requirements. *See* proposed changes to Rule 14.11(a).

[38] For example, as proposed, the requirements under Rule 14.11(b)(3)(A), including the requirement that components of the index or portfolio underlying Portfolio Depository Receipts be exchange-listed and NMS stocks, would apply both on an initial and ongoing basis.

[39] For example, the Exchange proposes to amend Rule 14.11(e)(12)(B) to explicitly state that listing requirements for SEEDS apply both on an initial and ongoing basis, including, for example, the minimum public distribution and the minimum market value of an issue of SEEDS.

[40] For example, the proposed changes to Rule 14.11(b)(3)(B)–(C) would make explicit that the requirements related to the dissemination of the value of the index underlying Portfolio Depository Receipts and the intraday indicative value for Portfolio Depository Receipts apply on an initial and ongoing basis.

[41] The Commission notes that the concept of issuer notification is not novel. For example, in connection with its proposal to adopt generic listing standards for Managed Fund Shares, the Exchange stated that, prior to listing pursuant to the generic listing standards, an issuer would be required to represent to the Exchange that it will advise the Exchange of any failure by a series of Managed Fund Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. *See* Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698, 49702 (July 28, 2016) (SR–BATS–2015–100).

[42] *See* Securities Exchange Act Release No. 79784 (January 12, 2017), 82 FR 6664 (January 19, 2017) (SR–NASDAQ–2016–135).

[43] 15 U.S.C. 78s(b)(2).

All submissions should refer to File Number SR–BatsBZX–2016–80. 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–2016–80 and should be submitted on or before April 3, 2017.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[44] that the proposed rule change (SR–BatsBZX–2016–80), as modified by Amendment Nos. 1 and 2, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[45]

Eduardo A. Aleman,

Assistant Secretary.

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[44] 15 U.S.C. 78s(b)(2).

[45] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 9915]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Electronic Commerce—Cloud Computing

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss possible work by the United Nations Commission on International Trade Law (UNCITRAL) in the area of cloud computing. The public meeting will take place on Monday, April 10, 2017 from 10 a.m. until 12:30 p.m. EDT. This is not a meeting of the full Advisory Committee.

At its 2016 annual meeting, the Commission decided that UNCITRAL's Working Group IV could take up work on the topics of identity management and cloud computing. The Commission asked the UNCITRAL Secretariat and Working Group IV to conduct preparatory work on both topics so that the Commission might make an informed decision about future work on these topics. In this regard, the UNCITRAL Secretariat has drafted a note on contractual aspects of cloud computing, A/CN.9/*WG.IV/WP.142,* which is available at *http://www.uncitral.org/pdf/english/workinggroups/wg_4/WP-142-e.pdf.* In its note, the Secretariat requests guidance from Working Group IV on the scope of any work in the area of cloud computing, possible methodology, and priority to be allocated to any work.

The purpose of the public meeting is to obtain the views of concerned stakeholders on the issues presented in the Secretariat's note as well as the need for an UNCITRAL instrument on this topic. Participants in the public meeting should read the Secretariat's note in advance of the meeting and should be prepared to discuss the issues presented within the note as well as the sample text included as an annex to the note. Those who cannot attend but wish to comment are welcome to do so by email to Michael Coffee at *coffeems@state.gov.*

Time and Place: The meeting will take place on April 10, 2017, from 10 a.m. until 12:30 p.m. EDT in Room 356, South Building, State Department Annex 4A, Washington, DC 20037. Participants should plan to arrive at the Navy Hill gate on the west side of 23rd Street NW., at the intersection of 23rd Street NW. and D Street NW. by 9:30 a.m. for visitor screening. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend should email *pil@state.gov* providing full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building. A member of the public needing reasonable accommodation should email *pil@state.gov* not later than April 3, 2017. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate by telephone, please email *pil@state.gov* to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities.

The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *https://foia.state.gov/_docs/SORN/State-36.pdf* for additional information.

Michael S. Coffee,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.

[FR Doc. 2017–04900 Filed 3–10–17; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 9916]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Terracotta Warriors of the First Emperor'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015), I hereby

determine that the objects to be included in the exhibition ''Terracotta Warriors of the First Emperor,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodians. I also determine that the exhibition or display of the exhibit objects at the Pacific Science Center, Seattle, Washington, from on or about April 8, 2017, until on or about September 4, 2017, at The Franklin Institute, Philadelphia, Pennsylvania, from on or about September 30, 2017, until on or about March 4, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–04901 Filed 3–10–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0355; FMCSA–2010–0386; FMCSA–2012–0347; FMCSA–2012–0348; FMCSA–2014–0310; FMCSA–2014–0311]

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 130 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 12, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. FMCSA–2010–0355; FMCSA–2010–0386; FMCSA–2012–0347; FMCSA–2012–0348; FMCSA–2014–0310; FMCSA–2014–0311 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 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: 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:

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 130 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.

