AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 82 Monday,
No. 57 March 27, 2017

Pages 15113–15280

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 82 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 82, No. 57

Monday, March 27, 2017

Agricultural Marketing Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15179

Agriculture Department
See Agricultural Marketing Service
See National Institute of Food and Agriculture
See Rural Utilities Service

Antitrust Division
NOTICES
Changes under the National Cooperative Research and Production Act:
Cooperative Research Group on CHEDE–VII, 15239
Cooperative Research Group on HEDGE IV, 15238–15239
DVD Copy Control Association, 15239
fd.io Project, Inc., 15240
Members of SGIP 2.0, Inc., 15238
Node.js Foundation, 15239–15240
ODPi, Inc., 15239

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15221–15224
Meetings:
Multi-Agency Informational Meeting Concerning Compliance with the Federal Select Agent Program; Public Webcast, 15221

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15224

Coast Guard
RULES
Drawbridge Operations:
Atchafalaya River, Morgan City, LA; Deviation, 15137
Brielle Draw Bridge, Manasquan River, Point Pleasant, NJ, 15138
Curtis Creek, Baltimore, MD, 15137–15138
Detroit River (Trenton Channel), Grosse Ile, MI, 15135–15137
Special Local Regulations:
Southern California Annual Marine Events for the San Diego Captain of the Port Zone—San Diego Crew Classic, 15135
Wy-Hi Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI, 15133–15135
PROPOSED RULES
Special Local Regulations:
Sector Ohio Valley Annual and Recurring Special Local Regulations Update, 15174–15178

Commerce Department
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Defense Acquisition Regulations System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15189–15194

Defense Department
See Defense Acquisition Regulations System
See Engineers Corps

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for the Fulbright-Hays Group Projects Abroad Program, 15214–15215
High School Equivalency Program Annual Performance Report, 15215–15216
Impact Aid Discretionary Construction Grant Program, 15195–15196
Applications for New Awards:
Expanding Opportunity Through Quality Charter Schools Program, Grants to State Entities, 15196–15207
Expanding Opportunity through Quality Charter Schools Program—Grants for Credit Enhancement for Charter School Facilities, 15207–15214

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Biological and Environmental Research Advisory Committee, 15216

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
Lower Bois d'Arc Creek Reservoir Project, Fannin County, TX, 15194–15195

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration, 15139–15154

Federal Aviation Administration
RULES
Airworthiness Directives:
Airbus Airplanes, 15118–15120
Bombardier, Inc. Airplanes, 15115–15118
Sikorsky Aircraft Corporation Helicopters, 15120–15123
The Boeing Company Airplanes, 15123–15128
Class D and E Airspace; Amendments:
Elmira, NY, 15129–15131
Class E Airspace; Amendments:
Trinidad, CO, 15131–15132
Class E Airspace; Establishments:
Manti, UT, 15128–15129
PROPOSED RULES
Airworthiness Directives:
The Boeing Company Airplanes, 15166–15171

Class D Airspace; Amendments:
Kingsville, TX, 15172–15173

Federal Communications Commission
NOTICES
Meetings:
World Radiocommunication Conference Advisory Committee, 15220

Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Emergency Management Institute Independent Study Course Enrollment Application and Test Answer Sheet, 15230–15231
National Flood Insurance Program Claims Forms, 15231–15232
Write Your Own Company Participation Criteria; New Applicant, 15232

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 15218–15219
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Deerfield Wind, LLC, 15217
Total Gas & Power North America, Inc., 15217
Tule Wind LLC, 15217–15218
Twin Buttes Wind II LLC, 15216–15217
Records Governing Off-the-Record Communications, 15218

Federal Maritime Commission
NOTICES
Service Contract Inventory, 15220

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 15220

Federal Motor Carrier Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Training Certification for Drivers of Longer Combination Vehicles, 15270–15271
Qualification of Drivers; Exemption Applications:
Diabetes Mellitus, 15271–15277
Vision, 15277–15280

Federal Reserve System
NOTICES
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 15221

Fish and Wildlife Service
NOTICES
Environmental Assessments; Availability, etc.:
Heart of Texas Wind Project, McCulloch County, TX, 15232–15234

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application and Other Forms Used by the National Health Service Corps Scholarship Program, the Students to Service Loan Repayment Program, and the Native Hawaiian Health Scholarship Program, 15225–15226
Reconciliation Tool for the Teaching Health Center Graduate Medical Education Program, 15229
Ryan White HIV/AIDS Program Client-Level Data Reporting System, 15226–15227
Ryan White HIV/AIDS Program: Allocation and Expenditure Forms, 15227–15228

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Interior Department
See Fish and Wildlife Service
See National Park Service

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Amorphous Silica Fabric from People's Republic of China, 15181
Certain Frozen Fish Fillets from the Socialist Republic of Vietnam; Final Results and Partial Rescission of Administrative Review; 2014–2015, 15181–15183
Seamless Refined Copper Pipe and Tube from Mexico; Rescission of Administrative Review; 2015–2016, 15180–15181
Steel Wire Garment Hangers from Taiwan, 15183–15184

International Trade Commission
NOTICES
Complaints:
Certain Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same, 15235–15236
Generalized System of Preferences:
Possible Modifications, 2016 Review, 15237–15238
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Composite Intermediate Bulk Containers, 15237
Certain Single-Molecule Nucleic Acid Sequencing Systems and Reagents, Consumables, and Software for Use with Same, 15236–15237

Justice Department
See Antitrust Division

Labor Department
See Mine Safety and Health Administration

Mine Safety and Health Administration
PROPOSED RULES
Examinations of Working Places in Metal and Nonmetal Mines, 15173–15174

National Institute of Food and Agriculture
RULES
Competitive and Noncompetitive Non-Formula Federal Assistance Programs:
Specific Administrative Provisions for the Veterinary Services Grants Program, 15113–15115

National Institute of Standards and Technology
NOTICES
Exclusive Patent Licenses, 15184

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 15230
National Institute of Diabetes and Digestive and Kidney Diseases, 15229–15230

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Pollock in Statistical Area 610 in the Gulf of Alaska, 15164–15165
Fisheries of the Northeastern United States:
Atlantic Sea Scallop Fishery; 2017 Closure of Northern Gulf of Maine Scallop Management Area, 15164
Atlantic Sea Scallop Fishery; Framework Adjustment 28, 15155–15164
Northeast Multispecies Fishery; Trip Limit Increase for the Small Vessel Category of the Common Pool Fishery, 15154–15155
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15184, 15188–15189
Engagement with the National Climate Assessment, 15185
Meetings:
Caribbean Fishery Management Council, 15187–15188
Mid-Atlantic Fishery Management Council, 15184–15185
New England Fishery Management Council, 15189
Pacific Fishery Management Council, 15185–15186
Publicly Available Biologic and Geologic Samples:
2015 and 2016 NOAA Ship Okeanos Explorer Expeditions, 15186
Requests for Nominations:
National Sea Grant Advisory Board, 15186–15187

National Park Service
NOTICES
Inventory Completions:
U.S. Fish and Wildlife Service, Alaska Region, Anchorage, AK, 15234–15235

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15240–15241

Nuclear Regulatory Commission
NOTICES
Draft Regulatory Guides:
Quality Assurance Program Criteria (Design and Construction), 15242–15243
Meetings:
Advisory Committee of Reactor Safeguards Subcommittee on APR1400, 15241–15242
Advisory Committee on Reactor Safeguards Subcommittees on Thermal-Hydraulic Phenomena and Reliability and Probabilistic Risk Assessment, 15242

Personnel Management Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Occupational Questionnaire, 15243–15244

Postal Service
RULES
Production or Disclosure of Material or Information, 15138–15139

Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 15179–15180

Science and Technology Policy Office
NOTICES
Meetings:
National Nanotechnology Initiative Workshops, 15244

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 15247–15249
Miami International Securities Exchange, LLC, 15251–15258
NASDAQ BX, Inc., 15258–15263
NYSE Arca, Inc., 15249–15251
NYSE MKT LLC, 15244–15247

Social Security Administration
RULES
Evaluation of Medical Evidence; Correction, 15132–15133
NOTICES
Rulings:
Rescission of Social Security Rulings 96–2p, 96–5p, and 06–3p, 15263
Social Security Ruling (SSR) 17–2p: Titles II and XVI: Evidence Needed by Adjudicators at the Hearings and Appeals Council Levels of the Administrative Review Process to Make Findings about Medical Equivalence, 15263–15265

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Medical History and Examination for Foreign Service, 15266–15267
Overseas Pre-Assignment Medical History and Examination, Non-Foreign Service Personnel and Their Family Members, 15267–15268
Meetings:
Advisory Committee on Historical Diplomatic Documentation, 15266
Stakeholder Consultations on Responsible Conflict Mineral Sourcing, 15265–15266

Susquehanna River Basin Commission
NOTICES
Actions Taken at March 9, 2017, Meeting, 15268–15269
Projects Approved for Consumptive Uses of Water, 15269–15270

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

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.

7 CFR
3430 15113

14 CFR
39 (5 documents) 15115, 15118, 15120, 15123, 15126
71 (3 documents) 15128, 15129, 15131

Proposed Rules:
39 (2 documents) 15166, 15169
71 15172

20 CFR
404 15132
416 15132

30 CFR

Proposed Rules:
56 15173
57 15173

33 CFR
100 (2 documents) 15133, 15135
117 (4 documents) 15135, 15137, 15138

Proposed Rules:
100 15174

39 CFR
265 15138

40 CFR
52 15139

50 CFR
648 (3 documents) 15154, 15155, 15164
679 15164

Rules and Regulations

Federal Register
Vol. 82, No. 57
Monday, March 27, 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.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3430

RIN 0524–AA70

Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Veterinary Services Grants Program

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Final rule.

SUMMARY: The National Institute of Food and Agriculture (NIFA) is publishing a final rule for the Veterinary Services Grants Program. NIFA's development of these regulations serves to enhance its accountability and to standardize procedures across the Federal assistance programs it administers while providing transparency to the public.

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

FOR FURTHER INFORMATION CONTACT: Lisa Read, Policy Analyst, Policy Branch, Phone: 202–401–5061, Email: *ldepaolo@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Summary

Authority

The Veterinary Services Grant Program (VSGP) is authorized under section 7104 of the Agricultural Act of 2014 (Pub. L. 113–79), 7 U.S.C. 3151b.

Organization of 7 CFR Part 3430

A primary function of NIFA is the fair, effective, and efficient administration of Federal assistance programs implementing agricultural research, education, and extension programs. The awards made under the above authority are subject to the NIFA assistance regulations at 7 CFR part 3430, Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions. NIFA's development and publication of this part serve to enhance its accountability and to standardize procedures across the Federal assistance programs it administers while providing transparency to the public. NIFA published 7 CFR part 3430 with subparts A through E as an interim final rule on September 4, 2009 [74 FR 45736–45752]. These regulations apply to all Federal assistance programs administered by NIFA except for the capacity grant programs identified in 7 CFR 3430.1(f), the Small Business Innovation Research programs, with implementing regulations at 7 CFR part 3403, and the Veterinary Medicine Loan Repayment Program, with implementing regulations at 7 CFR part 3431.

NIFA organized part 3430 as follows: Subparts A through E provide administrative provisions for all competitive and noncompetitive non-capacity Federal assistance programs. Subparts F and thereafter apply to specific NIFA programs.

NIFA is, to the extent practical, using the following subpart template for each program authority: (1) Applicability of regulations; (2) purpose; (3) definitions (those in addition to or different from § 3430.2); (4) eligibility; (5) project types and priorities; (6) funding restrictions; and (7) matching requirements. Subparts F and thereafter contain the above seven components in this order. Additional sections may be added for a specific program if there are additional requirements or a need for additional rules for the program (*e.g.,* additional reporting requirements). Through this rulemaking, NIFA is adding subpart Q for the administrative provisions that are specific to the VSGP program.

II. Administrative Requirements for the Rulemaking

Executive Order 12866 and Executive Order 13563

Executive Orders 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This action has been determined to be not significant for purposes of Executive Order 12866. The rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; nor will it materially alter the budgetary impact of entitlements, grants, user fees, or loan programs; nor will it have an annual effect on the economy of $100 million or more; nor will it adversely affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way. Further, it does not raise a novel legal or policy issue arising out of legal mandates, the President's priorities, or principles set forth in the Executive Order.

Regulatory Flexibility Act of 1980

This final rule has been reviewed in accordance with the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (5 U.S.C. 601–612). The Director of NIFA certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The rule does not involve regulatory and informational requirements regarding businesses, organizations, and governmental jurisdictions subject to regulation.

Paperwork Reduction Act

The Department certifies that this final rule has been assessed in accordance with the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Department concludes that this final rule does not impose any new information requirements or increase the burden hours. In addition to the SF–424 form families (*i.e.,* Research and Related and Mandatory) and the SF–425 Federal Financial Report (FFR) No. 0348–0061, NIFA has three currently approved OMB information collections associated with this rulemaking: OMB Information Collection No. 0524–0042, NIFA REEport; No. 0524–0041, NIFA Application Review Process; and No. 0524–0026, Assurance of Compliance with the Department of Agriculture

Regulations Assuring Civil Rights Compliance and Organizational Information.

Catalog of Federal Domestic Assistance

This final rule applies to the following Federal financial assistance programs administered by NIFA: CFDA No. 10.336 Veterinary Services Grant Program.

Unfunded Mandates Reform Act of 1995 and Executive Order 13132

The Department has reviewed this final rule in accordance with the requirements of Executive Order No. 13132 and the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.,* and has found no potential or substantial direct effects 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. As there is no Federal mandate contained herein that could result in increased expenditures by State, local, or tribal governments, or by the private sector, the Department has not prepared a budgetary impact statement.

Clarity of This Regulation

Executive Order 12866 and the President's Memorandum of June 1, 1998, require each agency to write all rules in plain language. The Department invites comments on how to make this final rule easier to understand.

List of Subjects in 7 CFR Part 3430

Administrative practice and procedure; Agricultural Research, Education, Extension; Federal assistance; Veterinarians.

Accordingly, 7 CFR part 3430 is amended as set forth below:

PART 3430—COMPETITIVE AND NONCOMPETITIVE NON-FORMULA FEDERAL ASSISTANCE PROGRAMS—GENERAL AWARD ADMINISTRATIVE PROVISIONS

■ 1. The authority citation for part 3430 continues to read as follows:

Authority: 7 U.S.C. 3316; Pub. L. 106–107 (31 U.S.C. 6101 note).

■ 2. Add subpart Q to read as follows:

Subpart Q—Veterinary Services Grant Program

Sec.

3430.1200 Applicability of regulations.
3430.1201 Purpose.
3430.1202 Definitions.
3430.1203 Eligibility.
3430.1204 Project types and priorities.
3430.1205 Funding restrictions.
3430.1206 Matching requirements.
3430.1207 Coordination preference.
3430.1208 Special requirements for Rural Practice Enhancement grants.
3430.1209 Duration of awards.

Subpart Q—Veterinary Services Grant Program

§ 3430.1200 Applicability of regulations.

The regulations in this subpart apply to the Veterinary Services Grant Program authorized under section 7104 of the Agricultural Act of 2014 (Pub. L. 113–79).

§ 3430.1201 Purpose.

The purpose of VSGP is to administer a competitive grant program to develop, implement, and sustain veterinary services and relieve veterinarian shortage situations (see § 3430.1202 for definition) in the U.S., which includes insular areas (see § 3430.1202 for a definition of ''insular area''). A qualified entity may use funds provided by a grant awarded under this section to relieve veterinarian shortage situations and support veterinary services for any of the following purposes:

(a) To promote recruitment (including for programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.

(b) To allow veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses described in 7 U.S.C. 3151a(c)(5)) to attend training programs in food safety or food animal medicine.

(c) To establish or expand accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs carried out in coordination with accredited colleges of veterinary medicine.

(d) To provide continuing education and extension, including veterinary telemedicine and other distance-based education, for veterinarians, veterinary technicians, and other health professionals needed to strengthen veterinary programs and enhance food safety.

(e) To provide technical assistance for the preparation of applications submitted to the Secretary for designation as a veterinarian shortage situation under 7 U.S.C. 3151a.

§ 3430.1202 Definitions.

The definitions applicable to the VSGP grants under this subpart include:

Citizen or national of the United States which means:

(1) A citizen or national of the United States, as defined in 8 U.S.C. 1401; or,

(2) A national of the United States, as defined in the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22), who, though not a citizen of the United States, owes permanent allegiance to the United States.

Practice of veterinary medicine means to diagnose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode including:

(1) The prescription, dispensing, administration, or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance or medical or surgical technique, or

(2) The use of complementary, alternative, and integrative therapies, or

(3) The use of any manual or mechanical procedure for reproductive management, or

(4) The rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to any of paragraphs (1), (2), (3), or (4) of this definition.

Qualified entity means an eligible entity (see § 3430.1203 for a list of eligible applicants for each project type) that carries out programs or activities that the Secretary determines will:

(1) Substantially relieve veterinarian shortage situations;

(2) Support or facilitate private veterinary practices engaged in public health activities; or

(3) Support or facilitate the practices of veterinarians who are providing or have completed providing services under an agreement entered into with the Secretary under 7 U.S.C. 3151a(a)(2).

Rural area is defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

Veterinarian means a U.S. citizen or national who has received a professional veterinary medicine degree from a college of veterinary medicine accredited by the AVMA Council on Education.

Veterinarian Shortage Situation means any of the following situations in which the Secretary, in accordance with the process in 7 CFR part 3431 subpart A, determines has a shortage of veterinarians:

(1) Geographical areas that the Secretary determines have a shortage of food supply veterinarians; and

(2) Areas of veterinary practice that the Secretary determines have a

shortage of food supply veterinarians, such as food animal medicine, public health, animal health, epidemiology, and food safety.

Veterinary medicine means all branches and specialties included within the practice of veterinary medicine.

Veterinary Medicine Loan Repayment Program or VMLRP means the Veterinary Medicine Loan Repayment Program authorized by the National Veterinary Medical Service Act (7 U.S.C. 3151a).

§ 3430.1203 Eligibility.

(a) For Education, Extension, and Training projects, eligible entities are:

(1) A State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association;

(2) A college or school of veterinary medicine accredited by the American Veterinary Medical Association;

(3) A university research foundation or veterinary medical foundation;

(4) A department of veterinary science or department of comparative medicine accredited by the Department of Education;

(5) A State agricultural experiment station; or

(6) A State, local, or tribal government agency.

(b) For Rural Practice Enhancement projects, eligible entities are:

(1) A for-profit or nonprofit entity located in the United States that, or individual who, operates a veterinary clinic providing veterinary services, in a rural area, as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)), and in a veterinarian shortage situation designated under the VMLRP. Eligible veterinarian shortage situation years will be specified in the request for application (RFA).

(2) [Reserved].

§ 3430.1204 Project types and priorities.

(a) *Education, Extension, and Training.* The purpose of the proposed activities must be to substantially relieve rural veterinarian shortage situations, or facilitate or support veterinary practices engaged in public health activities, in the U.S.

(b) *Rural practice enhancement.* The purpose will be to support the development and provision of veterinary services to substantially relieve designated rural veterinarian shortage situations in the U.S. Funds may be used to establish or expand veterinary practices, including:

(1) Equipping veterinary offices;

(2) Sharing in the reasonable overhead costs of such veterinary practices, as determined by the Secretary; or

(3) Establishing mobile veterinary facilities in which a portion of the facilities will address education or extension needs.

§ 3430.1205 Funding restrictions.

(a) *Construction.* Funds made available for grants under this subpart shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility, including site grading and improvement, and architect fees.

(b) *Indirect costs.* Subject to § 3430.54, indirect costs are allowable for Education, Extension and Training grants. For Rural Practice Enhancement grants, indirect costs are not allowable; however, overhead costs may be requested, not to exceed 50 percent of the award.

§ 3430.1206 Matching requirements.

There are no matching requirements for grants under this subpart.

§ 3430.1207 Coordination preference.

In selecting recipients of Education, Extension and Training grants, preference will be given to applications providing documentation of coordination with other qualified entities.

§ 3430.1208 Special requirements for Rural Practice Enhancement grants.

(a) *Terms of service requirement.* Regardless of award amount, Rural Practice Enhancement (RPE) grant recipients must commit to spending three years mitigating the veterinarian service shortage applied for, at the full time equivalent percentage described in the shortage nomination forms corresponding to each designated shortage situation. Except in certain extenuating circumstances which NIFA determines to be beyond a grant recipient's control, the three-year term of service must be completed in accordance with all terms and conditions of the award agreement. In the event a recipient feels extenuating circumstances are preventing, or will prevent, him/her from meeting the service obligation, the grantee must contact NIFA for guidance.

(b) *Breach.* If a RPE grant recipient fails to complete the period of obligated service incurred under the service agreement, that recipient may be subject to repayment or partial repayment of the grant funds, with interest, to the United States.

(c) *Waiver.* The Secretary may grant a waiver of the repayment obligation for breach of contract if the Secretary determines that such qualified entity demonstrates extreme hardship or extreme need.

§ 3430.1209 Duration of awards.

The term of a grant under this subpart may not exceed 5 years. The duration of individual awards may vary as specified in the RFA and is subject to the availability of appropriations.

Done at Washington, DC, this 15th day of March, 2017.

Sonny Ramaswamy,

Director, National Institute of Food and Agriculture.

[FR Doc. 2017–05931 Filed 3–24–17; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9054; Directorate Identifier 2016–NM–081–AD; Amendment 39–18834; AD 2017–06–10]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This AD was prompted by reports of interior emergency lights remaining ''ON'' following routine operational checks of the emergency light system. This AD requires changing the wiring gauge for the affected emergency lights power supplies wiring to prevent overheating in the wires. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 1, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 1, 2017.

ADDRESSES: For 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.* 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–2016–9054.