Exemption Decision

This notice addresses 130 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. These 130 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.

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 January and are discussed below.

As of January 9, 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 (77 FR 65931; 78 FR 1926):

Thomas L. Graber (PA)
Jeremiah S. Johnson (ND)
Henry P. Musgrove, Jr. (WA)
Henry W. Rutschow (OH)
Michael L. Sabin (IL)
Patrick E. Snyder (NY)
Odell Williams (NC)

The drivers were included in Docket No. FMCSA–2012–0347. Their exemptions are effective as of January 9, 2017 and will expire on January 9, 2019.

As of January 10, 2017, 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 (75 FR 69734; 76 FR 1495):

Jerry A. Barber (NY)
Julie A. Brandvold (ND)
Terry D. Cunningham (OH)
Dean A. Dalessandro (MA)
Albert H. Feldt (MO)
Christopher J. Grause (SD)
Shannon A. Griffin (MO)
Mathew M. Rollins (SC)
James H. Smith (DC)

The drivers were included in Docket No. FMCSA–2010–0355. Their exemptions are effective as of January 10, 2017 and will expire on January 10, 2019.

As of January 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 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 74159; 80 FR 8926):

Eric D. Ambler (WI)
Clay B. Anderson (IL)
Gregory C. Bartley (PA)
Aaron M. Batts (NC)
Nathan R. Batzel (MN)
Michael R. Bell (MD)
Jerry A. Cox, Sr. (LA)
Lloyd F. Cuckow (CO)
Kenneth B. Dennard (GA)
Eric Q. Dickerson (IN)
James P. Dreifuerst (WI)
Domenic R. Folino (PA)
Howard M. Hammel (NJ)
Derrick D. Harris (IL)
Kevin R. Johnson (MI)
David J. Long (PA)
David P. Magee (MO)
Gary F. Marson (WI)
James A. Meridith (MI)
Richard A. Moore (PA)
Keith B. Muehler (ND)
John K. Murray (NY)
John D. Pede, Jr. (PA)
John F. Prophet (FL)
Dominic F. Quartullo (WI)
Michael E. Reed (IA)
Carlos B. Rodriguez (NY)
David J. Sierra (NJ)
Roger E. Smith (IA)
Terrell W. Smith (PA)
Anthony L. Spratto (WI)
Timothy R. Stephens (KS)
Howard C. Stines (TN)
Christopher E. Swanson (CA)
Diana C. Tabala (NY)
Brewster E. Thurston (VT)
Phillip J. Ulmer (LA)
Charles A. Walker (IL)
John D. Weaver (WY)
Leroy D. Yost (IA)

The drivers were included in Docket No. FMCSA–2014–0310. Their exemptions are effective as of January 15, 2017 and will expire on January 15, 2019.

As of January 25, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 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 70530; 78 FR 5559):

Randle A. Badertscher (WY)
Jerol G. Fox (DE)
Michael S. Freeman (OR)
Harold D. Grimes (MI)
Douglas W. Hunderman (MI)
Robert L. Johnson, Jr. (VA)
George R. Miller III (PA)
Ronald G. Monroe (IN)
Israel Ramos (NY)
Jed Ramsey (ID)
Raymond E. Richardson (MD)
Craig W. Schafer (DE)
Stephen L. Schug (FL)
Shawn M. Seeley (CT)
Mark S. Shepherd (MA)
L. Everett Stamper (IN)

The drivers were included in Docket No. FMCSA–2012–0348. Their exemptions are effective as of January 25, 2017 and will expire on January 25, 2019.

As of January 28, 2017, 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 (75 FR 77947; 76 FR 5243):

James T. Bezold (KY)
Allen C. Cornelius, Jr. (DE)
Eugene M. Johnson (NY)
Michael A. McHenry (IN)
Gregory S. Myers (PA)
Richard D. Peterson, Jr. (MN)
Rudolph Q. Redd (IL)
Chad A. Sanders (IN)
Mark A. Sawyer (IN)

The drivers were included in Docket No. FMCSA–2012–0386. Their exemptions are effective as of January 28, 2017 and will expire on January 28, 2019.