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–2016–9054; 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:

Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

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 Bombardier, Inc. Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59539). The NPRM was prompted by reports of interior emergency lights remaining ''ON'' following routine operational checks of the emergency light system. The NPRM proposed to require changing the wiring gauge for the affected emergency lights power supplies wiring to prevent overheating in the wires. Overheating can damage the wire insulation, potentially causing a fire.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–12, effective May 11, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model DHC–8–400 series airplanes. The MCAI states:

> There have been several reports of Interior Emergency Lights remaining ''ON'' following routine operational checks of the Emergency Light System. During these events, the system could not be deactivated and the associated circuit breaker was also found tripped. The events were caused by the overheating of the negative interlock and ground wires at the Emergency Light System Power Supplies.
>
> Investigation has determined that the wire gauge of the negative interlock and ground wiring is incompatible with the current load experienced during the Emergency Light System operational check and this has led to the degradation of the wiring insulation.
>
> This [Canadian] AD is being issued to mandate the change of the wiring gauge from 22 to 20 American wire gauge (AWG) for the affected Emergency Lights Power Supplies wiring.

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–2016–9054.

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.

Support for the NPRM

The Air Line Pilots Association, International, stated that it supports the NPRM.

Requests To Refer to Updated Service Information and Provide Credit for Previous Service Information

Horizon Air and Ryota Takeuchi requested that we revise the NPRM to specify that the wire gauge be changed in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–33–12, Revision B, dated June 28, 2016 (''SB 84–33–12, Revision B'').

Horizon Air also requested that we revise the NPRM to provide credit for previous actions done using Bombardier Service Bulletin 84–33–12, Revision A, dated January 19, 2016.

We agree with these requests. We have determined that SB 84–33–12, Revision B, requires no additional actions for airplanes modified using previous revisions. Therefore, we have revised this final rule to refer to SB 84–33–12, Revision B. We have also revised paragraph (h) of this AD to include credit for actions accomplished before the effective date of this AD using Bombardier Service Bulletin 84–33–12, Revision A, dated January 19, 2016.

Request To Reference Only the Actions Required for Compliance

Horizon Air also requested that we revise paragraph (g) of the proposed AD to require that the wire gauge be changed in accordance with paragraph 3.B. of the Accomplishment Instructions of SB 84–33–12, Revision B. Horizon pointed out that incorporating the Job Set-up and Close Out sections of the Accomplishment Instructions restricts an operator's ability to perform other maintenance in conjunction with the requirements of the proposed AD.

We agree with Horizon Air's request for the reason provided. We have revised this AD to reference only the actions necessary to address the unsafe condition specified in this AD.

Conclusion

We reviewed the relevant data, considered 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 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 SB 84–33–12, Revision B. This service information describes procedures for changing the wiring gauge for the affected emergency lights power supplies wiring to prevent overheating in the wires. 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 52 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
Replacement	8 work-hours × $85 per hour = $680	$0	$680	$35,360

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):

2017–06–10 Bombardier, Inc.: Amendment 39–18834; Docket No. FAA–2016–9054; Directorate Identifier 2016–NM–081–AD.

(a) Effective Date

This AD is effective May 1, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001, and 4003 through 4507 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 33, Lights.

(e) Reason

This AD was prompted by reports of interior emergency lights remaining ''ON'' following routine operational checks of the emergency light system. We are issuing this AD to prevent overheating in the wires. Overheating can damage the wire insulation, potentially causing a fire.

(f) Compliance

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

(g) Replacement of Affected Wires

Within 6,000 flight hours or 36 months, whichever occurs first, after the effective date of this AD, incorporate Bombardier Modification Summary 4–126620 to replace affected wires with a heavier wire gauge, in accordance with paragraph 3.B. of the Accomplishment Instructions of Bombardier Service Bulletin 84–33–12, Revision B, dated June 28, 2016.

(h) 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 Bombardier Service Bulletin 84–33–12, dated September 29, 2015; or Bombardier Service Bulletin 84–33–12, Revision A, dated January 19, 2016.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–12, effective May 11, 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–2016–9054.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) 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 84–33–12, Revision B, dated June 28, 2016.

(ii) Reserved.

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

(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 14, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05524 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9051; Directorate Identifier 2016–NM–035–AD; Amendment 39–18828; AD 2017–06–04]

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 all Airbus Model A300 B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and A300 B4–622R airplanes; and Model A300 C4–605R Variant F airplanes. This AD was prompted by an in-service detection of cracks in the fuselage skin lap joints. This AD requires an ultrasonic inspection of certain skin lap joints, and repair if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 1, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 1, 2017.

ADDRESSES: For service information identified in this final rule, 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. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9051.

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–2016–9051; 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: 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; email *dan.rodina@faa.gov.*

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 all Airbus Model A300 B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and A300 B4–622R airplanes; and Model A300 C4–605R Variant F airplanes. The NPRM published in the **Federal Register** on August 30, 2016 (81 FR 59530) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0057, dated March 18, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and A300 B4–622R airplanes; and Model A300 C4–605R Variant F airplanes. The MCAI states:

> Prompted by in-service detection on Airbus A300–600 aeroplanes of cracks in certain fuselage skin lap joints, several studies were launched to understand the phenomenon and provide the corrective actions. More recently, new analyses were performed and the results identified that a new area has to be inspected at the skin lap joint below Stringer (STR) 28 at Frame (FR) 72 to FR 76.
>
> This condition, if not detected and corrected, could result in reduced structure integrity of the aeroplane.
>
> To address this unsafe condition, Airbus published Service Bulletin (SB) A300–53–6184 [dated November 12, 2015] to introduce [ultrasonic] inspections and applicable corrective actions for the affected areas.
>
> For the reason described above, this [EASA] AD requires repetitive Special Detail Inspections (SDI) of the affected skin lap joint and, depending on findings, accomplishment of applicable corrective action(s) [repairs].

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–2016–9051.

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 Make the Reporting Requirement Optional

FedEx requested that the reporting requirements in Airbus Service Bulletin A300–53–6184, dated November 12, 2015, be specified in the AD as optional. FedEx stated that Airbus has received these reports regularly in the past and they have not provided industry statistics or benefits to the operators.

We agree that reporting is not necessary in this AD. The report in Airbus Service Bulletin A300–53–6184, dated November 12, 2015, is designed to report crack findings. Crack findings are addressed by paragraph (h) of this AD.

Because reporting is specified within the procedures of Airbus Service Bulletin A300–53–6184, dated November 12, 2015, we have revised this AD by adding paragraph (i) to specify no reporting is required. We have redesignated subsequent paragraphs accordingly.

Request To Include Inspection as an Airworthiness Limitation

FedEx stated the inspection is best fitted for a maintenance program and should be included in an airworthiness limitation document.

We do not agree with the commenter. Airbus Service Bulletin A300–53–6184, dated November 12, 2015, has been issued to address in-service findings, which can lead to an unsafe condition. For this case, no airworthiness limitation instructions were introduced by Airbus. To delay this action until airworthiness limitations were

developed would be inappropriate, since we have determined that an unsafe condition exists and that inspections must be conducted to ensure continued safety. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered 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 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 Airbus Service Bulletin A300–53–6184, dated November 12, 2015. The service information describes procedures for an ultrasonic inspection of the skin lap joint below STR 28 at FR 72 to FR 76, and repair if necessary. 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 29 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Cost per product	Cost on U.S. operators
Ultrasonic inspection	6 work-hours × $85 per hour = $510 per inspection cycle.	$510 per inspection cycle	$14,790 per inspection cycle.

We have no way to determine the costs to do any necessary repairs that will be required based on the results of the inspection. We have no way of determining the number of airplanes that might need these repairs.

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):

2017–06–04 Airbus: Amendment 39–18828; Docket No. FAA–2016–9051; Directorate Identifier 2016–NM–035–AD.

(a) Effective Date

This AD is effective May 1, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A300 B4–603, B4–620, and B4–622 airplanes; Model A300 B4–605R and A300 B4–622R airplanes; and Model A300 C4–605R Variant F airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by an in-service detection of cracks in the fuselage skin lap joints. We are issuing this AD to detect and correct cracks in the skin lap joint below stringer (STR) 28 at frame (FR) 72 to FR 76. Such cracking could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Before 29,500 flight cycles since the first flight of the airplane, or within 2,000 flight cycles after the effective date of this AD, whichever occurs later, do an ultrasonic inspection for cracks of the skin lap joint below STR 28 at FR 72 to FR 76 and do all applicable repairs before further flight, in accordance with the Accomplishment Instruction of Airbus Service Bulletin A300–53–6184, dated November 12, 2015, except as required by paragraph (h) of this AD. Repeat the ultrasonic inspection thereafter at intervals not to exceed 5,400 flight cycles.

(h) Exceptions to Service Information Specified in Paragraph (g) of This AD

Where Airbus Service Bulletin A300–53–6184, dated November 12, 2015, specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) No Reporting Requirement

Although Airbus Service Bulletin A300–53–6184, dated November 12, 2015, specifies to submit certain information to the manufacturer, and specifies that action as RC, this AD does not include that requirement.

(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; email *dan.rodina@faa.gov.* 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):* Except as required by paragraphs (h) and (i) 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

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0057, dated March 18, 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–2016–9051.

(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) Airbus Service Bulletin A300–53–6184, dated November 12, 2015.

(ii) Reserved.

(3) 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.*

(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 8, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05231 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9291; Directorate Identifier 2016–SW–004–AD; Amendment 39–18840; AD 2017–07–02]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model 269D and Model 269D Configuration A helicopters. This AD requires reducing the life limit of and inspecting certain drive shafts. This AD is prompted by four incidents involving failure of a drive shaft. The actions specified by this AD are intended to prevent the unsafe condition on these products.

DATES: This AD becomes effective April 11, 2017.

We must receive comments on this AD by May 26, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9291; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Michael Schwetz, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, FAA, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7761; email *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

We are adopting a new AD for Sikorsky Model 269D and Model 269D Configuration A helicopters with KAflex drive shaft (engine side) part number (P/N) SKCP2738–7 and KAflex drive shaft (pulley side) P/N SKCP2738–5 installed. This AD is prompted by four incidents involving failure of the engine side drive shaft. Three incidents experienced loss of rotor drive resulting in forced landings. The fourth incident resulted in vibration during flight prompting an immediate landing. A fractured engine side drive shaft was evident in each incident. Investigations revealed compression of the rubber engine mounts may lead to loss of alignment between the lower pulley shaft and the engine output shaft, resulting in fracture of the engine side drive shaft. Additionally, it has been discovered that increased cyclic torsional loading was inaccurately applied in previous fatigue analysis, making it necessary to reduce the life limit.

Accordingly, this AD requires reducing the life limit of the engine side drive shaft and pulley side drive shaft to 6,000 hours time-in-service (TIS) for Model 269D helicopters and 1,200 hours TIS for Model 269D Configuration A helicopters. If the drive shaft is interchanged or has ever been interchanged between the two model configurations, this AD requires using the lower life limit of 1,200 hours TIS. This AD also requires performing several inspections of the drive shaft within 25 hours TIS and, depending on the results of these inspections, replacing both the engine side and pulley side drive shafts.

The actions specified by this AD are intended to prevent failure of the drive shaft, loss of rotor drive, and subsequent loss of control of the helicopter. Additional inspections at longer intervals may also be necessary. We plan to publish a notice of proposed rulemaking to give the public an opportunity to comment on those long-term requirements.

Record of Ex Parte Communication

In preparation of AD actions such as notices of proposed rulemaking and immediately adopted final rules, it is the practice of the FAA to obtain technical information and information on the operational and economic impact from design approval holders and aircraft operators. We discussed certain aspects of this AD by email and telephone with Sikorsky. A copy of each email contact and a discussion of each telephone contact can be found in the rulemaking docket. For information on locating the docket, see ''Examining the AD Docket.''

FAA's Determination

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

Related Service Information

We reviewed Appendix B to Sikorsky S–330 Model 269D Helicopter Basic Handbook of Maintenance Instructions No. CSP–D–2, dated February 1, 1993, and revised October 15, 2014; and Appendix B to Sikorsky S–333 Model 269D Config. ''A'' Helicopter Basic Handbook of Maintenance Instructions No. CSP–D–9, dated July 20, 2001, and revised October 15, 2014. This service information specifies repetitive inspection procedures, overhaul and retirement schedules, and weight and balance procedures. The Airworthiness Limitations section, which is included in this service information, contains the life limits for drive shaft assembly P/Ns SKCP2738–5 and SKCP2738–7.

We also reviewed Sikorsky 269D Helicopter Alert Service Bulletin DB–052, Basic Issue, dated January 16, 2014, which distributes the service life reduction information and implements a new 1,200-hour overhaul inspection for drive shaft assembly P/Ns SKCP2738–3, SKCP2738–5, and SKCP2738–7.

AD Requirements

This AD requires, before further flight:

- Removing from service any engine side drive shaft P/N SKCP2738–7 and pulley side drive shaft P/N SKCP2738–5 that has reached or exceeded its new life limit as follows:
  - 6,000 hours TIS for Model 269D helicopters;
  - 1,200 hours TIS for Model 269D Configuration A helicopters; and
  - 1,200 hours TIS if the parts have ever been interchanged between the two model configurations.

This AD also requires, within 25 hours TIS:

- Inspecting the KAflex drive shaft alignment.
- Inspecting the engine side and pulley side drive shafts for a crack, any corrosion or pitting, a nick, a dent, and a scratch.
- Inspecting each bolted joint (joint) for movement.
- Inspecting each joint for fretting corrosion and each frame and mount bolt torque stripe for movement.
- Inspecting each joint for fretting, for a crack around both the bolt head and washer side, and around the nut and washer side, and each inside and outside corner radii and radii edges on both sides of each frame for a crack.

If the drive shaft fails any of the above inspections, this AD requires replacing both the engine side and pulley side drive shafts before further flight.

Lastly, this AD requires within 25 hours TIS and thereafter at intervals not to exceed 25 hours TIS:

- Inspecting the lower pulley to engine alignment, and if there is any interference with the rotation of the belt drive alignment tool, adjusting the engine elevation alignment before further flight.

This AD also specifies installing KAflex engine side coupling assembly P/N SKCP2738–9 and KAflex pulley side coupling assembly P/N SKCP2738–101 as an optional terminating action for the requirements of this AD.

Differences Between This AD and the Service Information

The Sikorsky service information specifies a drive shaft assembly service life of 3,000 hours TIS with a 1,200 hour overhaul inspection for Model 269D Configuration A helicopters, while this AD specifies a service life of 1,200 hours TIS.

This AD specifies several inspections with a compliance time of 25 hours TIS that are currently recurring inspections at 100-hour or 400-hour intervals in Sikorsky's service information.

The Sikorsky service information specifies different inspection procedures if there is spline engagement interference or resistance while inspecting the drive shaft alignment. This AD specifies replacing both the engine side and pulley side drive shafts if there is any spline engagement interference or resistance.

The Sikorsky service information specifies inspecting the working

fastener condition without any specific succeeding action regarding the inspection. This AD specifies replacing both the engine side and pulley side drive shafts if there is any joint movement.

The Sikorsky service information specifies returning the drive shaft assembly to Sikorsky if there is fretting dust or red metallic residue at a joint. This AD specifies replacing both the engine side and pulley side drive shafts if there is any fretting corrosion.

Interim Action

We consider this AD interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

We estimate that this AD affects 18 helicopters of U.S. Registry. We estimate that operators may incur the following costs to comply with this AD. Labor costs are estimated at $85 per work-hour. Removing the engine side and pulley side drive shafts that have reached the new life limit will take about 4 work-hours for a cost of $340 per helicopter. Inspecting the drive shaft alignment will take about 1 work-hour for a cost of $85 per helicopter and $1,530 for the U.S. fleet. Inspecting the drive shafts for damage will take about 1 work-hour for an estimated cost of $85 per helicopter and $1,530 for the U.S. fleet. Inspecting the joints will take about 1 work-hour for an estimated cost of $85 per helicopter and $1,530 for the U.S. fleet. Replacing the engine side and pulley side drive shafts, if required, will take about 8 work-hours and parts will cost about $20,000, for an estimated cost of $20,680 per helicopter. Inspecting the lower pulley to engine alignment will take about 0.5 work-hour for an estimated cost of $43 per helicopter and $774 for the U.S. fleet per inspection cycle. Adjusting the engine elevation alignment will take about 0.5 work-hour for an estimated cost of $43 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because some of the required corrective actions must be completed before further flight.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–07–02 Sikorsky Aircraft Corporation (Sikorsky): Amendment 39–18840; Docket No. FAA–2016–9291; Directorate Identifier 2016–SW–004–AD.

(a) Applicability

This AD applies to Sikorsky Model 269D and Model 269D Configuration A helicopters with a KAflex engine side drive shaft part number (P/N) SKCP2738–7 and KAflex pulley side drive shaft P/N SKCP2738–5 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a drive shaft. This condition could result in loss of rotor drive and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective April 11, 2017.

(d) Compliance

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

(e) Required Actions

(1) Before further flight:

(i) For Model 269D helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 that has 6,000 or more hours time-in-service (TIS). Thereafter, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 before accumulating 6,000 hours TIS.

(ii) For Model 269D Configuration A helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 that has 1,200 or more hours TIS. Thereafter, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 before accumulating 1,200 hours TIS.

(iii) If interchanged between Model 269D and Model 269D Configuration A helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 that has 1,200 or more hours TIS. Thereafter, if interchanged between Model 269D and Model 269D Configuration A helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 before accumulating 1,200 hours TIS.

(2) Within 25 hours TIS:

(i) Remove the drive shaft to adapter bolt and inspect the drive shaft alignment. Engage and disengage the splines a minimum of 3 times by sliding the engine power output shaft in and out of the engine. Inspect the alignment at each 90° interval by rotating the lower pulley with the power shaft disengaged. Determine whether the adapter slides on and off the drive shaft splines without spline engagement interference or resistance along the entire length of movement. If there is any spline engagement interference or resistance, before further flight, replace both the engine side and pulley side drive shafts.

(ii) Inspect each drive shaft for a crack, any corrosion or pitting, a nick, a dent, and a scratch. If there is a crack, any corrosion or pitting, a nick, a dent, or a scratch that exceeds allowable limits, before further flight, replace both the engine side and pulley side drive shafts.

(iii) Remove the engine side drive shaft and pulley side drive shaft and perform the following:

(A) Inspect each flex frame (frame) bolted joint (joint) for movement by hand. If there is any movement, before further flight, replace both the engine side and pulley side drive shafts.

(B) Visually inspect each joint for fretting corrosion (which might be indicated by metallic particles) and each frame and mount bolt torque stripe for movement. If there is any fretting corrosion or torque stripe movement, before further flight, replace both the engine side and pulley side drive shafts.

(C) Using a 10x or higher power magnifying glass, visually inspect each joint for fretting and for a crack around the bolt head and washer side, and around the nut and washer side. Also inspect both sides of each frame for a crack on the inside and outside corner radii and radii edge (four). If there is any fretting, a crack at any point over the full circumference (360°) of the bolt head and washer side or the nut and washer side, or a crack in any of the corner radii edges, before further flight, replace both the engine side and pulley side drive shafts.

(iv) Using a belt drive alignment tool 269T3303–003, inspect the lower pulley to engine alignment by engaging the tool on the drive shaft and inserting in the lower pulley bore. Rotate the tool 360° around the drive shaft and inspect for interference. If there is any interference with the rotation of the tool, before further flight, adjust the engine elevation alignment to eliminate the interference.

(3) Thereafter, at intervals not to exceed 25 hours TIS, repeat the actions specified in paragraph (e)(2)(iv) of this AD.

(4) As an optional terminating action to the repetitive inspections in this AD, you may install KAflex engine side drive shaft P/N SKCP2738–9 and KAflex pulley side drive shaft P/N SKCP2738–101.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Schwetz, Aviation Safety Engineer, Boston Aircraft Certification Office, Engine & Propeller Directorate, FAA, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7761; email *michael.schwetz@faa.gov.*

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

(g) Additional Information

Sikorsky 269D Helicopter Alert Service Bulletin DB–052, Basic Issue, dated January 16, 2014; Appendix B of Sikorsky S–330 Model 269D Helicopter Basic Handbook of Maintenance Instructions, No. CSP–D–2, dated February 1, 1993, and revised October 15, 2014; and Appendix B of Sikorsky S–330 Model 269D Config. ''A'' Helicopter Basic Handbook of Maintenance Instructions, No. CSP–D–9, dated July 20, 2001, and revised October 15, 2014; which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email: *wcs_cust_service_eng.gr-sik@lmco.com.* You may review this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6310, Engine/Transmission Coupling.

Issued in Fort Worth, Texas, on March 20, 2017.

Scott A. Horn,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2017–05967 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–8844; Directorate Identifier 2016–NM–026–AD; Amendment 39–18833; AD 2017–06–09]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 airplanes. This AD was prompted by a report indicating that the fire block in the closets and video control stations, and fire blocking tape in the floor panel opening in the forward and aft main passenger cabin, might be missing on some airplanes. This AD requires installing a fire block in the closets and video control stations, as applicable, and installing fire blocking tape in the floor panel openings in the forward and aft main passenger cabin. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 1, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 1, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–8844.

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–2016–8844; 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 (phone: 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: Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6457; fax: 425–917–6590; email: *susan.l.monroe@faa.gov.*

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 The Boeing Company Model 787–8 airplanes. The NPRM published in the **Federal Register** on August 17, 2016 (81 FR 54750) (''the NPRM''). The NPRM was prompted by a report indicating that the fire block in the closets and video control stations, and fire blocking tape in the floor panel opening in the forward and aft main passenger cabin, might be missing on some airplanes. The NPRM proposed to require installing a fire block in the closets and video control stations, as applicable, and installing fire blocking tape in the floor panel openings in the forward and aft main passenger cabin. We are issuing this AD to prevent propagation of a fire in the lower lobe cheek area outboard of a closet or video control station. Such propagation could result in an increased risk of smoke and/or fire propagation into the passenger cabin.

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.

Support for NPRM

The Air Line Pilots Association, International indicated its support for the intent of the NPRM.

Request To Clarify the Unsafe Condition

Boeing asked that we clarify certain language related to the unsafe condition throughout the NPRM. Boeing stated that the location of the unsafe condition, referred to in the NPRM as ''video control station and closets,'' should be changed to ''closets and video control stations.'' Boeing stated that closets and video control stations are two separate monument designs, and the current wording implies that the requirement applies only to monuments with video controls.

We agree with the commenter's request for the reason provided. We have clarified this language in all applicable sections of this AD.

Request To Include Later Revision of Service Information

United Airlines (UA) asked that we include Issue 002 of Boeing Alert Service Bulletin B787–81205–SB530018–00, for accomplishing certain actions in the proposed AD. UA stated that it was informed by Boeing that Issue 002 is in work. UA noted that adding this later revision will minimize potential requests for alternative methods of compliance (AMOCs).

We do not agree with the commenter's request. We do not consider that delaying this final rule until after the release of the manufacturer's planned service information (Issue 002 of Boeing Alert Service Bulletin B787–81205–SB530018–00) is warranted. We have identified an unsafe condition and the actions specified in Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013, address the unsafe condition for airplanes identified in paragraph (g)(3) of this AD. However, under the provisions of paragraph (h) of this AD, operators may request approval to use later revisions of the service information as an AMOC with this AD. We have not changed this AD in this regard.

Request To Issue Two ADs Instead of One

UA asked that we split the NPRM into two ADs; one AD for Boeing Alert Service Bulletin B787–81205–SB250028–00, Issue 001, dated August 1, 2013; and Boeing Alert Service Bulletin B787–81205–SB250070–00, Issue 001, dated March 10, 2015; and one AD for Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013. UA stated that although all of this service information addresses fire blocking, different areas with different procedures are specified in each service bulletin.

We do not agree with the commenter's request. We do not consider that delaying this final rule, so that the required actions can be split into two ADs based on the location of the corrective actions, is warranted. In order to address the identified unsafe condition in a timely manner, we find that we must issue this AD by mandating the specified actions described in the referenced service information. We have not changed this AD in this regard.

Request To Clarify Certain Action in the Costs of Compliance Section

Boeing asked that we change the phrase ''video control closet'' to ''closet'' in the Costs of Compliance section, for clarification. Boeing stated that the referenced service information does not have a monument listing for a ''video control closet'' but lists this monument as a ''closet.''

We agree with the commenter's request for the reason provided. We have changed this language in the Costs of Compliance section accordingly.

Conclusion

We reviewed the relevant data, considered 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 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:

Boeing Alert Service Bulletin B787–81205–SB250028–00, Issue 001, dated August 1, 2013. The service information describes procedures for installing a fire block in the closets and video control stations.

Boeing Alert Service Bulletin B787–81205–SB250070–00, Issue 001, dated March 10, 2015. The service information describes procedures for installing a fire block in the video control station.

Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013. The service information describes procedures for installing fire blocking tape in the floor panel openings in the forward and aft main passenger cabin.

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 6 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
Fire blocking tape installation in the floor panel openings.	Up to 23 work-hours × $85 per hour = $1,955 per installation.	$0	Up to $1,955 per installation.	Up to $11,730 per installation.
Fire block installation in the closet	5 work-hours × $85 per hour = $425 per installation.	489	$914 per installation	$5,484 per installation.
Fire block installation in the video control station.	5 work-hours × $85 per hour = $425 per installation.	276	$701 per installation	$4,206 per installation.

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

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

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

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

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

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

2017–06–09 The Boeing Company: Amendment 39–18833; Docket No. FAA–2016–8844; Directorate Identifier 2016–NM–026–AD.

(a) Effective Date

This AD is effective May 1, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 airplanes, certificated in any category, as identified in the service information specified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Boeing Alert Service Bulletin B787–81205–SB250028–00, Issue 001, dated August 1, 2013.

(2) Boeing Alert Service Bulletin B787–81205–SB250070–00, Issue 001, dated March 10, 2015.

(3) Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings; 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report indicating that the fire block in the closets and video control stations, and fire blocking tape in the floor panel opening in the forward and aft main passenger cabin, might be missing on some airplanes. We are issuing this AD to prevent propagation of a fire in the lower lobe cheek area outboard of a closet or video control station. Such propagation could result in an increased risk of smoke and/or fire propagation into the passenger cabin.

(f) Compliance

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

(g) Installation of Fire Block and Fire Blocking Tape, as Applicable

Within 72 months after the effective date of this AD, do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, as applicable.

(1) For airplanes specified in Boeing Alert Service Bulletin B787–81205–SB250028–00, Issue 001, dated August 1, 2013: Install a fire block in the closets and video control stations, as applicable, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB250028–00, Issue 001, dated August 1, 2013.

(2) For airplanes specified in Boeing Alert Service Bulletin B787–81205–SB250070–00, Issue 001, dated March 10, 2015: Install a fire block in the video control station, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB250070–00, Issue 001, dated March 10, 2015.

(3) For airplanes specified in Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013: Install fire blocking tape in the floor panel openings in the forward and aft main passenger cabin, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013.

(h) Alternative Methods of Compliance (AMOCs)

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

emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

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

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (h)(4)(i) and (h)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(i) Related Information

For more information about this AD, contact Susan L. Monroe, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6457; fax: 425–917–6590; email: *susan.l.monroe@faa.gov*.

(j) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin B787–81205–SB250028–00, Issue 001, dated August 1, 2013.

(ii) Boeing Alert Service Bulletin B787–81205–SB250070–00, Issue 001, dated March 10, 2015.

(iii) Boeing Alert Service Bulletin B787–81205–SB530018–00, Issue 001, dated June 7, 2013.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740; telephone 562–797–1717; Internet *https://www.myboeingfleet.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 14, 2017.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05521 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9300; Directorate Identifier 2016–NM–124–AD; Amendment 39–18829; AD 2017–06–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model DC–6, DC–6A, C–118A, R6D–1, DC–6B, and R6D–1Z airplanes. This AD was prompted by a report of a fuel leak in a Model C–118A airplane that resulted from a crack in the wing lower skin. This AD requires repetitive radiographic, electromagnetic testing high frequency (ETHF), and electromagnetic testing low frequency (ETLF) inspections for cracking of the wing lower skin, and repairs if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 1, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 1, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9300.

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–2016–9300; 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 (phone: 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: George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garride@faa.gov*.

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 all The Boeing Company Model DC–6, DC–6A, C–118A, R6D–1, DC–6B, and R6D–1Z airplanes. The NPRM published in the **Federal Register** on October 26, 2016 (81 FR 74352). The NPRM was prompted by a report of a fuel leak in a Model C–118A airplane that resulted from a crack in the wing lower skin. The NPRM proposed to require repetitive radiographic, ETHF, and ETLF inspections for cracking of the wing lower skin just inboard of the number 2 nacelle attach angle at wing station 175, and repairs if necessary. We are issuing this AD to detect and correct fatigue cracking in the wing lower skin, which could adversely affect the structural integrity of the wing.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comments received. The National Transportation Safety Board, Boeing, and Ms. Ana Maria expressed their support for the NPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed, except for 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

We reviewed Boeing Alert Service Bulletin DC6–57A001, dated April 28, 2016. The service information describes procedures for radiographic, ETHF, and ETLF inspections for cracking of the wing lower skin at wing station 175, and repairs. 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 36 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
Inspections	17 work-hours × $85 per hour = $1,445 per inspection cycle.	$0	$1,445 per inspection cycle.	$52,020 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

2017–06–05 The Boeing Company: Amendment 39–18829; Docket No. FAA–2016–9300; Directorate Identifier 2016–NM–124–AD.

(a) Effective Date

This AD is effective May 1, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model DC–6, DC–6A, DC–6B, C–118A, R6D–1, and R6D–1Z airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of a fuel leak in a Model C–118A airplane that resulted from a crack in the wing lower skin just inboard of the number 2 nacelle attach angle at wing station 175. We are issuing this AD to detect and correct fatigue cracking in the wing lower skin, which could adversely affect the structural integrity of the wing.

(f) Compliance

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

(g) Repetitive Inspections

Except as specified in paragraph (i) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin DC6–57A001, dated April 28, 2016, do radiographic, electromagnetic testing high frequency (ETHF), and electromagnetic testing low frequency (ETLF) inspections for cracking of the wing lower skin at station 175, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin DC6–57A001, dated April 28, 2016. Repeat the radiographic, ETHF, and ETLF inspections of any unrepaired areas thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin DC6–57A001, dated April 28, 2016.

(h) Repairs

If any cracking is found during any inspection required by this AD: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Service Information Exception

Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin DC6–57A001, dated April 28, 2016, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(k) Related Information

For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, Los Angeles ACO, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garride@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin DC6–57A001, dated April 28, 2016.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.*

(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 8, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05233 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–8164; Airspace Docket No. 15–ANM–25]

Establishment of Class E Airspace, Manti, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface within a 4.7-mile radius of Manti-Ephraim Airport, Manti, UT, with segments extending north and southwest of the airport, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport. This airspace is necessary for new Instrument Flight Rules (IFR) operations for standard instrument approach procedures and to support the safety and management of IFR operations at the airport.

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

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line 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 this material 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 establishes controlled airspace at Manti-Ephraim Airport, Manti, UT.

History

On November 22, 2016, the FAA published in the **Federal Register** a Notice of Proposed Rulemaking (81 FR, 83749) FAA–2016–8164, proposing to establish Class E airspace extending upward from 700 feet above the surface within a 4-mile radius of Manti-Ephraim Airport, Manti, UT, with segments extending from the 4-mile radius to 11 miles southwest, and 7.2 miles northeast of the airport. The FAA received one comment and concurred with the request by the National Business Aviation Association to develop IFR standard instrument approach circling procedures for category D aircraft for the airport. The additional IFR category D circling

procedures would require additional airspace for the safety if IFR aircraft using the new procedure.

On January 23, 2017, the FAA published in the **Federal Register** a Supplemental Notice of Proposed Rulemaking (82 FR, 7737) FAA–2016–8164, proposing to establish Class E airspace extending upward from 700 feet above the surface within a 4.7-mile radius (from the proposed 4-mile radius) of Manti-Ephraim Airport, Manti, UT, with segments extending from the 4.7-mile radius to 11 miles southwest, and 7.2 miles northeast of the airport. One comment was received in favor of the proposal.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 4.7-mile radius of Manti-Ephraim Airport, Manti, UT, with segments extending from the 4.7-mile radius to 11 miles southwest of the airport, and 7.2 miles northeast of the airport. This airspace is established to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) standard instrument approach procedures developed for the airport.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM UT E5 Manti, UT [New]

Manti-Ephraim Airport
(Lat. 39°19′53″ N., long. 111°36′45″ W.)

That airspace extending upward from 700 feet above the surface within a 4.7-mile radius of Manti-Ephraim Airport, and that airspace 2 miles either side of a 225° bearing from the airport extending from the 4.7-mile radius to 11 miles southwest of the airport, and that airspace within 1.8 miles east of the line beginning at lat. 39°17′50″ N., long. 111°39′27″ W., to lat. 39°14′35″ N., long. 111°41′06″ W., and that airspace beginning at the point where a 001° bearing from the airport intersects the 4.7-mile radius to lat. 39°26′54″ N., long. 111°36′20″ W., to lat. 39°26′34″ N., long. 111°31′41″ W., to the point where a 053° bearing from the airport intersects the 4.7-mile radius, thence counter-clockwise along the 4.7-mile radius to the point of beginning.

Issued in Seattle, Washington, on March 13, 2017.

Mindy Wright,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–05447 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–8128; Airspace Docket No. 15–AEA–14]

Amendment of Class D and Class E Airspace; Elmira, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D and E airspace at Elmira, NY, as the ERINN Outer Marker (OM) has been decommissioned requiring airspace reconfiguration at Elmira/Corning Regional Airport. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport, and eliminates the Notice to Airmen (NOTAM) part-time status of the Class E airspace designated as an extension to a Class D surface area. Also, the FAA found the Class E airspace designated as an extension to a class D surface area description was inaccurate. This action corrects the error.

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

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line 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: 1–800–647–8927, or 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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and Class E airspace at Elmira/Corning Regional Airport, Elmira, NY.

History

On December 13, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class D and Class E airspace at Elmira, NY. (81 FR 89885) Docket No. FAA–2015–8128. This proposed change is necessary as the ERINN Outer Marker (OM) has been decommissioned requiring airspace reconfiguration at Elmira/Corning Regional Airport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the regulatory text for the Class E airspace designated as an extension was found to have some inaccuracies and is rewritten for clarity.

Class D and Class E airspace designations are published in paragraphs 5000, 6002 and 6004, respectively, of FAA Order 7400.11A dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class D airspace, Class E surface area airspace, and Class E airspace designated as an extension to a Class D surface area at Elmira/Corning Regional Airport, Elmira, NY. This action amends the geographic coordinates of the airport to coincide with the FAA's aeronautical database, and eliminates the NOTAM information from the regulatory text of the Class E airspace designated as an extension to Class D that reads, ''This Class E airspace area is effective during the specific dates and time established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.'' This action also corrects some inaccuracies in the segment dimensions northeast, east, and southwest of the airport in the description of Class E airspace designated as an extension to a Class D surface.

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 DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA NY D Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY
(Lat. 42°09′35″ N., long 76°53′30″ W.)

That airspace extending upward from the surface to and including 3,500 MSL within a 4.2-mile radius of the Elmira/Corning Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement, (previously called Airport/Facility Directory).

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA NY E2 Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY
(Lat. 42°09′35″ N., long 76°53′30″ W.)

That airspace extending upward from the surface within a 4.2-mile radius of the Elmira/Corning Regional Airport. This Class

E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement, (previously called Airport/Facility Directory).

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA NY E4 Elmira, NY [Amended]

Elmira/Corning Regional Airport, NY
(Lat. 42°09′35″ N., long 76°53′30″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the 062° bearing from the airport extending from the 4.2-mile radius of Elmira/Corning Regional Airport to 8.6-miles northeast of the airport, within 1.8 miles each side of the 101° bearing from the airport extending from the 4.2-mile radius to 6 miles east of the airport, and within 1.8 miles each side of the 240° bearing from the airport extending from the 4.2-mile radius to 7 miles southwest of the airport, and within 1.8 miles each side of the 282° bearing from the airport extending from the 4.2-mile radius to 8 miles northwest of the airport.

Issued in College Park, Georgia, on February 23, 2017.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2017–05802 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–7115; Airspace Docket No. 15–ANM–30]

Amendment of Class E Airspace, Trinidad, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface, at Perry Stokes Airport, Trinidad, CO. Airspace redesign is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at the airport due to the decommissioning of the Trinidad Non-Directional Radio Beacon (NDB) and cancellation of associated approaches. This action ensures the safety, efficiency, and management of Instrument Flight Rules (IFR) operations at the airport. Additionally, the airport's geographic coordinates are updated to match the FAA's aeronautical database.

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

ADDRESSES: FAA Order 7400.11A, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line 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 this material 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 modifies controlled airspace at Perry Stokes Airport, Trinidad, CO.

History

On November 7, 2016, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface, at Perry Stokes Airport, Trinidad, CO, (81 FR 78088) Docket FAA–2015–7115. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6002 and 6005 of FAA Order 7400.11A, dated August 3, 2016, and effective September 15, 2016, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E surface area airspace at Perry Stokes Airport, Trinidad, CO, to within a 4.6-mile radius of the airport (from a 4.2-mile radius), with a segment extending from the airport 4.6-mile radius to 7.2 miles southwest of the airport. Class E airspace extending upward from 700 feet above the surface is modified to within a 7.2-mile radius of the airport (from an 8-mile radius) from the airport 231 ° bearing clockwise to the 056 ° bearing, and within a 4.6-mile radius from the airport 056 ° bearing clockwise to the 231 ° bearing, and with a segment extending from the 4.6-mile radius of the airport to 9.3 miles southwest of the airport. The Class E airspace extending upward from 1,200 feet above the surface is removed as this airspace is controlled by the Blue Mesa en route airspace area. Also, the airport's geographic coordinates are updated to coincide with the FAA's aeronautical database. New RNAV standard instrument approach procedures, due to decommissioning of the Trinidad NDB, have made this action necessary for the safety, efficiency, and management of IFR operations at the airport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM CO E2 Trinidad, CO [Modified]

Perry Stokes Airport, CO
(Lat. 37°15′33″ N., long. 104°20′27″ W.)

That airspace extending upward from the surface within a 4.6-mile radius of Perry Stokes Airport, and within 0.7 miles each side of the 224° bearing from the airport 4.6-mile radius to 7.2 miles southwest of the airport.

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

* * * * *

ANM CO E5 Trinidad, CO [Modified]

Trinidad, Perry Stokes Airport, CO
(Lat. 37°15′33″ N., long. 104°20′27″ W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Perry Stokes Airport from the 231° bearing clockwise to the 056° bearing, and within a 4.6-mile radius from the airport 056° bearing clockwise to the 231° bearing, and within 1-mile each side of the airport 224° bearing extending from the 4.6-mile radius to 9.3 miles southwest of the airport.

Issued in Seattle, Washington, on March 13, 2017.

Mindy Wright,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2017–05446 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA–2012–0035]

RIN 0960–AH51

Revisions to Rules Regarding the Evaluation of Medical Evidence; Correction

AGENCY: Social Security Administration.

ACTION: Final rules; correction.

SUMMARY: We published a document in the **Federal Register** on January 18, 2017, that revises our rules. That document inadvertently contained technical errors. This document amends and corrects the final rules.

DATES: Effective March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Dan O'Brien, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 597–1632. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: We published final rules in the **Federal Register** on January 18, 2017 (82 FR 5844) titled ''Revisions to Rules Regarding the Evaluation of Medical Evidence.'' The final rules amended our rules in 20 CFR parts 404 and 416. That document inadvertently contained technical errors. This document amends and corrects the final rules.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security – Disability Insurance; 96.002, Social Security—Retirement Insurance; and 96.004, Social Security—Survivors Insurance)

In FR Doc. 2017–00455 appearing on page 5844 in the **Federal Register** of Wednesday, January 18, 2017, the following corrections are made:

§ 404.1502 [Corrected]

■ 1. On page 5863, starting in the third column, and running through the top of the second column of page 5864, § 404.1502 is corrected by adding paragraph designations (a) through (k) before the definitions in the section.

§ 404.1504 [Corrected]

■ 2. On page 5864, in the second column, in § 404.1504, the last sentence is corrected by adding a space between ''through'' and ''(4)''.

§ 404.1513 [Corrected]

■ 3. On page 5865, in the middle column, in § 404.1513:

a. At the end of paragraph (a)(2) introductory text, add the sentence ''(For claims filed (see § 404.614) before March 27, 2017, see § 404.1527(a) for the definition of medical opinion.)''.

b. In paragraph (a)(2)(iv), remove the parenthetical sentence at the end of the paragraph.

§ 404.1526 [Corrected]

■ 4. On page 5869, in the middle column, in § 404.1526(d), the last sentence is corrected to read ''See § 404.1616 for the necessary qualifications for medical consultants and psychological consultants.''

§ 404.1527 [Corrected]

■ 5. On page 5871, in the first column, in § 404.1527(f)(1), the quotation marks around the words ''acceptable medical sources'' are removed.

§ 416.904 [Corrected]

■ 6. On page 5874, in the third column, in § 416.904, in the subject heading, remove ''ties'' and add in its place ''entities.''

§ 416.926 [Corrected]

■ 7. On page 5880, in the first column, in § 416.926(d), the last sentence is corrected to read ''See § 416.1016 for the necessary qualifications for medical consultants and psychological consultants.''

§ 416.927 [Corrected]

■ 8. On page 5881, in the third column, in § 416.927(f)(1), the quotation marks around the words ''acceptable medical source'' are removed.

§ 416.1017 [Corrected]

■ 9. On page 5883, in the third column, in § 416.1017, the section heading is corrected to read ''*§ 416.1017 Reasonable efforts to obtain review by a physician, psychiatrist, and psychologist.*''

Nancy A. Berryhill,

Acting Commissioner of Social Security.

[FR Doc. 2017–06023 Filed 3–24–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0217]

RIN 1625–AA08

Special Local Regulation; Wy-Hi Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for certain waters of the Detroit River, Trenton Channel, Wyandotte, MI. This action is necessary and is intended to ensure safety of life on navigable waters to be used for a rowing event immediately prior to, during, and immediately after this event. This regulation requires vessels to maintain a minimum speed for safe navigation and maneuvering.

DATES: This temporary final rule is effective from 7:30 a.m. until 5 p.m. on May 6, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0217 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email Tracy Girard, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9564, or email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section
COTP Captain of the Port
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The final details of this rowing event was not known to the Coast Guard with sufficient time for the Coast Guard until there was insufficient time remaining before the event to publish an NPRM.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Detroit (COTP) has determined that the likely combination of recreation vessels, commercial vessels, and an unknown number of spectators in close proximity to a youth rowing regatta along the water pose extra and unusual hazards to public safety and property. Therefore, the COTP believes a Special Local Regulation around the event location is needed to help minimize risks to safety of life and property during this event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 7:30 a.m. until 5 p.m. on May 6, 2017. In light of the aforementioned hazards, the COTP has determined that a special local regulation is necessary to protect spectators, vessels, and participants. The special local regulation will encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N., 083°09.4′ W. (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N., 083°08.9′ W. (NAD 83).

An on-scene representative of the COTP or event sponsor representatives may permit vessels to transit the area when no race activity is occurring. The on-scene representative may be present on any Coast Guard, state or local law enforcement vessel assigned to patrol the event. Vessel operators desiring to transit through the regulated area must contact the Coast Guard Patrol Commander to obtain permission to do so. The COTP or his designated on-scene representative may be contacted via VHF Channel 16.

The COTP or his designated on-scene representative will notify the public of the enforcement of this rule by all appropriate means, including a Broadcast Notice to Mariners and Local Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

A. Regulatory Planning and Review

E.O.s 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') 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 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. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing

Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This regulatory action determination is based on the size, location, duration, and time-of-year of the special local regulation. Vessel traffic will be able to safely transit around this special local regulation zone which will impact a small designated area of the Detroit River from 7:30 a.m. to 5 p.m. May 6, 2017. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the special local regulation and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 3 U.S.C. 1233.

■ 2. Add § 100.T09–0217 to read as follows:

§ 100.T09–0217 Special local regulation; Wy-Hi Rowing Regatta; Detroit River, Trenton Channel, Wyandotte, MI.