As of January 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 49 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 78938; 80 FR 12545):

Joseph L. Allen (TX)
Wayne A. Aukes (MN)
Freddie W. Bermudez, Jr. (IL)
Darrell K. Blanton (NC)
Richard A. Boor (VA)
Stephen R. Brown (NH)
Kenneth E. Chastain (TN)
Jeffery C. Colbert (AR)
Kenny L. Dickerson (GA)
James M. DiClaudio (NJ)
Steven A. Dion (NY)
Dean R. Duquette (ME)
Joseph J. Eckstrom (NY)
Morgan D. Hale, Jr. (KY)
James J. Hartman (SD)
Dale H. Hintz (WI)
Benjamin D. Horton (VA)
Danny R. Jackson, Jr. (OR)
Brian C. Jagdman (MD)
Terry J. Johnson (MD)
Robert L. Johnson, Jr. (OK)
Michael W. Jones (NJ)

Carl J. Kern, Jr. (PA)
Monte J. Lakosky (MI)
Aaron J. Larson (WI)
Jeffrey G. Lawrence (AR)
Leo D. Maggioli (MA)
Ryan M. McClatchey (TN)
Carl A. Mears, Jr. (VT)
Robert P. Miller (WI)
Nicholas M. Palocy (VT)
John D. Patterson (OH)
Michael W. Perez (OH)
Jerry Platero (NM)
Darrell K. Rau (IA)
Andrew B. Renninger (PA)
Ryan T. Rock (ID)
Wilfredo Rodriguez (NY)
Mark A. Santana (PA)
Donald E. Scovil (NH)
David E. Shinen (CA)
Patrick A. Shryock (AR)
Joshua C. Thompson (AZ)
Jeffrey D. Thomson (WI)
Marshall L. Wainwright (IL)
Glenn P. Whitehouse (PA)
Jennifer R. Williams (PA)
John E. Yates (IN)
Jeffrey S. Zimmer (NH)

The drivers were included in Docket No. FMCSA–2014–0311. Their exemptions are effective as of January 31, 2017 and will expire on January 31, 2019.

Each of the 130 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 130 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–2010–0355; FMCSA–2010–0386; FMCSA–2012–0347; FMCSA–2012–0348; FMCSA–2014–0310; FMCSA–2014–0311.

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 12, 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 130 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.

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–2010–0355; FMCSA–2010–0386; FMCSA–2012–0347; FMCSA–2012–0348; FMCSA–2014–0310; FMCSA–2014–0311 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.

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–2010–0355; FMCSA–2010–0386; FMCSA–2012–0347; FMCSA–2012–0348; FMCSA–2014–0310; FMCSA–2014–0311 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: March 3, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–04863 Filed 3–10–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Information Collections for Claims Processing and Other Purposes Under the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Request for comments.

SUMMARY: The Secretary of the Treasury (Secretary) administers the Terrorism Risk Insurance Program (TRIP or Program), including the issuance of regulations and procedures regarding the Program. The Federal Insurance Office assists the Secretary in the administration of the Program. The Department of the Treasury (Treasury), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on: Approved information collections that are due for extension by the Office of Management and Budget (OMB) (under OMB 1505–0200); the extension of certain additional information collections previously approved by OMB that lapsed pending recent revisions to the Program Rules; and the approval of three new information collections that are authorized under recent revisions to the Program Rules.

DATES: Written comments must be received not later than May 12, 2017.

ADDRESSES: Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions are encouraged; however, comments may also be mailed to the Terrorism Risk Insurance Program, Room 1410, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

All comments, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly. In general, the Department will post all comments to *www.regulations.gov* without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. The Department will also make such comments available for public inspection and copying in the Department of the Treasury's Library, Freedman's Bank Building, 720 Madison Place NW., Room 1020, Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 622–0990. All visitors to the Treasury must be cleared by the Secret Service. This process requires that requests for appointments must be made a minimum of one business day before a visit.

FOR FURTHER INFORMATION CONTACT: Richard Ifft, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Room 1410, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–2922 (this is not a toll-free number), Kevin Meehan, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Room 1410, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–7009 (this is not a toll-free number), or Lindsey Baldwin, Senior Policy Analyst, Federal Insurance Office, Room 1410, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–3220 (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.

SUPPLEMENTARY INFORMATION:

I. Background

The Terrorism Risk Insurance Act of 2002, as amended (TRIA),[1] established the Terrorism Risk Insurance Program (TRIP or Program).[2] The Act establishes a temporary federal program of shared public and private compensation for insured commercial property and casualty losses resulting from an ''act of terrorism,'' as defined by TRIA. In order for the Program to make payments, the losses from an event must exceed certain thresholds and be in excess of participating insurer deductibles. Only ''acts of terrorism'' that have been certified as such by the Secretary (in consultation with the Attorney General and the Secretary of Homeland Security) are subject to the compensation provisions of the Program. In the event Treasury does make payments under the Program, it may be required to recoup some or all of the Federal share of payments through surcharges imposed upon all commercial policyholders.