(a) *Location.* A regulated area is established to encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N., 083°09.4′ W. (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N., 083°08.9′ W. (NAD 83).

(b) *Enforcement period.* This section is effective and will be enforced from 7:30 a.m. until 5 p.m. on May 6, 2017.

(c) *Regulations.* (1) Vessels transiting through the regulated area are to maintain the minimum speeds for safe navigation.

(2) Vessel operators desiring to operate in the regulated area must

contact the Coast Guard Patrol Commander to obtain permission to do so. The Captain of the Port Detroit (COTP) or his on-scene representative may be contacted via VHF Channel 16 or at 313—568–9560. Vessel operators given permission to operate within the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

(3) The ''on-scene representative'' of the COTP Detroit is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Detroit to act on his behalf.

(4) Vessel operators shall contact the COTP Detroit or his on-scene representative to obtain permission to enter or operate within the special local regulation. The COTP Detroit or his on-scene representative may be contacted via VHF Channel 16 or at 313–568–9464. Vessel operators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Detroit or his on-scene representative.

Dated: March 20, 2017.

Scott B. Lemasters,

Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2017–05945 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2017–0094]

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone—San Diego Crew Classic

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the San Diego Crew Classic special local regulations on the waters of Mission Bay, California from April 1, 2017 to April 2, 2017. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101 will be enforced from 7:00 a.m. through 7:00 p.m. from April 1, 2017 to April 2, 2017 for Item 3 in Table 1 of § 100.1101.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication of enforcement, call or email Lieutenant Robert Cole, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 for the San Diego Crew Classic in Mission Bay, CA in 33 CFR 100.1101, Table 1, Item 3 of that section from 7:00 a.m. until 7:00 p.m. on April 1, 2017 and April 2, 2017. This enforcement action is being taken to provide for the safety of life on navigable waterways during the event. The Coast Guard's regulation for recurring marine events in the San Diego Captain of the Port Zone identifies the regulated entities and area for this event. Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 5 U.S.C. 552 (a) and 33 CFR 100.1101. In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: March 10, 2017.

J.R. Buzzella,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2017–06001 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0988]

RIN 1625–AA09

Drawbridge Operation Regulation; Detroit River (Trenton Channel), Grosse Ile, MI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule of the Grosse Ile Toll Bridge (Bridge Road) at mile 8.8, over Trenton Channel at Grosse Ile, MI by adding permanent winter hours to the current regulation for the waterway. A review of the current regulation was requested by the Grosse Ile Bridge Company, the owner of the Grosse Ile Toll Bridge (Bridge Road).

DATES: This rule is effective April 26, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type [USCG–2016–0988]. In the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@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
NEPA National Environmental Policy Act of 1969
NPRM Notice of proposed rulemaking
RFA Regulatory Flexibility Act of 1980
SNPRM Supplemental notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On December 16, 2016, we published a notice of proposed rulemaking (NPRM) entitled, Drawbridge Operation Regulation; Detroit River (Trenton Channel), Grosse Ile, MI, in the **Federal Register** (81 FR 91086). We did not receive any comments on this proposed rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority of 33 U.S.C. 499. The Grosse Ile Toll Bridge (Bridge Road) at mile 8.8, over Trenton Channel at Grosse Ile, MI is a center swing highway bridge that provides a vertical clearance of 10 feet and a horizontal clearance of 126 feet. The bridge provides a crossing between the mainland and Grosse Ile, an island in the Detroit River. The current regulation for Trenton Channel drawbridges (33 CFR 117.631) includes the operating schedules for the Grosse Ile Toll Bridge (Bridge Road) at mile 8.8 and the Wayne County Highway Bridge (Grosse Ile Parkway) Bridge at mile 5.6, both at Grosse Ile, MI. Only the Wayne County Highway Bridge currently has a permanent winter operating schedule that requires 12-hours advance notice from vessels to obtain a bridge opening from December 15 through March 15 each year. A review of the current operating schedule and regulation was requested by the Grosse Ile Bridge Company, owner of the Grosse Ile Toll Bridge (Bridge Road), to allow a permanent winter operating schedule that matches the Wayne County Highway Bridge.

Over the past two winter seasons, the commercial vessel traffic has been reduced significantly and waterway use through Grosse Ile Toll Bridge is equivalent to the volume and type of traffic that passes through the Wayne County Highway Bridge that has had permanent winter hours for approximately 10 years. Mariners will still be able to request bridge openings with 12-hours advance notice during times of light traffic volume on the river due to ice formation that typically prevents most vessel navigation in the channel from December 15 through March 15 each year. Additionally, Commander, Ninth Coast Guard District, has granted annual authorization to the owner/operator of the Grosse Ile Toll Bridge to assume the same schedule during the past 10 years under authority granted in 33 CFR 117.35.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided a 30 day comment period in the **Federal Register** and solicited comments through the Ninth Coast Guard Local Notice to Mariners for the same 30 days and we did not receive any comments.

The Coast Guard is modifying the operating schedule of the Grosse Ile Toll Bridge (Bridge Road) at mile 8.8, over Trenton Channel at Grosse Ile, MI by adding permanent winter hours and 12-hours advance notice requirement to the current regulation for the drawbridge. This rule will make the current regulation easier to understand by aligning the winter operating schedules and requirements for both drawbridges over the waterway from December 15 through March 15 each year. At all times both drawbridges over Trenton Channel will be required to open as soon as possible for public vessels of the United States, State or local government vessels used for public safety, and vessels in distress.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice during the winter when ice typically prevents vessels from transiting the waterway and vessel traffic is at its lowest. Changing the current regulation will align drawbridge operating schedules throughout the waterway harmonizing the regulation and making it easier to understand for the mariners.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard did not receive any comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this final rule would not have a significant economic impact on any vessel owner or operator because the bridge will open with advance notice.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the

Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

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

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.631, revise paragraph (a) to read as follows:

§ 117.631 Detroit River (Trenton Channel).

(a) The draw of the Grosse Ile Toll Bridge (Bridge Road), mile 8.8, at Grosse Ile, shall operate as follows:

(1) From March 16 through December 14—

(i) Between the hours of 7 a.m. and 11 p.m., seven days a week and holidays, the draw need open only from three minutes before to three minutes after the hour and half-hour for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for pleasure craft and commercial vessels.

(2) From December 15 through March 15, no bridge tenders are required to be on duty at the bridge and the bridge shall open on signal if at least a twelve-hour advance notice is given.

* * * * *

Dated: March 10, 2017.

J.E. Ryan,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2017–05998 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0071]

Change Schedule Deviation Dates on Atchafalaya River, Morgan City, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation; correction.

SUMMARY: The Coast Guard is correcting a regulation that appeared in the **Federal Register** of February 17, 2017. The document issued a temporary deviation from the operating schedule that governs the Morgan City Railroad Bridge across the Atchafalaya River (also known as Berwick Bay), mile 17.5 [Gulf Intracoastal Waterway (Morgan City-Port Allen Alternate Route), mile 0.3] in Morgan City, St. Mary Parish, Louisiana. The document had the incorrect dates in the **SUMMARY, DATES**, and **SUPPLEMENTARY INFORMATION** sections.

DATES: This corrected deviation is effective from 6 a.m. Thursday, April 20, 2017, through 9 p.m. on Friday, April 28, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice contact Donna Gagliano, Bridge Administration Branch, Coast Guard, telephone (504) 671–2128, email *Donna.Gagliano@uscg.mil.*

Correction

1. In the **Federal Register** of February 17, 2017 (82 FR 10960), in FR Doc. 2017–03186, on page 10960, in the second column, third and fourth paragraphs, correct the ''Summary'' and ''Dates'' sections by correcting the effective deviation dates to 6 a.m. Thursday, April 20, 2017, through 9 p.m. on Friday, April 28, 2017.

2. On the same page, in the third column, in the third paragraph, correct the **SUPPLEMENTARY INFORMATION** section to read:

''For the purposes of this deviation, the bridge will be allowed to remain in the closed-to-navigation position from 6 a.m. to 1 p.m. each day. From 1 p.m. until 2:30 p.m. the bridge will be opened for the passage of vessels. The bridge will again be closed-to-navigation from 2:30 p.m. to 9 p.m. This schedule will occur for two (2) separate two-day periods, on April 20 through 21, and on April 27 through April 28, 2017. At all other times the bridge will operate in accordance with 33 CFR 117.5.''

Dated: March 22, 2017.

Katia Kroutil,

Chief, Office of Regulations & Administrative Law, U.S. Coast Guard.

[FR Doc. 2017–05977 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0225]

Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the I695 Bridge, at mile 1.0, across Curtis Creek, Baltimore, MD. This deviation is necessary to remove, repair, and replace the inner loop locking bar and couplings. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 6 a.m. on April 10, 2017, through 7 p.m. on April 15, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0225] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Martin Bridges, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6422, email *Martin.A.Bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Maryland Transportation Authority, who owns and operates the I695 Bridge across Curtis Creek, mile 1.0, at Baltimore, MD, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.557, to remove, repair, and replace the inner loop locking bar and couplings.

Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 6 a.m. April 10, 2017, to 7 p.m. on April 15, 2017. The drawbridge has two spans, each with double-leaf bascule draws, and both spans have a vertical clearance in the closed-to-navigation position of 58 feet above mean high water.

The I695 Bridge is used by Military vessels, recreational vessels, tug and barge traffic, fishing vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge spans will not be able to open in case of an emergency and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local Notice and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: March 22, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–06019 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0228]

Drawbridge Operation Regulation; Brielle Draw Bridge, Manasquan River, Point Pleasant, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the New Jersey Coast Line's Brielle Viaduct across the Manasquan River, mile 0.9, at Point Pleasant, NJ. The deviation is necessary to facilitate maintenance and inspection of the rail road tracks. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 2 a.m. on April 1, 2017, through 7 p.m. on April 9, 2017.

ADDRESSES: The docket for this deviation, [USCG–2017–0228] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Mickey Sanders, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The New Jersey Transit, owner and operator of the New Jersey Coast Line's Brielle Viaduct across the Manasquan River, mile 0.9, at Point Pleasant, NJ, has requested a temporary deviation from the current operating schedule to accommodate a routine maintenance and inspection of the rail road tracks. The bridge has a vertical clearance of 3 feet above mean high water (MHW) in the closed position.

The current operating schedule is set out in 33 CFR 117.5. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 2 a.m. until 7 p.m. from April 1, 2017, through April 9, 2017. During the closure periods, the bridge will open on signal if at least 15 minutes notice is given. The bridge will open on signal at all other times.

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

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: March 22, 2017.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2017–06014 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 265

Production or Disclosure of Material or Information; Technical Correction

AGENCY: Postal Service™.

ACTION: Final rule; technical correction.

SUMMARY: The Postal Service is making a technical correction to its regulations concerning the Freedom of Information Act.

DATES: *Effective* March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Natalie A. Bonanno, Chief Counsel, Federal Compliance, *natalie.a.bonanno@usps.gov,* 202–268–2944.

SUPPLEMENTARY INFORMATION: On November 30, 2016 (81 FR 86270), the Postal Service published its revised Freedom of Information Act (FOIA) regulations to comply with the FOIA Improvement Act of 2016 (FOIAIA), effective December 27, 2016. In response to public comments, the Postal

Service published an additional change to these regulations on January 10, 2017 (82 FR 2896). After further review, the Postal Service published miscellaneous technical corrections to its regulations on March 8, 2017 (82 FR 12921). The Postal Service is now making a further technical correction to these regulations.

Currently, in defining what records are excluded from the requirements of the FOIA, and thus should not be considered responsive to a request for disclosure, § 265.4(a) cites both 5 U.S.C. 552(c) and 39 U.S.C. 410(c). This citation is in error, because section 410(c) is an exempting statute, not an exclusionary one. This amendment corrects that error.

List of Subjects in 39 CFR Part 265

Administrative practice and procedure, Courts, Freedom of information, Government employees.

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 265 as follows:

PART 265—[AMENDED]

■ 1. The authority citation for 39 CFR part 265 continues to read as follows:

Authority: 5 U.S.C. 552; 5 U.S.C. App. 3; 39 U.S.C. 401, 403, 410, 1001, 2601; Pub. L. 114–185.

§ 265.4 [Amended]

■ 2. In § 265.4(a), remove the words ''or 39 U.S.C. 410(c)'' from the final sentence.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–05916 Filed 3–24–17; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0292; FRL–9958–79–Region 9]

Approval and Revision of Air Plans; Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a source-specific revision to the Arizona state implementation plan that addresses the best available retrofit technology requirements for the Cholla Power Plant (Cholla). The EPA finds that the state implementation plan revision fulfills the requirements of the Clean Air Act and the EPA's Regional Haze Rule. In conjunction with this final approval, the EPA is taking final action to withdraw the federal implementation plan provisions applicable to Cholla. This also constitutes our action to address petitions for reconsideration granted by the EPA related to Cholla.

DATES: This rule is effective on April 26, 2017.

ADDRESSES: The EPA has established a docket for this action, identified by Docket ID Number EPA–R09–OAR–2016–0292. 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: Anita Lee, (415) 972–3958, or by email at *lee.anita@epa.gov.*

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

Table of Contents

I. Background
II. Public Comments and the EPA's Response to Comments
A. Comments on the BART Reassessment
B. Comments on Visibility Benefits
C. Comments on the CAA Section 110(l) Analysis
D. Other Comments
III. Summary of Final Action
IV. Environmental Justice Considerations
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Background

On July 19, 2016, the EPA proposed to approve the source-specific regional haze state implementation plan (SIP) revision for the Cholla Power Plant (''Cholla SIP Revision'') submitted to the EPA by the Arizona Department of Environmental Quality (ADEQ).[1] The EPA concurrently proposed to withdraw federal implementation plan (FIP) provisions applicable to Cholla and proposed that the FIP withdrawal would constitute the EPA's action on petitions for reconsideration of the FIP.

This section provides a brief overview of the statutory and regulatory background for this action. Please refer to the proposed rule for additional discussion of the visibility protection provisions of the Clean Air Act (CAA or ''Act'') and the Regional Haze Rule (RHR), and the EPA's evaluation of the regional haze SIP revision for Cholla.[2]

In section 169A of the 1977 Amendments to the CAA, Congress created a program to protect visibility in the nation's national parks and wilderness areas. This section of the CAA established as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution,'' and directed states to evaluate the best available retrofit technology (BART) to address visibility impairment from certain categories of major stationary sources built between 1962 and 1977 (known as ''BART-eligible'' sources).[3] In the 1990 CAA Amendments, Congress amended the visibility provisions of the CAA to focus attention on the problem of regional haze, *i.e.,* visibility impairment produced by a multitude of sources and activities located across a broad geographic area.[4]

In 1999, the EPA promulgated the RHR that required states to, among other things, conduct an analysis to determine BART for each BART-eligible source that may be anticipated to cause or contribute to visibility impairment in a Class I area.[5] States must analyze and consider the following five factors as part of each source-specific BART analysis: (1) The costs of compliance, (2) the energy and nonair quality environmental impacts of compliance, (3) any existing pollution control technology in use at the source, (4) the remaining useful life of the source, and (5) the degree of visibility improvement that may reasonably be anticipated to result from use of such technology (collectively known as the ''five-factor BART analysis'').[6] In determining BART for fossil fuel-fired electric generating plants with a total generating capacity in excess of 750 megawatts (MW), states must use guidelines promulgated by the EPA.[7] In 2005, the EPA published the

[1] *See* 81 FR 46852, July 19, 2016.

[2] *Id.*

[3] *See* CAA section 169A(a)(1).

[4] *See* CAA section 169B.

[5] 40 CFR 51.308(e).

[6] *See* CAA section 169A(g)(2) and the RHR at 40 CFR 51.308(e)(1)(ii)(A).

[7] *See* CAA section 169A(b)(1) and the last sentence of 169A(b).

current version of the ''Guidelines for BART determinations under the Regional Haze Rule,'' codified at appendix Y to 40 CFR part 51 (''BART Guidelines'').[8]

Cholla consists of four coal-fired electric generating units with a total plant-wide generating capacity of 1150 MW. Unit 1 is a 126 MW boiler that is not BART-eligible. Unit 2 (272 MW), Unit 3 (272 MW), and Unit 4 (410 MW) are tangentially-fired dry bottom boilers that are BART-eligible. Units 1, 2, and 3 are owned and operated by Arizona Public Service Company (APS). Unit 4 is owned by PacificCorp and operated by APS.

On February 28, 2011, ADEQ submitted a regional haze SIP under section 308 of the RHR to the EPA (''2011 RH SIP''). This submittal included, among other things, BART analyses and determinations for Cholla Units 2, 3, and 4 for oxides of nitrogen (NO_X), particulate matter with an aerodynamic diameter of less than 10 micrometers (PM_{10}), and sulfur dioxide (SO_2).[9] On December 5, 2012, the EPA took final action that approved in part and disapproved in part the 2011 RH SIP. The EPA found that ADEQ's overall approach in conducting its BART analyses was appropriate, but we also identified significant flaws in the analyses for specific BART factors that warranted disapproval of the NO_X BART determination for Cholla. Specifically, the EPA found that ADEQ did not calculate the costs of compliance in accordance with the BART Guidelines, did not appropriately evaluate and consider the visibility benefits, did not provide sufficient explanation and rationale for its final BART determination, and did not include enforceable emission limits in the SIP.[10] In the same action, the EPA promulgated a FIP for the disapproved portions of the SIP, including a NO_X BART determination for Cholla that established an emission limit of 0.055 pound per million British thermal units (lb/MMBtu) determined across the three units on a rolling 30-boiler-operating-day average, with a compliance date of December 5, 2017. This limit is achievable with the combination of low-NO_X burners with separated over-fire air (LNB+SOFA) and selective catalytic reduction (SCR). The FIP also established an SO_2 removal efficiency requirement of 95 percent for Units 2, 3, and 4 with a compliance date for Units 3 and 4 of December 5, 2013, and a compliance date for Unit 2 of April 1, 2016. Finally, the FIP also established compliance deadlines, compliance determination methodologies, and requirements for equipment maintenance, monitoring, recordkeeping, and reporting for NO_X, SO_2 and PM_{10}.[11] On April 9, 2013, the EPA granted petitions to reconsider the compliance determination methodology for NO_X.[12]

On January 15, 2015, APS and PacifiCorp submitted an ''Application for Significant Permit Revision and Five-Factor BART Reassessment for Cholla'' to ADEQ. APS and PacifiCorp committed to take specific actions in lieu of the FIP requirements for Cholla and requested that ADEQ conduct a revised BART analysis and determination (''BART Reassessment'') and submit it to the EPA as a revision to the Arizona RH SIP. Specifically, APS and PacifiCorp committed to (1) permanently close Cholla Unit 2 by April 1, 2016, (2) continue to operate LNB+SOFA on Units 3 and 4, and (3) by April 30, 2025, permanently cease burning coal at both units with the option to convert both units to enable combustion of pipeline-quality natural gas by July 31, 2025, with an annual average capacity factor of less than or equal to 20 percent.

On October 22, 2015, ADEQ submitted to the EPA the Cholla SIP Revision that incorporates the Cholla BART Reassessment. The Cholla SIP Revision consists of a revised BART analysis and determination for NO_X, an analysis under CAA section 110(l), and revisions to Cholla's operating permit to implement ADEQ's revised BART determination for NO_X and the commitments by APS and PacifiCorp related to the retirement and repowering of units.[13] ADEQ determined that if APS closed Unit 2 by April 1, 2016, no BART determination for Unit 2 would be necessary because the enforceable closure date is within the 5-year window for compliance with BART. For Units 3 and 4, ADEQ conducted a revised BART analysis in light of the commitments made by APS and PacifiCorp regarding future operation of those units. Based on its re-analysis of the BART factors, ADEQ determined BART for Cholla Units 3 and 4 to be LNB+SOFA when coal is combusted in those units. In the permit revision submitted as part of the Cholla SIP Revision, ADEQ established unit-specific emission limits for Cholla Units 3 and 4 of 0.22 lb/MMBtu, effective until the permanent cessation of coal burning on April 30, 2025, and an emission limit of 0.08 lb/MMBtu, effective May 1, 2025 and thereafter, that would apply if Units 3 or 4 are repowered to natural gas. Although ADEQ's BART determination for Cholla Units 3 and 4 is LNB+SOFA, the permit revision for Cholla sets an emission limitation achievable with this technology, but it does not specify that LNB+SOFA must be used.

The EPA's proposed action on the Cholla SIP Revision includes a comprehensive summary of ADEQ's BART Reassessment for Cholla Units 3 and 4, and the EPA's evaluation of ADEQ's submittal. In this section, we provide a brief summary of the EPA's evaluation of the Cholla SIP Revision. Please see the proposed rule for a detailed discussion of ADEQ's analysis and the EPA's evaluation of it.[14]

In our evaluation of Cholla Unit 2, we noted that the permanent retirement date of April 1, 2016, in the Cholla SIP Revision coincides with the compliance deadlines for SO_2 and PM_{10} in the FIP and precedes the compliance deadline for NO_X by over 1 year. The EPA further noted that Unit 2 permanently closed on October 1, 2015.[15] If Unit 2 had not retired, APS would have been required to install additional controls to meet the applicable SO_2, PM_{10}, and NO_X limits. Because the requirement for the permanent retirement of Unit 2 will become effective and federally enforceable when the Cholla SIP Revision is approved into the SIP and the FIP provisions applicable to Cholla are withdrawn, we proposed approval of the requirement for permanent retirement of Unit 2 as meeting the requirements of the CAA and the RHR.

In our evaluation of Units 3 and 4, we found that ADEQ's BART Reassessment was consistent with the requirements of the CAA, the RHR, and the BART Guidelines and that it addressed the flaws that were the bases for our disapproval of the BART analysis for Cholla. Specifically, in its 2011 RH SIP,

[8] *See* 70 FR 39104, July 6, 2005.

[9] The 2011 RH SIP submittal is document number 0017 in the docket for this rulemaking at EPA–R09–OAR–2016–0292, entitled ''B.1.a ADEQ RH 308 SIP 2011–SIP only.''