Beginning after the inception of the Program in 2002, Treasury has previously sought and obtained from the Office of Management and Budget (OMB) approvals for certain information collections that will be necessary if Treasury is to process claims from participating insurers for the Federal share of compensation, and potentially to recoup amounts expended as authorized under TRIA. Most of these information collections are managed through forms that have been developed by Treasury to permit participating insurers to demonstrate that they are entitled to payment of the Federal share of compensation.

In January 2015, the Terrorism Risk Insurance Program Reauthorization Act of 2015 (2015 Reauthorization Act)[3] extended the Program until December 31, 2020. The 2015 Reauthorization Act reformed various operational matters respecting the Program. Among other changes, the 2015 Reauthorization Act mandated that Treasury issue final rules governing the certification process, and that Treasury collect from participating insurers such information and data as considered by the Secretary to be appropriate to analyze the effectiveness of the Program.[4] In December 2016, Treasury issued revised Program rules incorporating the new financial and operational provisions mandated by the 2015 Reauthorization Act.[5]

The changes to the Program rules require revisions to currently effective Program forms to incorporate terminology and regulatory reference changes, and Treasury seeks to extend these previously approved collections subject to these minor revisions. No additional burdens are imposed by these changes, either in terms of the estimates of the number of insurers affected or time burdens for compliance.[6] None of the identified information will need to be reported unless there is a certified act of terrorism, and the insurer in question is seeking payment of the Federal share of compensation. The forms are designed to identify elements that insurers already regularly collect in their ordinary course of business when handling insurance claims, which will minimize any burden associated with their completion in the event an insurer submits a claim for payment of the Federal share of compensation.

In addition, certain other information collections (relating to such Program administrative matters as the approval of certain settlement, and recoupment of the Federal share of compensation) lapsed pending finalization of the revised Program rules. Now that the revised Program rules are effective, Treasury seeks to reinstate these information collections subject to minor revisions. Again, no additional burdens would be imposed by these changes,[7] and none of the identified information will need to be reported, if at all, unless there is certification of an act of terrorism. As is the case with the Program claims forms, these forms are designed to identify information that insurers already regularly collect in their ordinary course of business, which will minimize any burden associated with their completion.

Finally, Treasury seeks approval for three additional information collections that are authorized and necessary under the revised Program rules. These collections: (1) Will permit (but not require) Treasury to obtain appropriate information directly from participating insurers during a certification process; (2) require claims reporting after certification of an act as an act of

[1] 15 U.S.C. 6701 note. Because the provisions of TRIA (as amended) appear in a note, instead of particular sections, of the United States Code, the provisions of TRIA are identified by the sections of the law.

[2] *See* 31 CFR part 50.

[3] Public Law 114–1, 129 Stat 3.

[4] Annual collections of information and data required by the 2015 Reauthorization Act for analyses of the effectiveness of the Program are being addressed in a separate notice and comment process. See 81 FR 95310 (Dec. 27, 2016).

[5] See 81 FR 88592 (Dec. 7, 2016) (Certification Process Interim Final Rule); 81 FR 93756 (Dec. 21, 2016) (Final Rules governing balance of Program).

[6] The burden estimates set forth below are the same estimates previously used by Treasury when seeking approval of this information collection.

[7] The burden estimates set forth below are the same estimates previously used by Treasury when seeking approval of these information collections.

terrorism, so that Treasury can determine whether the Program Trigger threshold [8] has been reached and respond promptly to claims for payment of the Federal share of compensation; and (3) provide for the production of information in connection with a commutation payment after the Secretary determines a final netting date when claims relating to any insured loss or act of terrorism shall become final.[9] As with the existing Program forms, these forms are designed to identify elements that insurers regularly collect in their ordinary course of business when handling insurance claims, which will minimize any burden associated with their completion. In addition, with respect to the possibility of a certification data call, the Program rules permit Treasury to obtain any necessary data through other means, which may obviate the need for a data call.[10]

Further information concerning each of these requirements is provided below.

II. Information Collections

A. Existing Information Collections

OMB Number: 1505–0200.

Title: Terrorism Risk Insurance Program; Commercial Property and Casualty Insurers Submission for Federal Share of Compensation.

Abstract: This information collection addresses information that participating insurers must submit in support of their claims for payment of the Federal share of compensation. The forms identifying the information to be collected are as follows:

Treasury Form TRIP 01 (Notice of Deductible Erosion (formerly Initial Notice of Insured Loss))
Treasury Form TRIP 02 (Certification of Loss (Initial and Supplementary))
Treasury Form TRIP 02A Schedule A (Declaration of Direct Earned Premium and Calculation of Insurer Deductible)
Treasury Form TRIP 02B Schedule B (Certification of Compliance with Section 103(b) of TRIA)
Treasury Form TRIP 02B Schedule C (Bordereau)

Type of Review: Extension of a currently approved data collection.

Current Expiration Date: July 31, 2017.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 100.[11]

Estimated Average Time per Respondent:

Treasury Form TRIP 01: 1.0 hours × 1 response = 1 hours.

Treasury Form TRIP 02 (Initial and Supplementary): 1.5 hours × 6 responses = 9 hours.

Treasury Form TRIP 02A Schedule A: 6.5 hours × 1 response = 6.5 hours.

Treasury Form TRIP 02B Schedule B: 0.25 hours × 6 responses = 1.5 hours.

Treasury Form TRIP 02B Schedule C: 4 hours × 6 responses = 24 hours.

Estimated Total Annual Burden Hours: 4,200 hours.[12]

B. Reinstatements of Previously Approved Information Collections

Former OMB Number: 1505–0196.

Title: Terrorism Risk Insurance Program; Litigation Management—Information Collection Regarding Proposed Settlements.

Abstract: This information collection addresses settlement approval requirements under the Program that were initially adopted by Treasury by regulation [13] and subsequently incorporated by Congress as part of TRIA.[14] For third-party claims that are in excess of certain thresholds, Treasury must provide advance approval of the settlement before it is finalized by the participating insurer. The information collection provides Treasury with the necessary information to evaluate claims subject to this advance approval requirement. The form memorializing the collection is Treasury Form TRIP 03 (Notice of Proposed Settlement of Third Party Claim—Request for Approval).

Type of Review: Reinstatement of a previously approved information collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 100.

Estimated Average Time per Respondent: 4.0 hours (per proposed settlement based upon likely number of settlements triggering requirement).

Estimated Total Annual Burden Hours: 5,144 hours.[15]

Former OMB Number: 1505–0197.

Title: Recordkeeping Requirements for Insurers Compensated Under Terrorism Risk Insurance Program.

Abstract: This requirement is for the maintenance (recordkeeping) of an insurer's records that are pertinent to claims for reimbursement by participating insurers and amounts paid by Treasury as the Federal share of compensation for insured losses. The recordkeeping is needed for Treasury to conduct investigations, confirmations, and audits, as required. 31 CFR 50.81 requires insurers to retain all records necessary to fully disclose material matters pertaining to insured losses. This record retention requirement is not subject to any common form or generalized reporting.

Type of Review: Reinstatement of a previously approved data collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 100.

Estimated Average Time per Respondent: 8.33 hours.[16]

Estimated Total Annual Burden Hours: 833 hours.

Former OMB Number: 1505–0207.

Title: Recoupment Provisions of the Terrorism Risk Insurance Act (TRIA).

Abstract: Section 103(a) of TRIA authorizes Treasury to recoup federal payments made under the Program through policyholder surcharges, as directed in the statute. In order to determine the amount of recoupment necessary, as well as implement any mandatory recoupment process, Treasury may issue a data call for aggregate loss information. If Treasury implements a recoupment process, all insurers subject to TRIA will be required to create and maintain records concerning their direct written premium, surcharges, surcharge amounts collected, and surcharge amounts remitted to Treasury and submit information to Treasury on a

[8] See 31 CFR 50.4(v).

[9] The burden estimates for these collections as set forth below were originally identified by Treasury in its Notice of Proposed Rulemaking leading to the recent revision of the Program Rules. See 81 FR 18950, 18958–59 (Apr. 1, 2016). Treasury did not receive any comments concerning these burden estimate figures.

[10] See 31 CFR 50.62(b).

[11] Although the number of insurers required to file claims will depend upon the size and nature of the event in question, Treasury has historically used a best estimate of 100 insurers that will have insured losses as a result of an act of terrorism that could lead to potential claims for payment of the Federal share of compensation under the Program.

[12] The burden estimate includes assumptions as to the number of times each form will need to be completed by an insurer making claims for payment of the Federal share of compensation, as identified above (*e.g.,* including an estimate that on average the forms relating to specific claims experience will be submitted six times), resulting in total hours for each of the 100 insurers of 42 hours.

[13] Currently codified at 31 CFR 50.102.

[14] TRIA § 107(a)(6).