[10] *See* generally, *Ariz. Ex rel. Darwin* v. *U.S. EPA,* 815 F.3d 519 (9th Circuit, 2016).

[11] *See* 77 FR 72511, December 5, 2012.

[12] *See* letter from Jared Blumenfeld, EPA Region IX, to E. Blaine Rawson, Ray Quinney & Nebeker P.C. (on behalf of PacifiCorp), dated April 9, 2013; letter from Jared Blumenfeld, EPA Region IX, to Norman Fichthorn, Hunton and Williams LLP (on behalf of APS), dated April 9, 2013; and letter from Jared Blumenfeld, EPA Region IX, to Aaron Flynn, Hunton and Williams LLP (on behalf of APS), dated April 9, 2013.

[13] The Cholla SIP Revision is document number 0019 in the docket for this rulemaking at EPA–R09–OAR–2016–0292, titled ''B.3. 2015–10–22—Cholla SIP Revision.''

[14] *See* 81 FR 46852 at 46854–46863, July 19, 2016.

[15] *See* letter from Edward Seal, APS, to Kathleen Johnson, EPA, and Eric Massey, ADEQ, dated October 28, 2015.

ADEQ's cost analysis was flawed because it included certain line item costs that were inconsistent with the EPA Control Cost Manual (CCM). This approach did not comply with the direction in the BART Guidelines to base cost estimates on the CCM. In its BART Reassessment for Cholla, ADEQ relied on the cost estimates, calculated using the CCM methodology, that the EPA developed as part of the FIP for Cholla.

In its 2011 RH SIP, ADEQ considered the visibility benefits of controls on only one unit at a time and overlooked significant benefits at the multiple Class I areas, thereby understating and not giving appropriate consideration to the full visibility benefits of the candidate controls. In its BART Reassessment for Cholla, based on modeling performed by APS and PacifiCorp, ADEQ evaluated the visibility impacts and potential improvements from all units together and also considered potential improvements at all 13 Class I areas within 300 kilometers of Cholla.

As discussed in our proposed rulemaking, the EPA also proposed to find that ADEQ appropriately considered and weighed the five BART factors in determining BART for Cholla. We stated that it was reasonable for ADEQ to conclude that the costs of SCR and selective noncatalytic reduction (SNCR) were not warranted by the visibility benefits. Specifically, we noted that we were not aware of any instance in which the EPA had determined SCR or SNCR to be BART where the average and incremental cost-effectiveness of those controls equaled or exceeded the average and incremental cost-effectiveness of those controls for Cholla Units 3 and 4. Nor were we aware of any instance in which the EPA disapproved a state's BART determination that rejected SCR or SNCR as BART based on average and incremental cost-effectiveness similar to those for Cholla Units 3 and 4. In addition, although we noted that the visibility benefits of SCR are significant, and the visibility benefits of SNCR are not insignificant, we determined that it was reasonable for ADEQ to determine that the benefits were not warranted given the costs of SCR and SNCR. Moreover, after approximately 8 years, when Units 3 and 4 cease coal combustion permanently and are either closed or converted to natural gas, the benefits of SCR and SNCR would be negligible.

Finally, in our proposed rulemaking, we evaluated the Cholla SIP Revision with respect to certain other requirements of the CAA and proposed to find that it would not interfere with attainment of the national ambient air quality standards (NAAQS), reasonable further progress, or any other applicable requirement of the CAA. We further noted that the enforceable emission limitations and the requirements for monitoring, recordkeeping, and reporting promulgated in the FIP for Cholla are included in the operating permit revision for Cholla that ADEQ included with its Cholla SIP Revision. Therefore, these requirements will remain federally enforceable when the Cholla SIP Revision is approved and the FIP provisions are withdrawn. Based on our evaluation of the Cholla SIP Revision, we proposed to approve the SIP revision, withdraw the FIP provisions, and to find that withdrawal of the FIP would constitute our action on the petitions for reconsideration submitted by APS and PacifiCorp.

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

We received four comment letters from the following organizations prior to the close of the comment period on September 2, 2016: (1) APS, (2) PacifiCorp, (3) Environmental Defense Fund and Western Resource Advocates, and (4) Earthjustice on behalf of National Parks Conservation Association and Sierra Club.[16]

A. Comments on the BART Reassessment

Comment 1: One commenter asserted that the BART Reassessment violates the CAA's mandatory 5-year BART compliance deadline and the regulatory requirement to achieve visibility improvement in the first planning period that ends in 2018. In addition, the commenter argued that the BART Guidelines at appendix Y state that in the event a source prefers to shut down to comply with BART, the BART requirement must maintain consistency with the statutory requirement to install BART within 5 years, and the source may not be allowed to operate beyond 5 years without BART controls in place. The commenter further stated that the EPA cannot scrap its existing BART determination for Cholla, which has been in effect for over 3 years, and issue a new BART determination that would restart the 5-year BART compliance clock. One commenter opined that because the EPA's proposal is unlawful, the EPA should leave the existing BART determination for Cholla in place.

Response 1: The EPA disagrees with the comment that the Cholla SIP Revision violates the 5-year compliance deadline for BART, the regulatory requirement to achieve visibility improvement in the first planning period, or the BART Guidelines. As discussed in our proposed rule, in the Cholla SIP Revision, ADEQ determined BART to be LNB+SOFA.[17] The emission limit associated with installation and operation of LNB+SOFA while burning coal at Cholla Units 3 and 4 is 0.22 lb/MMBtu. This emission limit is reflected in the Cholla permit revision that is included as Appendix A of the Cholla SIP Revision. The permit conditions will become effective and federally enforceable 30 days following publication of this final rule in the **Federal Register**, which we anticipate will be prior to the compliance deadline established in the FIP of December 5, 2017. Therefore, although we agree with the commenter that BART emission limitations must be in place within 5 years of approval, we disagree with the commenter that ADEQ has restarted the 5-year BART compliance clock.

In addition to its BART determination for Cholla Units 3 and 4, ADEQ also included a permit revision for Cholla in its SIP submittal. The permit revision includes the 0.22 lb/MMBtu emission limitation that would apply until the permanent cessation of coal combustion in Units 3 and 4, and an emission limitation of 0.08 lb/MMBtu that would apply if the units are converted to natural gas. The commenter appears to have misconstrued these provisions related to future operation in 2025 to be part of ADEQ's BART determination. We consider the permit requirements to cease coal combustion in 2025 and comply with new emission limitations if Units 3 and 4 are converted to natural gas to be measures that strengthen the Cholla SIP Revision. The BART

[16] *See* (1) letter from Chas Spell, Arizona Public Service, to Gina McCarthy, EPA, re: Arizona Public Service Company Comments on EPA's Proposed Rule *Approval and Revision of Air Plans; Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration,* dated September 1, 2016; (2) letter from William K. Lawson, Pacificorp, to Vijay Limaye, EPA, re: Docket ID No. EPA–R09–OAR–2016–0292 Approval and Revision of Air Plans; Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration (Proposed Rule), dated September 1, 2016; (3) letter from Bruce Polkowsky, Graham McCahan, Environmental Defense Fund, and John Nielsen, Western Resource Advocates to Vijay Limaye, EPA, re: Comments on the proposed approval of a source-specific revision to the Arizona Implementation Plan for Best Available Retrofit Technology at Cholla Generating Station. Docket ID No. EPA–R09–OAR–2016–0292, undated letter submitted to *www.regulations.gov* on September 2, 2016; and (4) letter from Michael Hiatt, Earthjustice on behalf of Kevin Dahl, Stephanie Kodish, and Nathan Miller, National Parks Conservation Association, and Sandy Bahr, Bill Corcoran, and Gloria Smith, Sierra Club, to Vijay Limaye, EPA, re: Arizona Regional Haze Plan—Cholla BART Reassessment, dated September 2, 2016.

[17] *See* 81 FR 46852 at 46856 (July 19, 2016).

determination for Units 3 and 4 that we are approving is the 0.22 lb/MMBtu emission limit. This is consistent with ADEQ's response to a similar comment, stating: ''Although the new proposal includes conversion to natural gas-firing at Units 3 and 4 in 2025, ADEQ did not consider it as a BART control option under the BART determination process because it is beyond the mandatory five-year window.'' [18] Furthermore, we note that because Cholla Units 3 and 4 currently cannot combust natural gas, there is no obligation for ADEQ to determine BART for those units if they are repowered to operate on natural gas.[19] Therefore, we consider the 0.08 lb/MMBtu emission limit to be a SIP-strengthening measure, and approvable as such, but we do not consider it to be part of the BART determination. In addition, the presence of an emission limit for future operation on natural gas as a SIP requirement is not critical to the withdrawal of the FIP. We are not addressing whether 0.08 lb/MMBtu would be an appropriate BART emission limit for these units if they were currently combusting natural gas. We note that because NO_X emissions resulting from natural gas combustion are low, there have been few if any SIPs or FIPs that have included a determination that BART for electric generating units (EGUs) combusting natural gas was a lower NO_X level than already being achieved at the source. We are approving the BART determination in the Cholla SIP Revision in light of the enforceable SIP requirement for Units 3 and 4 to cease coal combustion in 2025.

The Cholla SIP Revision also requires Cholla Units 3 and 4 to comply with the BART emission limit prior to the end of the first planning period in 2018. We further note that APS and PacifiCorp have already installed LNB+SOFA on Cholla Units 3 and 4.[20] In addition, the regulatory requirement cited by the commenters, to achieve visibility improvements in the first planning period, is associated with alternatives to BART as put forth in 40 CFR 51.308(e)(2). The Cholla SIP Revision is a re-analysis of BART that is based on new facts since the promulgation of the FIP; it is not an alternative to BART and compliance deadlines associated with alternatives to BART are not relevant to the Cholla SIP Revision.

We also disagree with the commenter's assertion that a BART determination that has been in place for over 3 years cannot be revised when a new material fact has arisen, *i.e.,* that the Cholla units will not continue to combust coal indefinitely, which had been an assumption of the original BART determination in the FIP. In the rule proposing to partially approve and partially disapprove the 2011 RH SIP, the EPA encouraged the State to submit a revised SIP to replace our FIP, and we noted that the EPA would work with the State to develop a revised plan.[21] We anticipated that ADEQ might develop a SIP to address the flaws we identified in our review of the 2011 RH SIP. APS and PacifiCorp also petitioned the Administrator to reconsider certain aspects of the FIP for Cholla. We granted the petitions based on our intention to reconsider aspects of the compliance determination methodology in the FIP. Therefore, although the FIP for Cholla has been in place for over 3 years, the development of a revised BART analysis for this facility was not unexpected. As discussed elsewhere in this final rule, the compliance deadline for the revised BART emission limit for Cholla remains within the compliance deadline in the FIP of December 5, 2017. Thus, ADEQ did not extend the BART compliance deadline in the Cholla SIP Revision beyond the original compliance date of December 5, 2017.

Finally, as discussed elsewhere in this final rule, we disagree with the comment asserting that our action is unlawful. Based on our evaluation of the Cholla SIP Revision, we have determined that ADEQ conducted a BART analysis for Cholla that meets the requirements of the CAA, the RHR, and the BART Guidelines. Therefore, we disagree that the BART determination promulgated in the FIP should remain in place.

Comment 2: One commenter opined that the EPA's cost analysis for SNCR was flawed because the EPA based the average cost-effectiveness of SNCR on 8 years of operation on coal and 12 years of operation on natural gas. The commenter argued that the operation of SNCR on the units after the switch to gas in 2025 would result in over 12 years of additional interest and operation and maintenance costs with minimal pollution reduction benefits. The commenter asserted that operation of SNCR for the 8 years of coal combustion and then ceasing to operate SNCR when the units switch to natural gas would be more cost-effective. The commenter argued that this would reduce the average cost-effectiveness of SNCR on Units 3 and 4 to $2,234–$2,342 per ton of NO_X removed and the incremental cost-effectiveness (relative to LNB/SOFA) to $5,364–$5,458 per ton of NO_X removed. The commenter further argued that its approach (to base the remaining useful life of SNCR on the time during which the facility would burn coal) is consistent with how the EPA considered the remaining useful life for other sources transitioning to gas or other fuels, and cited to the 2012 BART determinations for the Centralia and Boardman facilities. The commenter also pointed to the BART determinations for Healy Unit 1 in Alaska and CENC Unit 5 in Colorado, and reasonable progress determinations for the Craig Unit 3 in Colorado, where SNCR was determined to be cost-effective with average cost-effectiveness values that ranged from $3,526–$4,887 per ton of NO_X removed and incremental cost-effectiveness values that ranged from $5,445–$9,271 per ton of NO_X removed.

Response 2: In reviewing the analysis conducted by ADEQ to assess whether the Cholla SIP Revision is approvable, the EPA's role is to decide whether the SIP meets the requirements of the CAA, the RHR, and the BART Guidelines. In undertaking such a review, the EPA does not usurp a state's authority but ensures that such authority is reasonably exercised. The CAA and the RHR set forth five factors that a state must evaluate to reach a BART determination. However, the CAA and the RHR provide flexibility to the state in deciding how the factors in the analysis are weighed.

We note that this comment does not accurately distinguish between the EPA's cost analysis and the cost analysis by ADEQ. The only cost analysis that the EPA conducted directly was in support of the 2012 FIP establishing a BART emission limit for Cholla achievable with the installation and operation of SCR. The EPA's cost analysis was based on 20 years of operation because, at that time, there was no commitment from the facility owners that Cholla would cease coal combustion in the future. Therefore, although the commenter refers to the cost analysis discussed in the proposed rule as ''the EPA's cost analysis,'' the comment is actually about ADEQ's cost analysis for SNCR. For purposes of its BART Reassessment, ADEQ adapted the EPA's cost analysis from 2012 but

[18] *See* Appendix F.6 Responsiveness Summary of the Cholla SIP Revision (page 6 of 10 in Appendix F.6).

[19] *See* SO_2 emission limits for San Juan Generating Station (76 FR 52387, August 22, 2011) and for 6 EGUs in Oklahoma (76 FR 81727, December 28, 2011), and NO_X emission limits for Jim Bridger and Naughton (79 FR 5031, January 30, 2014), where emission limits are higher than would be appropriate for BART if the units were combusting natural gas.

[20] *See e.g.,* page 3 of the Cholla SIP Revision that states the LNB+SOFA are currently installed on Units 3 and 4.

[21] *See* 77 FR 42834, July 20, 2012.

revised the annual cost of controls to account for the planned cessation of coal combustion in 2025. The commenter is suggesting that ADEQ should have considered a control scenario that would require SNCR while combusting coal and would not require SNCR once the units are repowered to natural gas. The commenter asserts that this SNCR scenario would be more cost-effective than the operation of SNCR continuously for 20 years. Based on this consideration of cost-effectiveness, the commenter asserts that ADEQ should have determined SNCR, applied in this way, to be BART and that the EPA should not have proposed to approve the Cholla SIP Revision.

In its response to a similar comment made to ADEQ during the public comment period for the Cholla SIP Revision, ADEQ argued that it appropriately calculated the cost-effectiveness of SNCR based on a 20-year life, with 8 years of operation on coal, and 12 years of operation on natural gas, because it was reasonable to presume that if SNCR were required, the units would be required to operate for 20 years or more to recoup the investment.[22] The Cholla SIP Revision established as BART an emission limit of 0.22 lb/MMBtu, achievable with the installation and operation of LNB+SOFA. Although the units must cease coal combustion by April 30, 2025, the Cholla SIP Revision provides the option for those units to be repowered to natural gas with a NO_X emission limit of 0.08 lb/MMBtu and a 20 percent annual average capacity factor restriction. Emission rates from tangentially-fired boilers combusting natural gas can be expected to range from an uncontrolled emission rate of 0.16 lb/MMBtu to a rate of 0.07 lb/MMBtu when controlled using flue gas recirculation.[23] Thus, although Units 3 and 4 could continue to operate well beyond 8 years if they are repowered to natural gas, operation of SNCR would not be required to meet the 0.08 lb/MMBtu emission limitation in the Cholla SIP Revision. Therefore, we agree with the commenter that in this case, for Cholla Units 3 and 4, it is reasonable to evaluate the cost-effectiveness of SNCR based on the period of time that SNCR would need to be in operation in order to comply with the applicable emission limitation.[24]

However, we further note that the assertion in the comment that ADEQ erred because it did not evaluate the cost-effectiveness of SNCR based on an 8-year life is incorrect. In its response to comments on the Cholla BART Reassessment, ADEQ stated that if it calculated the cost-effectiveness of SNCR based on a shorter (*i.e.,* 8-year) life the average cost-effectiveness would be less than $2,500 per ton of NO_X removed and the incremental cost effectiveness would be less than $5,700 per ton of NO_X removed. ADEQ responded that it would still reject SNCR because the incremental cost-effectiveness recalculated by the commenter, even at less than $5,700 per ton of NO_X removed, would not be justified based on the slight incremental visibility improvement. ADEQ evaluated the incremental visibility improvement of SNCR against LNB+SOFA and found that the differences in visibility improvement at the various Class I areas between the two control scenarios were relatively minor in most cases.[25] ADEQ noted that the cumulative incremental visibility improvement of SNCR (as compared to LNB+SOFA) for 13 Class I areas was 1.32 deciviews (ranging from 0.01 to 0.28 deciview at individual Class I areas), with an average incremental improvement of 0.1 deciview. ADEQ further noted that the visibility benefits that would be associated with SNCR on Cholla Units 3 and 4 would last only until 2025 because the closure or conversion to natural gas would reduce the visibility benefit of SNCR.[26] ADEQ concluded that SNCR would not be cost-effective whether it assumed a useful life of 20 years or 8 years.[27]

The EPA considered ADEQ's response to the comment and continues to find that ADEQ's BART Reassessment for Cholla Units 3 and 4, even when the cost-effectiveness for SNCR is evaluated for an 8-year period, is consistent with the BART Guidelines and approvable.

The commenter also refers to three facilities, Healy Unit 1, Colorado Energy Nations Company (CENC) Unit 5, and Craig Unit 3, to highlight other average and incremental cost-effectiveness values that have been determined to be reasonable for BART or reasonable progress. We considered whether these comparisons support a conclusion that ADEQ was unreasonable in rejecting SNCR based on the average ($2,234 to $2,342 per ton of NO_X removed) and incremental ($5,364 to $5,458 per ton of NO_X removed) cost-effectiveness values recalculated by the commenter.

The average cost effectiveness values for the three facilities cited in the comment range from $3,526 to $4,887 per ton of NO_X removed and the incremental cost effectiveness values range from $5,445 to $9,271 per ton of NO_X removed.[28] The commenter correctly notes that SNCR was required for these facilities at average and incremental cost-effectiveness values that exceed both ADEQ's and the commenter's cost-effectiveness values for SNCR at Cholla Units 3 and 4. Although the comment did not cite specifically to the Boardman facility to highlight the cost-effectiveness of SNCR, in that case the state required, and the EPA approved, a final BART determination requiring Boardman to meet an emission limit of 0.23 lb/MMBtu achievable with new LNB and modified overfire air.[29] The state rejected SNCR for Boardman, with an average cost effectiveness of $1,816 per ton of NO_X removed, based on the small incremental visibility improvement of 0.18 deciview at the Mount Hood Wilderness Area and concerns that excess ammonia from SNCR may result in increased rates of ammonium sulfate formation.[30] Thus, although there are examples of states requiring SNCR at higher average and incremental cost-effectiveness values, there are also examples of states rejecting SNCR at even lower cost-effectiveness values than those recalculated by the commenter for SNCR at Cholla. We further note that while the state of Colorado determined BART for CENC Unit 5 to be SNCR (average cost-effectiveness of $4,918 per ton), in the same action, the state concurrently rejected SNCR for CENC Unit 4 (average cost effectiveness of $3,729 per ton) and

[22] *See* Appendix F.6 Responsiveness Summary of the Cholla SIP Revision (p. 8 of 10 in Appendix F.6). The comment submitted to ADEQ recommended calculating cost-effectiveness of SNCR based on a 7.4-year life. In this document we generally refer to the period that Cholla Units 3 and 4 would combust coal as an 8-year period.

[23] *See* spreadsheet titled ''Natural gas EF.xlsx'' in the docket for this rulemaking.

[24] However, we also note that if ADEQ had evaluated an emission limit for Units 3 and 4 applicable after the units are repowered to natural gas, that took into account the continued operation of SNCR, ADEQ's evaluation of the cost-effectiveness of SNCR based on 8 years of operation on coal and 12 years of operation on natural gas would have been more appropriate. We also note that the commenter cited to rulemakings for two facilities, Centralia and Boardman, to support the contention that the cost effectiveness of SNCR on Cholla Units 3 and 4 should have been calculated based on the period of time the units would be burning coal. Although we generally agree with the comment, we are not evaluating whether the facts associated with Centralia and Boardman support this argument.

[25] *See* Appendix F.6 Responsiveness Summary of the Cholla SIP Revision (p. 8 of 10 in Appendix F.6).

[26] *Id.*

[27] *Id.* (page 9 of 10 in Appendix F.6).

[28] *See* Final Rule for Healy Unit 1 (78 FR 10546, February 14, 2013) and final rule for CENC Unit 5 and Craig Unit 3 (77 FR 18052, March 26, 2012).

[29] *See* 76 FR 38997, July 5, 2011.

[30] *See* proposed rule, 76 FR 12651 at 12661, March 8, 2011.

determined BART for that unit to be LNB+SOFA.[31] Therefore, although we agree with the commenter that states have required SNCR at average and incremental cost-effectiveness values that are higher than its recalculated values for SNCR on Cholla Units 3 and 4, there are also examples of states that have rejected SNCR at average and incremental cost-effectiveness values that are similar to, or even lower than, the commenter's recalculated values for SNCR.

Furthermore, BART determinations are emission limitations rather than control technology determinations. For the three units cited by the commenter, the final BART or reasonable progress emission limits achievable with SNCR were 0.20 lb/MMBtu for Healy Unit 1, 0.19 lb/MMBtu for CENC Unit 5, and 0.28 lb/MMBtu for Craig Unit 3.[32] The BART emission limitation for Centralia, another facility cited by the commenter (but for other reasons), was 0.21 lb/MMBtu achievable with SNCR.[33] The final BART emission limitation put forth by ADEQ for Cholla Units 3 and 4, 0.22 lb/MMBtu achievable with LNB+SOFA, is generally consistent with the emission limits put forth for other facilities based on SNCR.