[15] These estimates, like the estimates for the Program claim forms, are based upon assumptions as to the number of times the form will need to be completed. Those assumptions are: (1) Each of the 100 insurers will have 100 claims (or 10,000 in total), (2) 1 in 7 claims will involve amounts above the approval threshold (or 1,429 claims), and (3) 90% of those claims will be settled, and thus trigger settlement approval reporting (1,286). That figure, applied against the 4 hours estimated to complete the form, results in the total figure of 5,144 hours. The reporting burden on insurers has not changed, but the numbers have been corrected here due to a previous rounding error.

[16] Includes assumptions as to the number of claims that will be received for which some marginal additional costs (estimated to be 5 minutes per claim) will be incurred by the affected insurer.

monthly basis. The forms identifying the information to be collected are as follows:

Treasury Form TRIP 04A (Direct Written Premium and Monthly Surcharge Calculation)
Treasury Form TRIP 04B (Direct Written Premium and End of Year Calculation)
Treasury Form TRIP 05 (Data Call)

Type of Review: Reinstatement of a previously approved data collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 2,000 (TRIP 04A and TRIP 04B recoupment processing) and 200 (TRIP 05 data call).

Estimated Average Time per Respondent:

Treasury Forms TRIP 04A and TRIP 04B: 5 hours per month (60 hours per year).

Treasury Form TRIP 05: 5 hours.

Estimated Total Annual Burden Hours: 120,000 hours (TRIP 04A and TRIP 04B), and 1,000 hours (TRIP 05).

Former OMB Number: 1505–0208.

Title: Terrorism Risk Insurance Program; Cap on Annual Liability.

Abstract: The Program is subject to a total annual cap of aggregate industry losses of $100 billion, and Treasury is directed under TRIA to advise Congress within 15 days of an ''act of terrorism'' whether estimated total losses are expected to exceed the cap. In order to comply with the liability cap provisions of TRIA, Treasury may conduct a data call for insured loss and deductible information to accurately assess aggregate industry losses and determine if the $100 billion cap could be exceeded, as well as to determine and adjust the ''pro rata loss percentage'' to be applied against claim payments. The form identifying the information to be collected is Treasury Form TRIP 05 (Terrorism Risk Insurance Program; Data Call).

Type of Review: Reinstatement of a previously approved data collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 200.

Estimated Average Time per Respondent: 5 hours.

Estimated Total Annual Burden Hours: 1,000 hours.

C. New Information Collections

OMB Number: New.

Title: Terrorism Risk Insurance Program; Certification Data Call.

Abstract: In order for the Secretary to determine whether an event is subject to certification as an ''act of terrorism'' under TRIA and 31 CFR 50.62, Treasury may collect loss data and estimates from affected insurers in order to confirm that losses are above statutory thresholds. The information collection includes both actual loss data, as well as estimates that may be generated in the immediate aftermath of an event which do not constitute loss data but which could nonetheless inform the certification determination. The form identifying the information to be collected is Treasury Form TRIP 06 (Certification Data Call).

Type of Review: New data collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 20.

Estimated Average Time per Respondent: 15 hours.

Estimated Total Annual Burden Hours: 300 hours.

OMB Number: New.

Title: Terrorism Risk Insurance Program; Monthly Claims Report.

Abstract: Payments of the Federal share of compensation require that aggregate industry losses reach a certain threshold, even if the losses of a particular insurer are in excess of its deductible. Pursuant to 31 CFR 50.53, the monthly claims report provides for truncated monthly reporting of losses so that Treasury may evaluate loss experience as it develops, and make timely payments to insurers entitled to the Federal share of compensation. The report will enable payments to smaller insurers that cannot demonstrate, based upon their own losses, that Program Trigger amounts have been reached. The form memorializing the collection is Treasury Form TRIP 07 (Monthly Claims Report). The report has been tailored to seek the minimal amount of information necessary to confirm total industry payment amounts and estimates, and requests far less information than will be necessary for insurers to submit claims for payment of the Federal share of compensation.

Type of Review: New data collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 100.

Estimated Average Time per Respondent: 2 hours (each month over a 48-month period).

Estimated Total Annual Burden Hours: 9,600 hours.[17]

OMB Number: New.

Title: Terrorism Risk Insurance Program; Commutations under Final Netting Rule.

Abstract: Under 31 CFR 50.76(d), the Secretary may set a final netting date, at which time all claims relating to an insured loss or act of terrorism become final. As part of a final netting determination, Treasury may require or consider a request for a commutation of an insurer's future claims for the Federal share of compensation. This process could require the insurer to produce information justifying a final payment estimate, including supporting actuarial factors and methodology. This information collection is not subject to any common form or generalized reporting requirement, as it will necessarily be tailored to the circumstances presented by a particular insurer and insured loss, which will need to be determined at the time any particular commutation process takes place.

Type of Review: New data collection.

Affected Public: Business/Financial Institutions.

Estimated Number of Respondents: 15.

Estimated Average Time per Respondent: 40 hours.

Estimated Total Annual Burden Hours: 600 hours.

All of the forms and associated instructional materials are available for review on Treasury's Web site at *https://www.treasury.gov/resource-center/fin-mkts/Pages/program.aspx.*

Request for Comments: 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. 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 collections; (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.

[17] The burden estimate includes the assumption that the monthly report will need to be competed each month over a 48-month period (estimated to be the period over which claims are likely to be reported and resolved), or 96 hours per each insurer and 9,600 hours for all insurers combined.

Dated: March 7, 2017.

Brian J. Peretti,

Director, Critical Infrastructure Protection and Compliance Policy.

[FR Doc. 2017–04819 Filed 3–10–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Collection of Data From Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request 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 listed below.

DATES: Comments should be received on or before April 12, 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:

Departmental Offices (DO)

Title: Collection of Data from Property and Casualty Insurers for Reports Concerning the Terrorism Risk Insurance Program.

OMB Control Number: 1505–XXXX.

Type of Review: New Collection Request.

Abstract: The Terrorism Risk Insurance Act of 2002 (TRIA) created the Terrorism Risk Insurance Program (Program) to address disruptions in the market for terrorism risk insurance, to help ensure the continued availability and affordability of commercial property and casualty insurance for terrorism risk, and to allow for the private markets to stabilize and build insurance capacity to absorb any future losses for terrorism events. The Program has been reauthorized on a number of occasions, most recently in the Terrorism Risk Insurance Program Reauthorization Act of 2015. TRIA requires the Secretary of the Treasury (Secretary) to perform periodic analyses of certain matters concerning the Program. In order to assist the Secretary with this process, TRIA requires insurers to submit on an annual basis certain insurance data and information regarding participation in the Program. Treasury requests stakeholder feedback on the data collection forms proposed for use in the 2017 data collection process, pursuant to 31 CFR 50.51(c). Copies of these forms and associated explanatory materials are available for electronic review at *https://www.treasury.gov/resource-center/fin-mkts/Pages/program.aspx*. Treasury also seeks comments from interested parties on issues that Treasury will be analyzing in connection with its next report concerning the Program, which will address the participation of small insurers in the Program, including any competitive challenges such insurers face in the terrorism risk insurance marketplace.

Form: Insurer (Non-Small) Groups or Companies (Form No. TBD), Small Insurers Insurer Group Affiliations (Form No. TBD), Alien Surplus Lines Exposure Bases by Jurisdiction (Form No. TBD), Captive Insurers Reinsurance (Nationwide) (Form No. TBD).

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 38,750.

Authority: 44 U.S.C. 3501 et seq.

Dated: March 7, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–04820 Filed 3–10–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Post-Contract Award Information

AGENCY: Departmental Offices, U.S. Department of the 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. The Department of the Treasury, Office of the Procurement Executive, is soliciting comments concerning on OMB Control Number 1505–0080, Post-Contract Award Information.

DATES: Written comments must be received on or before May 12, 2017.

ADDRESSES: You may submit comments by mail to: Thomas O'Linn, Office of the Procurement Executive, Department of the Treasury, 1500 Pennsylvania Ave. NW., Washington DC 20220. All responses to this notice will be included in the request for OMB's approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or request a copy of the information collection should be directed to Thomas O'Linn at (202) 622–2092.

SUPPLEMENTARY INFORMATION:

Title: Post-Contract Award Information.

OMB Number: 1505–0080.

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: The information requested is specific to each contract, and is required for Treasury to evaluate properly the progress made and/or management controls used by contractors providing supplies or services to the Government and to determine contractors' compliance with the contracts, in order to protect the Government's interest.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Number of Respondents: 9,875.

Estimated Number of Responses per Respondent: 1.

Estimated Hours per Response: 24.

Estimated Total Annual Burden Hours: 237,000.

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 has practical utility; (b) the accuracy of the agency's estimate of the

burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 7, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–04821 Filed 3–10–17; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Veterans' Advisory Committee on Rehabilitation (VACOR) will be held on Thursday, April 6–7, 2017, in Room 501K, 1800 G Street NW., Washington DC 20006. The meeting will begin at 8:00 a.m. EST and adjourn at 4:00 p.m. (EST) each day. The meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary on the rehabilitation needs of Veterans with disabilities and on the administration of VA's rehabilitation programs.