Although a comparison of cost-effectiveness values from other facilities is generally a useful exercise to assess the reasonableness of particular costs, the examples in the comment do not provide evidence to suggest that ADEQ's weighing of the cost-effectiveness of SNCR on Cholla Units 3 and 4 was unreasonable. In addition, cost-effectiveness is not the only factor in determining BART; each BART determination must be made on a case-by-case basis considering the relevant facts in each case. The CAA and the RHR provide flexibility to states in deciding how the five factors are weighed in determining BART. If the EPA were reassessing BART for Cholla Units 3 and 4 in a FIP action, the EPA might have weighed the factors differently than ADEQ and reached a different conclusion. However, the EPA has evaluated ADEQ's justification for rejecting SNCR based on its consideration of cost-effectiveness and the visibility improvements from SNCR in comparison to LNB+SOFA. We consider ADEQ's BART determination for Cholla Units 3 and 4 to be consistent with the BART Guidelines and a reasonable use of its discretion in weighing the BART factors.

Comment 3: One commenter argued that the EPA inappropriately relied on incremental costs and incremental visibility benefits. The commenter asserted that where a selection of a particular technology as BART is supported by reasonable total costs, incremental costs should not be used to override that choice. The commenter further stated that the EPA only discussed incremental visibility benefits of SNCR relative to LNB and provided no way to assess the net visibility benefit of installing SNCR on Units 3 and 4 against the pre-LNB baseline for those units. The commenter opines that the EPA's lack of analysis of the net visibility improvements of SNCR is inconsistent with the EPA's prior action for Cholla.

Response 3: In this action, the EPA is evaluating the analysis conducted by ADEQ to assess whether the Cholla SIP Revision meets the requirements of the CAA, the RHR, and the BART Guidelines. We disagree with the commenter's assertion that it is inappropriate to rely on incremental costs or incremental visibility benefits. The CAA and the RHR specify that the states or the EPA must consider cost and visibility in the five-factor analysis. With respect to the cost factor, in promulgating the BART Guidelines, the EPA stated, ''In addition, the guidelines continue to include both average and incremental costs. We continue to believe that both average and incremental costs provide information useful for making control determinations.'' [34] Section IV.4.e.1 of the BART Guidelines specifies that states should consider incremental cost-effectiveness in combination with the average cost-effectiveness. The commenter did not cite any regulatory language that would preclude incremental cost-effectiveness in considering the cost of compliance. With respect to using incremental visibility improvement, we acknowledge that the BART Guidelines do not explicitly address the issue of considering overall versus incremental visibility benefits. However, the EPA's response to comments when promulgating the BART Guidelines stated:

> For example, a State can use the CALPUFF model to predict visibility impacts from an EGU in examining the option to control NO_X and SO_2 with SCR technology and a scrubber, respectively. A comparison of visibility impacts might then be made with a modeling scenario whereby NO_X is controlled by combustion technology. If expected visibility improvements are significantly different under one control scenario than under another, then a State may use that information, along with information on the other BART factors, to inform its BART determination.[35]

The EPA's regulations allow states to compare incremental cost-effectiveness and incremental visibility improvements between different technologies. The incremental visibility benefit is one way to compare the visibility improvements from various controls. Other states and the EPA have considered incremental visibility improvements in many BART determinations. For this BART determination, ADEQ weighed the small incremental visibility improvement against the incremental cost-effectiveness. Based on its weighing of these factors, ADEQ provided a reasoned justification for selecting LNB+SOFA as BART for Cholla Units 3 and 4, and properly exercised its discretion in its process for weighing the small visibility improvement against the cost-effectiveness to reject SCR and SNCR.

Comment 4: One commenter asserted that the EPA's analysis was flawed because it evaluated BART controls as if there was no existing BART determination in place for Units 3 and 4. The commenters opined that the EPA failed to analyze how various pollution controls and other measures would improve the BART Reassessment by eliminating any backsliding. The commenter recommended that the EPA evaluate installing SNCR in the next 18 months to improve the performance of the BART Reassessment beginning in 2018, and recommended four additional control strategies to reduce NO_X emissions between 2018 and 2025: (1) Setting an earlier deadline for Units 3 and 4 to shut down or switch to natural gas, (2) restricting Units 3 and 4 to the lowest capacity factor necessary between 2018 and 2025, (3) requiring the use of hybrid NO_X reduction measures, *e.g.,* SNCR in combination with in-duct SCR catalysts, which the commenter said can be installed at far lower cost and more quickly than conventional SCR, and (4) a combination of the listed measures with SNCR. The commenter opined that if this analysis had been done, it would have shown that SNCR and other measures would significantly improve the BART reassessment by cost-effectively reducing NO_X emissions from Units 3 and 4 prior to 2025.

Response 4: The EPA's role is to evaluate whether a state considered the appropriate factors and acted reasonably

[31] 77 FR 18052, March 26, 2012.

[32] 78 FR 10546, February 14, 2013 and 77 FR 18052, March 26, 2012.

[33] 77 FR 72472, December 6, 2012.

[34] *See* 70 FR 39104 at 39127, July 6, 2005.

[35] *Id.* at 39129.

in doing so. In undertaking such a review, the EPA does not usurp a state's authority but ensures that such authority is reasonably exercised.

The commenter suggests that the EPA should have evaluated other NO_X control measures that would result in greater emission reductions from the Cholla SIP Revision and be more comparable to the emission reductions that would have been achieved under the FIP for Cholla. As with Comment 2, we note that the commenter has not accurately described whether it was ADEQ or the EPA that performed (or would perform) specific analyses. In this action, the EPA is reviewing the Cholla SIP Revision that was submitted for approval or disapproval. In that context, the issue is not whether the EPA should or will undertake the types of analysis recommended by the commenter, but whether ADEQ's failure to do so means that its BART determination cannot be approved. We have reviewed ADEQ's BART SIP for Cholla to determine whether it meets the requirements of the five-factor BART analysis, as outlined by the CAA, the RHR, and the BART Guidelines. ADEQ did not put forth a ''better-than-BART'' BART alternative pursuant to 40 CFR 51.308(e)(2), which would have required a comparison of emission reductions under BART and the BART alternative.[36] ADEQ properly evaluated the new commitments by APS and PacifiCorp related to future operation of Cholla Units 3 and 4 in determining BART for those units. For the purposes of its 110(l) analysis, ADEQ compared emissions of NO_X, SO_2, and PM_{10} between its 2011 RH SIP and the Cholla SIP Revision, and also compared emissions of NO_X between the FIP and the Cholla SIP Revision.[37] ADEQ appropriately concluded that the differences in emissions were not inconsistent with CAA section 110(l). Nothing in 110(l) of the CAA, RHR, or the BART Guidelines requires ADEQ to ensure that the emission reductions from the Cholla SIP Revision would be numerically equivalent to the reductions that would have been achieved under the previously applicable plan (*i.e.,* the FIP). Comments on ADEQ's 110(l) analysis, and the EPA's responses to those comments, are provided in Section II.C, below.

The commenter also suggests that the EPA (again, the commenter mistakenly refers to the EPA rather than ADEQ) should have evaluated additional operational restrictions on Cholla Units 3 and 4, *e.g.,* an earlier date for retirement or repowering to natural gas, or capacity restrictions between 2018 and 2025. Although an earlier retirement date or capacity restrictions would reduce emissions, in general, states and the EPA would not impose a retirement or capacity restriction unless it is requested by the facility operator, because capacity and retirement are not ''retrofit technolog[ies]'' (the term used in the CAA) or ''system[s] of continuous emissions reductions'' (the term used in the RHR definition of BART). The BART Guidelines state that potentially applicable retrofit control alternatives typically prevent the formation of pollutants (*e.g.,* LNB) or control or reduce emissions of pollutants after they are formed (*e.g.,* SNCR or SCR), or are a combination of these processes.[38] The BART Guidelines go on to say that ''we do not consider BART as a requirement to redesign the source,'' or to ''direct States to switch fuel forms, *e.g.,* from coal to gas.'' [39] Therefore, consideration of earlier retirement, repowering, or capacity restrictions that were not put forth by the facility operator, is not required by the BART Guidelines.

The commenter also suggests that the EPA (again, the commenter mistakenly refers to the EPA rather than ADEQ) should have evaluated SNCR with in-duct SCR catalysts, or a combination of SNCR with earlier retirement, repowering, or capacity restrictions. ADEQ was not required to consider earlier retirement, repowering, or capacity restrictions to be consistent with the BART Guidelines, and the combination of SNCR with those measures does not change our determination. Regarding SNCR combined with in-duct SCR catalysts, the commenter stated that in-duct SCR catalysts can be installed at lower cost than conventional SCR. Although the EPA is aware that the technologies for hybrid SNCR combined with in-duct SCR systems have been around since the 1990s, we are not aware of the widespread use of these hybrid systems on comparably-sized boilers, and the commenter did not provide any supporting data or information of sufficient specificity to indicate that this technology should have been considered under BART or that it would have changed ADEQ's BART determination.[40] Therefore, we continue to consider ADEQ's BART determination for Cholla Units 3 and 4 to be consistent with the BART Guidelines, including its evaluation of LNB+SOFA, SNCR, and SCR.

Comment 5: One commenter disagreed with the EPA's statement that a BART reassessment for Cholla is necessary based on new facts that have arisen since the EPA's final BART determination in 2012. The commenter further opined that even if new facts could be used to justify extending the BART compliance deadline, the new facts at issue here would not be sufficient justification. The commenter also stated that a business decision by the facility operator to close Unit 2 in advance of the 2017 BART compliance deadline for that unit should not justify allowing Units 3 and 4 to delay compliance past 5 years. The commenter argued that no statutory or regulatory provisions, related guidance, or prior BART determinations allow, let alone recognize, a utility's lowest cost option to govern the outcome of a BART determination.

Response 5: We disagree with the assertions in this comment and generally find that the commenter has misunderstood our proposed action and the Cholla SIP Revision. The EPA did not state that a BART reassessment is necessary, but we did indicate that ADEQ has discretion to reassess BART in light of new information and to seek approval from the EPA for a SIP revision to replace the FIP. As stated elsewhere in this final rule, the Cholla SIP Revision does not extend the BART compliance deadline. It replaces the compliance requirements in the FIP with different requirements and earlier compliance dates. The 0.22 lb/MMBtu emission limitation for NO_X that ADEQ determined to be BART will be effective upon the effective date of this final rule and, therefore, earlier than the FIP's BART deadline of December 5, 2017.

In the Cholla SIP Revision, ADEQ conducted a BART Reassessment based on the new facts that arose following the EPA's FIP for Cholla. In 2015, APS and PacifiCorp committed to several operational changes at Cholla that affect specific factors in the five-factor BART analysis, namely, the remaining useful

[36] If ADEQ had done so, there would be a question posed as to whether it could at the same time re-determine BART in light of the changed plans for the operation of the Cholla units, or would have had to use the FIP as the benchmark. We do not address that question in this action.

[37] *See* Tables 5–8 in the Proposed Rule, 81 FR 46852, July 19, 2016.

[38] *See* BART Guidelines at 70 FR 39104 at 39164, July 6, 2005.

[39] *Id.*

[40] *See,* generally, discussion of in-duct SCR catalysts in ''I–NO_X™ Integrated NO_X Reduction Technology-A Lower Capital Cost Solution for NO_X Reduction,'' March 26, 2015, at *http://www.mcilvainecompany.com/Decision_Tree/2015%20WEBINARS/March%202015/Stewart%20Bible,%20Fuel%20Tech%20-%20Hot%20Topic%20Hour%203-26-15.pdf.*

life of the facility and its corresponding effects on the cost-effectiveness of controls. Based on the commitments from APS and PacifiCorp to close Unit 2 by April 1, 2016, continue operation of Units 3 and 4 with LNB+SOFA and permanently cease coal combustion in those units by April 30, 2025 with the option to convert to natural gas combustion by July 31, 2025 at a 20 percent or less average annual capacity factor, ADEQ conducted a revised BART analysis for Cholla Units 2, 3, and 4. ADEQ did not rely on the closure of Unit 2 to justify changes to the BART determination for Units 3 and 4. Rather, ADEQ reasonably determined that the enforceable closure of Unit 2 prior to December 5, 2017, satisfies the requirements of the RHR and the CAA for this unit. ADEQ then conducted a re-analysis of BART for Units 3 and 4 that considered the remaining useful life of potential control technologies in light of the commitments made by APS and PacifiCorp related to those units. Based on the changes to the cost effectiveness of controls, ADEQ reasonably rejected SNCR and SCR as too costly in comparison to the small additional visibility benefits, and concluded that the visibility benefits of SNCR or SCR controls after 2025, when coal combustion ceases and assuming those units are repowered to natural gas, would be negligible. ADEQ's final BART determination for Cholla Units 3 and 4 is an emission limitation of 0.22 lb/MMBtu that will be effective upon the effective date of this final rule. Therefore, we disagree that our proposal to approve the Cholla SIP Revision extends any BART compliance deadlines, and we also disagree with the commenter that the new facts do not warrant a revised assessment of BART for Cholla.

Although we agree with the commenter that the RHR and BART Guidelines do not require BART determinations to align with a utility's lowest-cost option, we also note that this action is not based on the SIP revision's being the lowest-cost approach. If the FIP were to remain in place, APS would be free (with respect to CAA requirements) to cease coal combustion as a way to comply with the SCR-based BART emission limit, based on its own considerations.[41] In this case, APS and PacifiCorp have committed to cease coal combustion in Units 3 and 4 in 2025. Although the motivation for this commitment is irrelevant for purposes of the RHR, the state has discretion to reassess a BART determination for Cholla that takes into account the shorter period of coal combustion because of the potential effect this has on the five BART factors.

Comment 6: One commenter stated that the BART Reassessment will result in significant public health and environmental benefits, including very significant near-term and ongoing reductions in climate-disturbing pollution, toxic mercury, and particulate matter, and that the complete closure of Unit 2 has already resulted in some near-term benefits. The commenter described similar multi-pollutant BART approaches finalized elsewhere in the Southwest. The commenter cited to the Cholla SIP Revision to provide estimates of emission reductions from the BART Reassessment compared to the 2011 RH SIP: By 2046, the BART Reassessment will reduce cumulative SO_2 emissions by about 170,000 tons and cumulative PM_{10} emissions by 15,000 tons compared to the 2011 RH SIP. In addition, the commenter estimates that when fully implemented (after 2026), the BART Reassessment will reduce CO_2 emissions by 90 percent from current annual emissions and reduce mercury emissions from 430 pounds to three pounds per year.

Response 6: We agree with the commenter that the Cholla SIP Revision will result in significant near-term and ongoing environmental benefits. Although the BART Reassessment for Cholla focused on NO_X reductions, emission reductions of other pollutants, as described by the commenter, also have occurred as a result of the closure of Unit 2 in 2015 and will occur after the closure or repowering to natural gas of Units 3 and 4 in 2025. In addition, we agree with the commenter that similar multi-pollutant approaches have been taken elsewhere, and we also note that approaches consisting of interim emission limitations combined with commitments to retire early or repower to natural gas are common, *e.g.,* a SIP revision (to replace a FIP) that put forth a revised BART determination for the four units at the San Juan Generating Station in New Mexico involving closure of two units by the end of 2017 and an emission limit of 0.23 lb/MMBtu, achievable with SNCR, on the remaining two units; a SIP revision (to replace a FIP) that put forth a revised SO_2 BART determination for two units at the Northeastern Power Station in Oklahoma involving closure of one unit in 2016 and interim emission limits and capacity restrictions leading to closure of the second unit by the end of 2026; a SIP revision (to replace a FIP) that put forth a BART alternative for two units at the Apache Generating Station in Arizona that involved conversion of one unit to natural gas and SNCR on the remaining coal-fired unit; as well as the EPA actions on the RH SIPs for Oregon and Washington approving the BART determinations for Boardman and Centralia involving interim emission limitations similar to those imposed on Cholla, and retirements around 2020 or 2025.[42]

Comment 7: One commenter noted that the BART Reassessment will result in higher NO_X emissions and visibility impacts from 2018 to 2025 and therefore urged the EPA to examine whether those impacts could be mitigated through a lower continuous emission limit for SO_2 or other measures. The commenter noted that the current permitted SO_2 emission rates at Cholla do not reflect recent operating levels for SO_2.

Response 7: In this action, we are reviewing the Cholla SIP Revision that was submitted for approval or disapproval. In that context, the issue is not whether the EPA should examine the types of mitigation measures recommended by the commenter, but whether ADEQ's failure to do so means that its BART determination cannot be approved. The EPA must evaluate whether a state considered the appropriate factors and acted reasonably in doing so. In undertaking such a review, the EPA does not usurp a state's authority but ensures that such authority is reasonably exercised.

The EPA agrees that NO_X emissions and visibility impacts will differ between the Cholla SIP Revision and the provisions of the FIP that are being withdrawn, and that NO_X emissions from Units 3 and 4 between 2018 and 2025 under the Cholla SIP Revision will be greater than emissions from those units under the Cholla FIP. However, after April 30, 2025, when APS and PacifiCorp permanently cease coal combustion in Units 3 and 4 with the option to convert to natural gas (at a 20 percent annual average capacity factor), emissions from the Cholla SIP Revision will be substantially lower than emissions from those units under the FIP. However, we acknowledge that in determining whether the BART Reassessment can be approved, we may

[41] *See* BART Guidelines, 70 FR 39104 at 39171, July 6, 2005.

[42] *See* 79 FR 60985, October 9, 2014 (final action on revised BART determination for San Juan in New Mexico); 79 FR 12944, March 7, 2014 (final action on revised BART determination for Northeastern in Oklahoma); 80 FR 19220, April 10, 2015 (final action on alternative to BART for Apache in Arizona); 76 FR 38997, July 5, 2011 (final action on BART determination for Boardman in Oregon); and 77 FR 72742, December 6, 2012 (final action on BART determination for Centralia in Washington).

not take into account these greater emission reductions in 2025 and thereafter.

Although a lower SO_2 emission limitation before 2025 would certainly be environmentally beneficial, we note that we have previously approved the SO_2 BART emission limits for Cholla.[43] ADEQ's new BART determination was for NO_X, and we must approve it if it meets the requirements of the five-factor BART analysis, as outlined by the CAA, the RHR, and the BART Guidelines. ADEQ did not put forth a BART alternative pursuant to 40 CFR 51.308(e)(2), which would have required a comparison of emission reductions under BART and the BART alternative. ADEQ properly evaluated the new commitments by APS and PacifiCorp related to future operation of Cholla Units 3 and 4 in determining BART for those units. For the purposes of its 110(l) analysis, ADEQ did compare emissions of NO_X, SO_2, and PM_{10} between its 2011 RH SIP and the Cholla SIP Revision, and compared emissions of NO_X between the FIP and the Cholla SIP Revision.[44] ADEQ appropriately concluded that the differences in emissions that it found would not conflict with CAA section 110(l). Nothing in 110(l) of the CAA, the RHR, or the BART Guidelines required ADEQ to ensure that the numerical emission reductions from the Cholla SIP Revision would be equivalent to the reductions that would have been achieved under the FIP. Comments and the EPA's responses on ADEQ's 110(l) analysis are provided elsewhere in Section II.C.

Comment 8: One commenter noted that although it does not agree with every reason cited by the EPA in the proposed action, it urges the EPA to more forward to issue a final approval for the BART Reassessment.

Response 8: We are taking final action in this document to approve the Cholla SIP Revision and withdraw the provisions of the FIP that applied to Cholla.

Comment 9: One commenter stated that it supports the EPA's proposed approval of the BART Reassessment for the following reasons: (1) The SIP revision includes enforceable emission limits, (2) the EPA's proposal is based on its own analysis of Arizona's SIP and the five-factor BART analysis, (3) the EPA appropriately considered Unit 1 as not BART-eligible, but included Unit 1 in the visibility modeling because the Cholla SIP Revision also requires that Unit 1 cease burning coal by April 30, 2025 with the option to repower to natural gas at a 20 percent capacity factor, (4) the BART Reassessment will provide for greater reasonable progress toward the final goal of natural conditions earlier than the original FIP, and (5) the EPA's analysis demonstrates that additional controls would provide only a small visibility improvement at a cost that is beyond what the EPA has required of any other BART-eligible EGU.

Response 9: We are taking final action in this document to approve the Cholla SIP Revision and withdraw the provisions of the FIP that applied to Cholla. However, we note that the commenter attributed to the EPA the analyses and conclusion that should actually be attributed to ADEQ.

B. Comments on Visibility Benefits

Comment 10: One commenter expressed concern that visibility benefits of installing various levels of NO_X control on Units 3 and 4 were underestimated because the modeling included emissions from Unit 1 (at the same level in each NO_X control scenario for Units 3 and 4), even though there is no enforceable commitment to retire Unit 1. The commenter cited to a discussion in the preamble to the BART Guidelines related to the effect of using existing conditions versus natural visibility conditions as the baseline for single source visibility impact determinations. The commenter argued that the inclusion of Unit 1 in the visibility modeling for Units 3 and 4 resulted in a decrease in the modeled benefit of installing controls on those units.

Response 10: We agree with the commenter that including Unit 1 in the modeling reduces the estimate of the visibility benefit of controls on Units 3 and 4. We also agree that if Unit 1 were part of some source other than Cholla, it should have been excluded from the modeling. However, the EPA does not agree that this procedure is incorrect given the fact that Unit 1 is part of the single source that is Cholla. While Unit 1 is, in some sense, ''an existing condition'' for purposes of evaluating the impacts of Units 3 and 4, it is very different than the ''existing conditions'' in the EPA statement cited by the commenter.[45] The BART Guidelines describe the ambient conditions to use in assessing the visibility impact of a source; consistent with the ultimate goal of the RHR, the visibility impact is assessed relative to natural conditions. The preamble to the BART Guidelines explains why a meaningful measure of visibility impacts and potential benefits for a single source requires the use of pristine natural background rather than existing conditions, which would reflect the impact of hundreds of existing sources.[46] This is not directly relevant to the issue of whether to include a single additional unit at the source being evaluated for BART. In practice, for modeling, source impacts are computed as delta deciviews, which is the difference in deciviews between the visibility due to the source combined with the natural background, and the visibility due to the natural background alone. In other words, all of the visibility impacts modeled with CALPUFF for the Cholla SIP Revision are relative to natural conditions, for the baseline and all control scenarios. The commenter seems to imply that including the emissions from Unit 1 is equivalent to assuming Unit 1 is part of natural conditions, which is not the case.

In modeling for the Cholla SIP Revision, ADEQ had to choose whether to include the non-BART-eligible Unit 1 emissions that do not vary across the control scenarios for Units 3 and 4. This choice is not addressed by the BART Guidelines. Some BART analyses modeled individual units separately, whereas other BART analyses modeled all units together. Unit 1 is not part of the natural background, but it is part of the facility's emissions. The overall BART determination encompasses an understanding of the visibility impacts, including the particular procedures followed in modeling them. Several considerations suggest that including all units in an analysis is a reasonable choice. Including Unit 1 in the modeling provides a more realistic estimate of overall visibility impacts for the facility as a whole, and more realistically accounts for the chemistry that Units 3 and 4 plumes experience. The Unit 1 emissions may potentially shift the chemistry and may affect the formation of visibility-affecting particulate matter from Unit 3 and 4 emissions, for example as the NO_X-derived nitrates in the three plumes compete for available ammonia in

[43] *See* 77 FR 72511 (Dec. 5, 2012). We approved the SO_2 BART emission limits but promulgated FIP provisions for the compliance testing method because the SIP lacked those elements.

[44] *See* Tables 5–8 in the Proposed Rule, 81 FR 46852, July 19, 2016.

[45] *See* BART Guidelines, 70 FR 39104 at 39124, July 6, 2005.

[46] *Ibid.* Given the nonlinear way in which visibility impairment is perceived, the dirtier the background conditions, the less a source's emissions seem to affect it, ''Using existing conditions as the baseline . . . would create the following paradox: The dirtier the existing air, the less likely it would be that any control is required. . . . Such a reading would render the visibility provisions meaningless.''

forming particulate ammonium nitrate. Another consideration, as stated by the commenter, is that including Unit 1 would tend to make the estimate of the benefit of controls on Units 3 and 4 smaller when the delta deciviews (relative to natural visibility conditions) are compared between control scenarios. This effect is expected to be small because the effect of including Unit 1 in the modeling would tend to be cancelled out when computing the benefit of controls. The benefit of controls is calculated by subtracting the visibility impacts (with controls applied) from the baseline impact; therefore, the effect of including Unit 1 in the modeling is captured in both terms. The EPA also examined this quantitatively by using the change in total emissions from excluding Unit 1 to scale the modeled estimates of visibility, and then recalculating the deciview impacts and benefits of controls. The estimated visibility benefits at Petrified Forest National Park (the Class I area most affected by emissions from Cholla) from the use of SCR or SNCR on Units 3 and 4 increased by approximately 5 percent when Unit 1 was excluded.[47] We would not consider a 5 percent increase in the visibility benefits of SCR or SNCR to justify disapproving the Cholla SIP Revision. Moreover, the modeled benefits of LNB+SOFA on Units 3 and 4 would also be higher if Unit 1 were excluded from the modeling, so the change in the incremental benefit of SCR or SNCR would be small.

In summary, although we agree with the comment that inclusion of Unit 1 in the visibility modeling decreases the modeled visibility benefits of controls on Units 3 and 4, the effect on the estimated visibility benefits of controls is small, and the BART Guidelines do not speak directly to this question. Therefore, the EPA has determined that ADEQ has reasonably exercised its discretion to include Unit 1 in its modeling analysis.

Comment 11: One commenter recommended that the EPA consider the net (not incremental) benefit of installing SNCR on Units 3 and 4. The commenter noted that even the incremental visibility benefit of SNCR of 0.28 deciview at the Class I area most affected by Cholla (Petrified Forest National Park) compares well with the net visibility benefits of other BART determinations made by the EPA in FIPs, which ranged from 0.18–0.32 deciview.

Response 11: As discussed elsewhere in this final rule, with regard to incremental visibility improvement, the EPA's response to comments for promulgating the BART Guidelines stated:

> For example, a State can use the CALPUFF model to predict visibility impacts from an EGU in examining the option to control NO_X and SO_2 with SCR technology and a scrubber, respectively. A comparison of visibility impacts might then be made with a modeling scenario whereby NO_X is controlled by combustion technology. If expected visibility improvements are significantly different under one control scenario than under another, then a State may use that information, along with information on the other BART factors, to inform its BART determination.[48]

The EPA's regulations allow states to compare incremental visibility improvements between different technologies. The incremental visibility benefit is one way to compare the visibility improvements from various controls. For this BART determination, ADEQ weighed the small incremental visibility improvement against the incremental cost-effectiveness, as well as the timing and short duration of this benefit. Based on its weighing of these factors, ADEQ provided a reasoned justification for selecting LNB+SOFA as BART for Cholla Units 3 and 4. We have concluded that ADEQ properly exercised its discretion in its process for weighing the small visibility improvement against the cost-effectiveness to reject SCR and SNCR.

The commenter notes that even the incremental benefit of SNCR relative to LNB/SOFA is comparable to benefits seen in previous BART assessments, at least for the Class I area with the greatest impact. Visibility is only one of the five factors in a BART assessment, and in particular must be considered together with the anticipated costs of controls. As stated previously, the EPA's role is to decide whether the state's SIP is approvable by evaluating if the Cholla SIP Revision meets the requirements of the CAA, the RHR, and the BART Guidelines. In undertaking such a review, the EPA does not usurp a state's authority but ensures that such authority is reasonably exercised. The CAA and the RHR provide flexibility to the state in deciding how the factors in the analysis are weighed. We have concluded that ADEQ properly exercised its discretion in its process for weighing the small visibility improvement against the cost-effectiveness to reject SCR and SNCR.

C. Comments on the CAA Section 110(l) Analysis

Comment 12: One commenter asserted that the EPA's proposal violates CAA section 110(l) anti-backsliding requirements because it weakens the existing BART determination for Cholla. The commenter argued that the BART Reassessment is inconsistent with the EPA's long-standing interpretation of section 110(l) of the CAA as preventing implementation plan revisions that would increase overall air pollution or worsen air quality. The commenter stated that the effect of the BART Assessment would be to allow Units 3 and 4 to emit an additional 4,161 tons of NO_X per year every year between 2018 and 2024, and would result in worse visibility conditions than the existing BART determination. The commenter went on to assert that the EPA's conclusions that the BART Reassessment complies with 110(l) are not justified because the EPA inappropriately discounted the timing of pollution reductions and the importance of promptly reducing pollution and improving visibility. The commenter argued that it is contrary to the purposes of the regional haze program and 110(l) to trade worse air quality and increased air pollution in the short term for potential benefits that may arise years from now. The commenter expressed concern that the EPA's BART Reassessment, if finalized, would set troubling precedent for the Coronado Generating Station BART Reassessment put forth for public comment by ADEQ in July 2016.

The commenter argued that the EPA's proposed approval of the Cholla SIP Revision is contrary to the requirements of CAA section 110(l). The commenter cited to case law (identified in our response below) to support its interpretation that additional air emissions or less stringent requirements occurring as a result of a SIP revision *per se* constitute a violation of CAA section 110(l). Specifically, the commenter argued that CAA section 110(l) prohibits the EPA from approving a SIP revision that is less stringent than the FIP it is replacing, stating, ''This section prohibits states and EPA from revising an implementation plan if the revision would weaken the existing plan's requirements.'' The commenter supported its assertion that the SIP revision weakens the requirements of the existing FIP by noting that the SIP revision will allow Cholla to emit 4,161 tons per year more NO_X between 2018 and 2025 than would have been allowed pursuant to the FIP. The commenter characterized the EPA's proposed

[47] *See* ''vis_impacts'' tab in the spreadsheet titled ''Cholla_pefo_u1_effect.xlsx,'' in the docket for this rulemaking.

[48] *See* 70 FR 39129, July 6, 2005.

approval of the SIP revision as relying on two factors for demonstrating compliance with section 110(l), stating:

> According to EPA, the proposal complies with section 110(*l*) because (1) there are ''differences in the facts underlying'' the existing BART determination and the BART ''reassessment,'' and (2) the BART ''reassessment'' would ''result in greater visibility improvement than the existing [BART determination] beginning in 2026, which is consistent with the long-term national goal of restoring natural visibility conditions at Class I areas.'' Neither justification demonstrates that the BART ''reassessment'' complies with section 110(*l*).

Response 12: As discussed in more detail below, the EPA disagrees with the commenter's legal interpretation that CAA section 110(l) is violated *per se* by any SIP revision that allows an increase in actual air emissions relative to the existing implementation plan. The EPA also disagrees with the characterization of our proposed section 110(l) analysis as relying only on the two factors quoted above.

The CAA section 110(l) states in relevant part: ''The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), and any other applicable requirement of this chapter.'' This language does not prohibit every SIP revision that weakens the existing plan's requirements.[49] The statutory language of section 110(l) does not support the commenter's interpretation that additional air emissions or less stringent requirements occurring as a result of a SIP revision *per se* constitutes a violation of CAA section 110(l), and neither does the case law cited by the commenter.

The cases cited by the commenter fail to support the commenter's view. In *El Comité para el Bienestar de Earlimart* v. *U.S. EPA,* the Ninth Circuit was addressing a different issue—whether the EPA reasonably determined the level of emission reductions resulting from a particular SIP Revision. The court was not considering a SIP revision that allowed increased emissions.[50] There, the EPA had consistently determined that a SIP provision required a 12 percent decrease in emissions despite the petitioner's contrary interpretation that the provision required a 20 percent reduction. The court deferred to the EPA's reasonable interpretation, and concluded ''that the EPA did not arbitrarily and capriciously fail to consider whether the SIP Revision violated § 110(*l*) of the Act, because it reasonably interpreted the Pesticide Element as committing to a 12 percent reduction in VOC emissions from 1990 levels by 1999 in the San Joaquin Valley.'' [51] The case does not support the commenter's interpretation of section 110(l).

The other cases cited by the commenter also fail to support the commenter's interpretation. In *Kentucky Resource Council* v. *EPA,* the court upheld the EPA's approval of a SIP revision that moved a vehicle inspection and maintenance program from the SIP to a contingency measure.[52] The court examined the EPA's analysis that the SIP revision would not ''interfere'' with attainment and reasonable further progress (RFP). As an initial matter, the court rejected an expansive reading of section 110(l), stating:

> The statute prohibits approval of a revision that ''would interfere'' with an applicable requirement. Petitioner's reading of the phrase would substitute ''could'' for ''would.'' On this point it seems fairly clear that Congress did not intend that the EPA reject each and every SIP revision that presents some remote possibility for interference.[53]

In *Kentucky Resource Council,* the SIP substituted other emissions reductions to make up for the increased emissions from moving the vehicle inspection and maintenance program to a contingency measure. The issue was whether the EPA could approve this change without requiring an attainment demonstration and the court upheld the EPA's decision that a new attainment demonstration was not required in order to show that the SIP revision would not interfere pursuant to section 110(l). Thus, the examination of whether the SIP revision would ''worsen air quality'' was based on whether the area—which, unlike Navajo County, was designated as a nonattainment area for the relevant NAAQS—would have more difficulty in attaining and maintaining the NAAQS with the SIP revision—not, as the commenter argues here, whether the SIP revision would simply result in increased emissions.[54]

The critical question under section 110(l) is not whether the SIP revision will cause an increase in actual emissions, it is whether that increase in actual emissions will interfere with attainment of the NAAQS or RFP, or if the SIP revision interferes with any other applicable requirement of the CAA. The fact that actual emissions will increase means that the EPA's analysis must include an evaluation of how that emissions increase affects attainment and RFP and other applicable requirements of the CAA.

The EPA analyzed the requirements of section 110(l) in proposing to approve the Cholla SIP revision.[55] The commenter fails to acknowledge much of the EPA's analysis. The commenter is incorrect that the EPA's proposal only relied on different facts and greater long term visibility benefits after 2026 to support approval. Rather, our proposal considered that fact that Navajo County, where the facility is located, is attaining the NAAQS for all pollutants.[56] In addition, the proposal relied on the fact that the Cholla SIP revision will result in substantially lower SO_2 and PM_{10} emissions than would have been allowed by the FIP. Finally, for NO_X emissions, the EPA's proposal stated, ''While the Cholla SIP Revision will require fewer NO_X reductions than the FIP between 2018 and 2025, it will ensure that *NO_X emissions remain at or below current levels* . . . until 2025 . . .'' (emphasis added).[57] Based on these facts, the EPA's proposal stated:

> Thus, the Arizona SIP does not currently rely on emission limitations at Cholla to satisfy any attainment or RFP requirements. Given that the Cholla SIP Revision will result in equivalent or lower emissions of NO_X, PM_{10} and SO_2 for all future years, compared to current emission levels, in an area that is designated attainment or has not yet been designated for all NAAQS, we propose to find that the Cholla SIP Revision would not interfere with any applicable requirement concerning attainment or RFP.

The comment letter does not appear to challenge the EPA's analysis that the SIP revision does not interfere with attainment or RFP for the reasons discussed above, but rather simply asserts that any increase in emissions automatically violates section 110(l).[58]

[49] *See, e.g.,* the EPA's action to approve a revision to the New Mexico SIP that addressed the BART requirement for NO_X for the San Juan Generating Station in New Mexico, 79 FR 60985 at 60989, October 9, 2014, stating ''Finally, contrary to the commenter's assertion, CAA section 110(l) does not prohibit a state from submitting a SIP that is less stringent than a FIP.''

[50] *See* 786 F.3d 688 (9th Cir. 2015).

[51] *Id.* at 697 (emphasis in original).

[52] 467 F.3d 986 (6th Circuit 2006)

[53] *Id.* at 994.

[54] The additional case law cited by the commenter, *Alabama Environmental Council* v. *EPA* 711 F.3d 1277 (11th Circuit 2013), which relied on the same analysis as the *Kentucky Resource Council* case, and *WildEarth Guardians* v. *EPA* 759 F.3d 1064 (9th Circuit 2014), where the court found that petitioners had not identified any provision of the SIP revision at issue which weakened pollution controls, are similarly unavailing.

[55] 81 FR 46852 at 46862, July 19, 2016.

[56] *Id.* at 46862.

[57] *Id.* at 46863.

[58] As noted previously, the commenter applies an incorrect legal standard, insisting that any SIP

Continued

CAA section 110(l) also requires the EPA to evaluate if the SIP revision will interfere with ''any other applicable requirement of this chapter.'' The EPA's proposal to approve the Cholla SIP Revision also carefully analyzed this requirement.[59] The commenter challenges only the EPA's proposal to find that the SIP revision complies with the requirements of the RHR. We disagree with this comment. The commenter notes that the Cholla SIP Revision is predicted to result in higher visibility impairment at Petrified Forest National Park than the FIP from 2018 to 2025. We agree. As discussed in our proposed rule, in its section 110(l) analysis, ADEQ stated that the Cholla SIP Revision would result in less visibility improvement between 2018 and 2025, but would result in greater improvements starting in 2026.[60] This does not, however, support the argument that the SIP will interfere with the requirements of the visibility program. As discussed above, we have determined that the Cholla SIP Revision meets the BART requirements. We also proposed that the Cholla SIP Revision would not interfere with the RHR because the achievement of greater visibility improvement from the Cholla SIP Revision beginning in 2026 would be consistent with the long-term national goal of the RHR of restoring visibility conditions at Class I areas.[61] We further noted that while the Cholla SIP Revision would require fewer NO_X reductions than the FIP between 2018 and 2025, it would ensure that NO_X emission remain at or below current levels until 2025, after which time it would require a substantial reduction in NO_X emissions compared to both current levels and the FIP.[62]

The commenter challenges our proposed finding that the SIP revision meets the requirements for BART. Our proposal concluded that the Cholla SIP Revision is consistent with BART, and therefore does not interfere with an applicable requirement of the CAA and the RHR.[63] For the reasons discussed in responses to other comments, ADEQ conducted an adequate BART analysis for Cholla. ADEQ considered the appropriate factors and reached a reasonable conclusion. Our analysis that the Cholla SIP Revision is approvable pursuant to CAA section 110(l) considered compliance with BART and also considered that ''the Cholla SIP Revision would result in greater visibility improvement than the existing SIP and FIP requirements beginning in 2026, which is consistent with the long-term national goal of restoring natural visibility conditions at Class I areas.'' [64] The commenter contends that the EPA was justifying ''weakening'' the Arizona SIP and allowing ''backsliding'' based on new or different facts. That is not the case. The EPA was evaluating whether the SIP revision complied with the requirements for BART, which it does. The proposal then stated:

> Furthermore, the Cholla SIP Revision would result in greater visibility improvement than the existing SIP and FIP requirements beginning in 2026, which is consistent with the long term national goal of restoring natural visibility conditions at Class I areas.

The commenter construes this statement incorrectly, asserting that this statement means the EPA is justifying compliance with section 110(l) by crediting later emission reductions to offset earlier emission increases. As noted earlier, section 110(l) does not prohibit approving a SIP revision that allows an increase in actual emissions provided it does not interfere with attainment of the NAAQS, RFP, or any other applicable requirement. All of those criteria have been met for the reasons discussed above. The EPA, however, noted that the substantial emissions reductions from the Cholla SIP Revision—both those occurring from the shutdown of Unit 2 in 2016 and additional NO_X reductions in 2025—will support efforts to meet the RHR goal of reaching natural visibility in 2064.

For the reasons discussed above, the EPA disagrees with the commenter that our approval of the Cholla SIP revision is inconsistent with CAA section 110(l).

D. Other Comments

Comment 13: One commenter argued that the EPA's proposal negates the 2018 reasonable progress goals (RPGs) for Arizona. The EPA set 2018 RPGs for Arizona in its Final Phase 3 Rule that relied upon the emission reductions required by its regional haze FIP for Arizona. The commenter asserted that in delaying Cholla's compliance with its BART obligations past 2017, the BART Reassessment necessitates the development of entirely new 2018 RPGs.

Response 13: The EPA disagrees with the comment that the Cholla SIP Revision negates or otherwise adversely effects the 2018 RPGs for Arizona. The 2018 RPGs account for emission reductions expected to occur by the end of the first planning period. The compliance date for the NO_X emission reductions, achievable with SCR, required in the FIP for Cholla was December 5, 2017. As noted in our proposed rule, the anticipated NO_X reductions in 2018 from Units 3 and 4 associated with the FIP would have been 4,763 tons more than the reductions from those units under the Cholla SIP Revision for that year. However, cumulative NO_X reductions in 2016 and 2017, from the Cholla SIP Revision, would be 6,302 tons greater than the FIP for Cholla as a result of the closure of Unit 2.[65] In addition, the closure of Unit 2 required in the Cholla SIP Revision also results in additional reductions in SO_2 and PM_{10} in 2016 and 2017.[66] Because the NO_X, SO_2, and PM_{10} reductions from the Cholla SIP Revision are greater than the reductions that would have occurred under the FIP in 2016, 2017, and 2018, and because the 2018 RPGs consider emission reductions that occur until the end of 2018, the Cholla SIP Revision aids, rather than negates, the 2018 RPGs.

As discussed elsewhere in this final rule, we disagree with the commenter's characterization that the Cholla SIP Revision is delaying the compliance deadline for BART beyond December 5, 2017. We are approving ADEQ's determination for Cholla Units 3 and 4 that BART is the use of LNB+SOFA. The emission limitations associated with this BART determination will become effective on April 26, 2017.

Finally, although the Cholla SIP Revision will result in greater NO_X emissions than the FIP from Cholla Units 3 and 4 between December 5, 2017 and April 30, 2025, the requirements in the Cholla SIP Revision to permanently retire Unit 2 by April 1, 2016, combined with the permanent cessation of coal combustion in Units 1, 3, and 4 by April 30, 2025 and the potential conversion of those units to natural gas by July 31, 2025, will aid Arizona's RPGs more than we had originally attributed to the FIP provisions we are withdrawing in this action.

Comment 14: One commenter noted that if the EPA takes final action to approve the BART Reassessment and

revision that is less stringent than the existing SIP or FIP requirement violates section 110(l).

[59] 81 FR 46852 at 46862, July 19, 2016.

[60] *Id.* at 46859.

[61] *Id.* at 46862.

[62] *Id.*

[63] *Id.*

[64] *Id.*

[65] *See* Table 8 in our proposed rule at 81 FR 46852, 46858 (July 19, 2016). We further note that the emission reductions in Table 8 associated with Unit 2 are based on the operation of Unit 2 until April 1, 2016. Because Unit 2 closed in 2015, the actual emission reductions from Unit 2 in 2016 would be lower than estimated in our proposed rule.

[66] *Id.* Tables 6 and 7.

withdraw the FIP for Cholla, a provision in 40 CFR 52.145(f)(5)(i)(A) that requires continuous emission monitoring systems (CEMS) for SO_2 at Cholla Units 2, 3, and 4 to be in full compliance with the requirements in 40 CFR part 75, will be duplicative because that requirement is already contained in the Cholla SIP Revision. The commenter requests that the EPA remove Cholla completely from the final version of the regulatory text that will be codified at 40 CFR 52.145.

Response 14: The EPA agrees with the comment that the Arizona RH FIP provisions should not contain any provisions related to Cholla after the EPA takes final action to withdraw the provisions in 40 CFR 52.145 that are applicable to this facility. As stated in our proposed rule, ''we propose to withdraw the provisions of the Arizona Regional Haze FIP that apply to Cholla;'' the retention of the reference to Cholla in 40 CFR 52.145(f)(5)(i)(A) was inadvertent.[67] We also agree with the commenter that the condition is duplicative to the requirement already contained in the Cholla permit revision that was submitted as part of the Cholla SIP Revision. Therefore, in this final action, we are removing from 40 CFR 52.145(f)(5)(i)(A) the sentence that reads: ''In addition, the owner/operator of Cholla Units 2, 3, and 4 shall calibrate, maintain, and operate a CEMS, in full compliance with the requirements found in 40 CFR part 75, to accurately measure SO_2 emissions and diluent at the inlet of the sulfur dioxide control device.'' The remaining provisions in 40 CFR 52.145(f)(5)(i)(A) will continue to exist and apply to the Coronado Generating Station.