During the meeting, Committee members will be provided updated briefings on various VA programs designed to enhance the rehabilitative potential of recently-discharged Veterans. Members will also begin consideration of potential recommendations to be included in the Committee's next annual report.

Although no time will be allocated for receiving oral presentations from the public, members of the public may submit written statements for review by the Committee to Sabrina Barry, Designated Federal Officer, Veterans Benefits Administration (28), 810 Vermont Avenue NW., Washington, DC 20420, or via email at *Sabrina.Barry@va.gov.* In the communication, writers must identify themselves and state the organization, association or person(s) they represent. Individuals who wish to attend the meeting should RSVP to Sabrina Barry at (202) 461–9618 no later than close of business, March 30, 2017. Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Due to security protocols and to prevent delays in clearance processing, you should allow an additional 30 minutes before the meeting begins. Any member of the public seeking information should contact Sabrina Barry at the phone number or email address noted above.

Dated: March 8, 2017.

LaTonya L. Small,

Advisory Committee Management Officer.

[FR Doc. 2017–04893 Filed 3–10–17; 8:45 am]

BILLING CODE 8320–01–P

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Federal Register

Vol. 82, No. 47

Monday, March 13, 2017

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General Information, indexes and other finding aids — **202–741–6000**

Laws — **741–6000**

Presidential Documents

Executive orders and proclamations — **741–6000**

The United States Government Manual — **741–6000**

Other Services

Electronic and on-line services (voice) — **741–6020**

Privacy Act Compilation — **741–6050**

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, MARCH

12167–12288 1
12289–12392 2
12393–12502 3
12503–12712 6
12713–12920 7
12921–13058 8
13059–13224 9
13225–13378 10
13379–13548 13

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9574 12707
9575 12709
9576 12711
9577 13223

Executive Orders:
13532 (Revoked by EO 13779) 12499
13769 (Revoked by EO 13780) 13209
13777 12285
13778 12497
13779 12499
13780 13209

7 CFR

Proposed Rules:
52 12424
271 12184
272 12184
273 12184

14 CFR

39 ..... 12289, 12291, 12293, 12393, 12395, 12397, 12401, 12405, 12407, 12410, 13059, 13062, 13063, 13379, 13382, 13385
71 ..... 12503, 12504, 12505, 12713, 12715, 13065
73 13389

Proposed Rules:
39 ..... 12301, 12303, 12305, 12308, 12310, 12312, 12314, 12424, 12753, 12755, 13073, 13077, 13079, 13405
71 ..... 12522, 12523, 12525, 13407, 13409
73 ..... 12526, 12529

16 CFR

1240 12716

17 CFR

Proposed Rules:
210 12757
211 12757
229 12757
231 12757
241 12757

18 CFR

11 12717
12 13390

21 CFR

510 ..... 12167, 12170
516 12167
520 12167
522 ..... 12167, 12170
529 ..... 12167, 12170
558 12167
876 12171
1308 ..... 12171, 13067

Proposed Rules:
73 ..... 12184, 12531

29 CFR

Proposed Rules:
1910 12318
1915 12318
1926 12318
2510 12319

30 CFR

Proposed Rules:
938 13268

33 CFR

100 ..... 12412, 12414
117 ..... 12177, 12415
165 ..... 12177, 12416, 13225
401 12418
402 12420

Proposed Rules:
100 13081
117 12185
165 ..... 13081, 13410
328 12532

34 CFR

668 13227

36 CFR

1193 12295
1194 12295

37 CFR

204 12180

Proposed Rules:
201 12326

39 CFR

111 ..... 12180, 12181
243 12921
265 12921
266 12921
3004 12506

40 CFR

52 ..... 12328, 13227, 13230, 13235, 13243, 13390, 13392, 13398
81 13227
180 ..... 13245, 13251
271 13256
300 12422
320 12333

Proposed Rules:
52 ..... 13084, 13086, 13269, 13270, 13278, 13280, 13413
110 12532
112 12532

116.....12532
117.....12532
122.....12532
194.....13282
230.....12532
232.....12532
300.....12532
302.....12532
372.....12924
401.....12532

42 CFR

10.....12508
73.....13259
438.....12509

44 CFR

64.....13399
67.....12510

47 CFR

0.....13260
1.....12512
64.....12182, 12922
73.....12922
74.....13069

Proposed Rules:

15.....13285
54.....13413
64.....12924
73.....13285

48 CFR

Proposed Rules:

816.....13418
828.....13418
852.....13418

49 CFR

1250.....13401

50 CFR

300.....12730
635.....12296, 12747
648.....13402
660.....12922
679 .....12423, 12749, 12750, 13072, 13267

Proposed Rules:

622.....12187
679.....13302

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 3, 2017

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