III. Summary of Final Action

For the reasons described above, the EPA is taking final action to approve the Cholla SIP Revision. Because this approval fills the gap in the Arizona RH SIP that was left by the EPA's prior partial disapproval with respect to Cholla, we are also taking final action to withdraw the provisions of the FIP that applied to Cholla. This final action also constitutes our action on the petitions for reconsideration submitted by APS and PacifiCorp on the FIP.

IV. Environmental Justice Considerations

As shown in Tables 6 and 7 of the proposed rule, the Cholla SIP Revision will result in lower emissions of both PM_{10} and SO_2 compared to the emissions we had previously projected under the existing requirements beginning in 2016, with greater emission reductions from the Cholla SIP Revision occurring over time (*i.e.,* in the periods 2017–2025, and 2026 and thereafter).[68] As shown in Table 8 of the proposed rule, the Cholla SIP Revision will result in greater NO_X emissions than the FIP between 2018 and 2025, but will achieve substantially lower NO_X emissions than the FIP in 2016, 2017, and 2026 and thereafter.[69] In addition, as noted in our proposed rule, Cholla is located in Navajo County, Arizona, which is currently designated as attainment or unclassifiable for the following NAAQS: Carbon monoxide, lead, nitrogen dioxide, ozone (2008 NAAQS), $PM_{2.5}$ (1997 and 2006 NAAQS), PM_{10}, and SO_2 (1971 NAAQS). ADEQ also noted in its submittal that it has recommended a designation of attainment/unclassifiable for this area for the 2012 $PM_{2.5}$ and 2010 SO_2 standards. Therefore, this final action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference ''Significant Permit Revision No. 61713 to Operating Permit No. 53399'' issued by ADEQ on October 16, 2015. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of this final rule, and will be incorporated by reference by the Director of the **Federal Register** in the next update to the SIP compilation.[70] The EPA has made, and will continue to make, this document available electronically through *www.regulations.gov* and in hard copy at the EPA Region IX Office. Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This rule applies to only one facility and is therefore not a rule of general applicability.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the PRA. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act (RFA)

I certify that this final action will not have a significant economic impact on a substantial number of small entities. This action will not impose any requirements on small entities. Firms primarily engaged in the generation, transmission, and/or distribution of electric energy for sale are small if, including affiliates, the total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. The two owners of Cholla, APS and PacifiCorp, exceed this threshold.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects 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.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because 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, and will not impose substantial direct costs on tribal governments or preempt tribal law.

[67] *See* 81 FR 46852 at 46863, July 19, 2016.

[68] *See* 81 FR 46852 at 46857–46858, July 18, 2016.

[69] *Id.* at 46858–46859.

[70] 62 FR 27968, May 22, 1997.

Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA believes the human health or environmental risk addressed by this action will not have potentially disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. Although this final action to approve the Cholla SIP Revision will result in greater NO_X emissions than we had previously projected to occur under the FIP it replaces over the 2018–2025 period, emissions of PM_{10} and SO_2 will be lower under the Cholla SIP Revision beginning in 2016, with greater emission reductions from the Cholla SIP Revision occurring over time (*i.e.,* in the periods 2017–2025, and 2026 and thereafter). In addition, the Cholla SIP Revision will result in greater NO_X reductions than the FIP in 2016, 2017, and 2026 and thereafter. In addition, as noted in our proposed rule, Cholla is located in Navajo County, Arizona, which is currently designated as attainment or unclassifiable for the following NAAQS: Carbon monoxide, lead, nitrogen dioxide, ozone (2008 NAAQS), $PM_{2.5}$ (1997 and 2006 NAAQS), PM_{10}, and SO_2 (1971 NAAQS). ADEQ also noted in its submittal that it has recommended a designation of attainment/unclassifiable for this area for the 2012 $PM_{2.5}$ and 2010 SO_2 standards. Therefore, this final action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations.

K. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicably. EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability that only applies to a single named facility.

L. Petitions for Judicial Review

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 26, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Visibility.

Dated: March 16, 2017.

E. Scott Pruitt,

Administrator.

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 D—Arizona

■ 2. Section 52.120 is amended by:

■ a. Adding in paragraph (d), under the table heading ''EPA-Approved Source-Specific Requirements'' an entry for ''Cholla Power Plant'' after the entry for ''Arizona Electric Power Cooperative's Apache Generating Station.''

■ b. Adding in paragraph (e), under the table heading ''Table 1—EPA-Approved Non-Regulatory and Quasi-Regulatory Measures'' after the entry for ''Arizona Lead SIP Revision'', an entry for ''Arizona State Implementation Plan Revision to the Arizona Regional Haze Plan for Arizona Public Service Cholla Generating Station.''

The additions read as follows:

§ 52.120 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED SOURCE-SPECIFIC REQUIREMENTS

Name of source	Order/permit No.	Effective date	EPA approval date	Explanation
Arizona Department of Environmental Quality				
*	*	*	*	*
Cholla Power Plant	Significant Permit Revision No. 61713 to Operating Permit No. 53399.	October 16, 2015	3/27/2017, [INSERT **Federal Register** CITATION].	Permit issued by Arizona Department of Environmental Quality. Submitted on October 22, 2015.
*	*	*	*	*

(e) * * *

TABLE 1—EPA-APPROVED NON-REGULATORY AND QUASI-REGULATORY MEASURES

[Excluding certain resolutions and statutes, which are listed in tables 2 and 3, respectively] [1]

Name of SIP provision	Applicable geographic or nonattainment area or title/subject	State submittal date	EPA approval date	Explanation
The State of Arizona Air Pollution Control Implementation Plan Clean Air Act Section 110(a)(2) State Implementation Plan Elements (Excluding Part D Elements and Plans)				
* * *	*	*	*	*
Arizona State Implementation Plan Revision to the Arizona Regional Haze Plan for Arizona Public Service Cholla Generating Station.	Source-Specific	October 22, 2015	3/27/2017, [INSERT **Federal Register** CITATION].	Revised source-specific BART limits for NO_X for Cholla Power Plant adopted October 22, 2015.
* * *	*	*	*	*

[1] Table 1 is divided into three parts: Clean Air Act Section 110(a)(2) State Implementation Plan Elements (excluding Part D Elements and Plans), Part D Elements and Plans (other than for the Metropolitan Phoenix or Tucson Areas), and Part D Elements and Plans for the Metropolitan Phoenix and Tucson Areas.

* * * * *

■ 3. Section 52.145 is amended by revising paragraphs (f)(1) through (5) and (10) to read as follows:

§ 52.145 Visibility protection.

* * * * *

(f) * * *

(1) *Applicability.* This paragraph (f) applies to each owner/operator of the following coal-fired electricity generating units (EGUs) in the state of Arizona: Coronado Generating Station, Units 1 and 2. The provisions of this paragraph (f) are severable, and if any provision of this paragraph (f), or the application of any provision of this paragraph (f) to any owner/operator or circumstance, is held invalid, the application of such provision to other owner/operators and other circumstances, and the remainder of this paragraph (f), shall not be affected thereby.

(2) *Definitions.* Terms not defined below shall have the meaning given to them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this paragraph (f): *ADEQ* means the Arizona Department of Environmental Quality.

Boiler-operating day means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit.

Coal-fired unit means any of the EGUs identified in paragraph (f)(1) of this section.

Continuous emission monitoring system or CEMS means the equipment required by 40 CFR part 75 and this paragraph (f).

Emissions limitation or emissions limit means any of the Federal Emission Limitations required by this paragraph (f) or any of the applicable PM_{10} and SO_2 emissions limits for Coronado Generating Station submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012.

Flue Gas Desulfurization System or FGD means a pollution control device that employs flue gas desulfurization technology, including an absorber utilizing lime, fly ash, or limestone slurry, for the reduction of sulfur dioxide emissions.

Group of coal-fired units means Units 1 and 2 for Coronado Generating Station.

lb means pound(s).

MMBtu means million British thermal unit(s).

NO_X means nitrogen oxides expressed as nitrogen dioxide (NO_2).

Owner(s)/operator(s) means any person(s) who own(s) or who operate(s), control(s), or supervise(s) one or more of the units identified in paragraph (f)(1) of this section.

Operating hour means any hour that fossil fuel is fired in the unit.

PM_{10} means filterable total particulate matter less than 10 microns and the condensable material in the impingers as measured by Methods 201A and 202 in 40 CFR part 51, appendix M.

Regional Administrator means the Regional Administrator of EPA Region IX or his/her authorized representative.

SO_2 means sulfur dioxide.

SO_2 removal efficiency means the quantity of SO_2 removed as calculated by the procedure in paragraph (f)(5)(iii)(B) of this section.

Unit means any of the EGUs identified in paragraph (f)(1) of this section.

Valid data means data recorded when the CEMS is not out-of-control as defined by 40 CFR part 75.

(3) *Federal emission limitations*—(i) *NO_X emission limitations.* The owner/operator of each coal-fired unit subject to this paragraph (f) shall not emit or cause to be emitted NO_X in excess of the following limitations, in pounds per million British thermal units (lb/MMBtu) from any coal-fired unit or group of coal-fired units. Each emission limit shall be based on a rolling 30-boiler-operating-day average, unless otherwise indicated in specific paragraph.

Coal fired unit or group of coal-fired units	Federal emission limitation
Coronado Generating Station Unit 1	0.065
Coronado Generating Station Unit 2	0.080

(ii) [Reserved]

(4) *Compliance dates.* (i) The owners/operators of each unit subject to this paragraph (f) shall comply with the NO_X emissions limitations and other NO_X-related requirements of this paragraph (f) no later than December 5, 2017.

(ii) The owners/operators of each unit subject to this paragraph (f) shall comply with the applicable PM_{10} and SO_2 emissions limits submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012, as well as the related compliance, recordkeeping and reporting of this paragraph (f) no later than June 3, 2013.

(5) *Compliance determinations for NO_X and SO_2*—(i) *Continuous emission monitoring system.* (A) At all times after the compliance date specified in paragraph (f)(4) of this section, the owner/operator of each coal-fired unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO_2, NO_X, diluent, and stack gas volumetric flow rate from each unit. All valid CEMS hourly data shall be used to determine compliance with the emission limitations for NO_X and SO_2 in paragraph (f)(3) of this section for each unit. When the CEMS is out-of-control

as defined by 40 CFR part 75, that CEMS data shall be treated as missing data, and not used to calculate the emission average. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.

(B) The owner/operator of each unit shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to these 40 CFR part 75 requirements, relative accuracy test audits shall be calculated for both the NO_X and SO_2 pounds per hour measurement and the heat input measurement. The CEMS monitoring data shall not be bias adjusted. The inlet SO_2 and diluent monitors required by this rule shall also meet the Quality Assurance/Quality Control (QA/QC) requirements of 40 CFR part 75. The testing and evaluation of the inlet monitors and the calculations of relative accuracy for lb/hr of NO_X, SO_2 and heat input shall be performed each time the 40 CFR part 75 CEMS undergo relative accuracy testing.

(ii) *Compliance determinations for NO_X.* (A) [Reserved]

(B) *Coronado Generating Station.* Compliance with the NO_X emission limits for Coronado Unit 1 and Coronado Unit 2 in paragraph (f)(3)(i) of this section shall be determined on a rolling 30 boiler-operating-day basis. The 30-boiler-operating-day rolling NO_X emission rate for each unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of NO_X emitted from the unit during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step two, sum the total heat input to the unit in MMBtu during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step three, divide the total number of pounds of NO_X emitted from that unit during the thirty (30) boiler operating days by the total heat input to the unit during the thirty (30) boiler operating days. A new 30-boiler-operating-day rolling average NO_X emission rate shall be calculated for each new boiler operating day. Each 30-boiler-operating-day average NO_X emission rate shall include all emissions that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction.

(C) If a valid NO_X pounds per hour or heat input is not available for any hour for a unit, that heat input and NO_X pounds per hour shall not be used in the calculation of the 30-day rolling average.

(iii) *Compliance determinations for SO_2.* (A) The 30-day rolling average SO_2 emission rate for each coal-fired unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of SO_2 emitted from the unit during the current boiler-operating day and the previous twenty-nine (29) boiler- operating days; step two, sum the total heat input to the unit in MMBtu during the current boiler- operating day and the previous twenty-nine (29) boiler-operating day; and step three, divide the total number of pounds of SO_2 emitted during the thirty (30) boiler-operating days by the total heat input during the thirty (30) boiler-operating days. A new 30-day rolling average SO_2 emission rate shall be calculated for each new boiler-operating day. Each 30-day rolling average SO_2 emission rate shall include all emissions and all heat input that occur during all periods within any boiler-operating day, including emissions from startup, shutdown, and malfunction.

(B) [Reserved]

(C) If a valid SO_2 pounds per hour at the outlet of the FGD system or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the 30-day rolling average.

(D) If both a valid inlet and outlet SO_2 lb/MMBtu and an outlet value of lb/hr of SO_2 are not available for any hour, that hour shall not be included in the efficiency calculation.

* * * * *

(10) *Equipment operations.* (i) [Reserved]

(ii) *Coronado Generating Station.* At all times, including periods of startup, shutdown, and malfunction, the owner or operator of Coronado Generating Station Unit 1 and Unit 2 shall, to the extent practicable, maintain and operate each unit in a manner consistent with good air pollution control practices for minimizing emissions. The owner or operator shall continuously operate pollution control equipment at all times the unit it serves is in operation, and operate pollution control equipment in a manner consistent with technological limitations, manufacturer's specifications, and good engineering and good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of each unit.

* * * * *

[FR Doc. 2017–05724 Filed 3–24–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151211999–6343–02]

RIN 0648–XF313

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Increase for the Small Vessel Category of the Common Pool Fishery

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: This action increases the Gulf of Maine (GOM) cod trip limit for Northeast multispecies common pool small vessel category vessels for the remainder of the 2016 fishing year. This increase corrects a previous action that did not raise the small vessel category trip limit. Increasing the possession and trip limits is intended to provide the common pool fishery with additional fishing opportunities through the end of the fishing year.

DATES: The trip limit increase is effective March 22, 2017, through April 30, 2017.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION: The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels in order to help prevent the overharvest or underharvest of the common pool quotas.

On March 16, 2017, the common pool Gulf of Maine (GOM) cod and haddock trip limits were increased (82 FR 14478, March 21, 2017). In this action, we incorrectly stated that the small vessel category trip limit of GOM cod was unchanged. However, this trip limit should have increased from 25 lb (11.34 kg) per trip to 100 lb (45.36 kg) per trip. To correct this error and allow the common pool fishery to catch more of its quota for GOM cod, effective March 22, 2017, the trip limit of GOM cod for

the small vessel category is increased to 100 lb (45.36 kg) per trip. Vessels in the small vessel category are still held to the combined 300-lb (136.1 kg) trip limit for cod, haddock, and yellowtail flounder. Common pool groundfish vessels that have declared their trip through the vessel monitoring system (VMS) or interactive voice response system, and crossed the VMS demarcation line prior to March 22, 2017, may land the new trip limit for that trip.

Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: *http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm.* We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, VMS catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

Classification

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

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The regulations at § 648.86(o) authorize the Regional Administrator to adjust the Northeast multispecies possession and trip limits for common pool vessels in order to help prevent the overharvest or underharvest of the pertinent common pool quotas. The error in a recent inseason action to increase the GOM cod and haddock trip limits was only recently discovered. As a result, the time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary trip limit correction in a timely manner, which could prevent the fishery from achieving the OY, and cause negative economic impacts to the common pool fishery.

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

Dated: March 22, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–05980 Filed 3–22–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 161118999–7280–02]

RIN 0648–BG46

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 28

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements through regulations the measures included in Framework Adjustment 28 to the Atlantic Sea Scallop Fishery Management Plan, which the New England Fishery Management Council adopted and submitted to NMFS for approval. The purpose of Framework 28 is to prevent overfishing, improve yield-per-recruit, and improve the overall management of the Atlantic sea scallop fishery. Framework 28: Sets specifications for the scallop fishery for fishing year 2017; revises the way we allocate catch to the limited access general category individual fishing quota fleet to reflect the spatial management of the scallop fishery; and implements a 50-bushel shell stock possession limit for limited access vessels inshore of the days-at-sea demarcation line north of 42° 20′ N. lat.

DATES: Effective March 23, 2017.

ADDRESSES: The Council developed an environmental assessment (EA) for this action that describes the action and other considered alternatives and provides a thorough analysis of the impacts of these measures. Copies of the Framework, the EA, and the Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/IRFA is also accessible via the Internet at: *http://www.nefmc.org/scallops/index.html.*

Copies of the small entity compliance guide are available from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the internet at: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/.*

FOR FURTHER INFORMATION CONTACT: Travis Ford, Fishery Policy Analyst, 978–281–9233.

SUPPLEMENTARY INFORMATION:

Background

The Council adopted Framework 28 on November 17, 2016, and submitted a draft of the framework to NMFS on December 21, 2016, that presented Council recommended measures, rationale, impacts for review, and a draft EA. NMFS published a proposed rule, including a reference on how to obtain the framework and the draft final EA, for approving and implementing Framework 28 on January 19, 2017 (82 FR 6472). The proposed rule included a 15-day public comment period that closed on February 7, 2017. The Council submitted a final EA to NMFS on March 10, 2017, for approval. This annual action includes catch, effort, and quota allocations and adjustments to the rotational area management program for fishing year 2017. Framework 28 specifies measures for fishing year 2017, and includes fishing year 2018 measures that will go into place as a default should the next specifications-setting framework be delayed beyond the start of fishing year 2018. NMFS has approved all of the measures recommended by the Council and described below. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) permits NMFS to approve, partially approve, or disapprove measures proposed by the Council based only on whether the measures are consistent with the fishery management plan, the Magnuson-Stevens Act and its National Standards, and other applicable law. We must defer to the Council's policy choices unless there is a clear inconsistency with the law or the FMP. Details concerning the development of these measures were contained in the preamble of the proposed rule and are not repeated here.

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), Annual Projected Landings (APLs) and Set-Asides for the 2017 Fishing Year and Default Specifications for Fishing Year 2018

Table 1 outlines the scallop fishery catch limits derived from the ABC values and the projected landings of the fleet.

TABLE 1—SCALLOP CATCH LIMITS (MT) FOR FISHING YEARS 2017 AND 2018 FOR THE LIMITED ACCESS AND LAGC IFQ FLEETS

Catch limits	2017 (mt)	2018 (mt)*
Overfishing Limit	75,485	69,678
Acceptable Biological Catch/ACL (discards removed)	46,737	43,142
Incidental Catch	23	23
Research Set-Aside (RSA)	567	567
Observer Set-Aside	467	431
ACL for fishery	45,680	42,121
Limited Access ACL	43,167	39,804
LAGC Total ACL	2,512	2,317
LAGC IFQ ACL (5% of ACL)	2,284	2,106
Limited Access with LAGC IFQ ACL (0.5% of ACL)	228	211
Limited Access ACT	38,623	35,614
APL	20,516	*
Limited Access Projected Landings (94.5% of APL)	19,388	*
Total IFQ Annual Allocation (5.5% of APL)	1,129	** 846
LAGC IFQ Annual Allocation (5% of APL)	1,026	** 769
Limited Access with LAGC IFQ Annual Allocation (0.5% of APL)	103	** 77

* The catch limits for the 2018 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2018 that will be based on the 2017 annual scallop surveys.

** As a precautionary measure, the 2018 IFQ annual allocations are set at 75% of the 2017 IFQ Annual Allocations.

This action deducts 1.25 million lb (567 mt) of scallops annually for 2017 and 2018 from the ABC and sets it aside as the Scallop RSA to fund scallop research and to compensate participating vessels through the sale of scallops harvested under RSA projects. As of March 1, 2017, this set-aside has been available for harvest by RSA-funded project in the open area. Framework 28 allows RSA to be harvested from the Mid-Atlantic Access Area (MAAA), but would prevent RSA harvesting from access areas under 2018 default measures. Framework 28 also clarifies that RSA cannot be harvested from the Northern Gulf of Maine (NGOM) management area. Of this 1.25 million lb (567 mt) allocation, NMFS has already allocated 63,204 lb (28.7 mt) to previously-funded multi-year projects as part of the 2016 RSA awards process. NMFS reviewed proposals submitted for consideration of 2017 RSA awards and announced project selections on March 17, 2017. Details on the 2017 RSA awards can be found on our Web site here: *http://www.nefsc.noaa.gov/coopresearch/news/scallop-rsa-2017–18/*.

This action also sets aside 1 percent of the ABC for the industry-funded observer program to help defray the cost to scallop vessels that carry an observer. The observer set-asides for fishing years 2017 and 2018 are 467 mt and 431 mt, respectively. In fishing year 2017, the compensation rates for limited access vessels in open areas fishing under days-at-sea (DAS) is 0.12 DAS per DAS fished. For access area trips, the compensation rate is 200 lb (91 kg), in addition to the vessel's possession limit for the trip for each day or part of a day an observer is onboard. LAGC IFQ vessels may possess an additional 200 lb (91 kg) per trip in open areas when carrying an observer. NMFS may adjust the compensation rate throughout the fishing year, depending on how quickly the fleets are using the set aside. The Council may adjust the 2018 observer set-aside through its development non-default measures for 2018.

Open Area DAS Allocations

This action implements vessel-specific DAS allocations for each of the three limited access scallop DAS permit categories (*i.e.,* full-time, part-time, and occasional) for 2017 and 2018 (Table 2). Framework 28 sets 2018 DAS allocations at 75 percent of fishing year 2017 DAS allocations as a precautionary measure. This is to avoid over-allocating DAS to the fleet in the event that the 2018 specifications action, if delayed past the start of the 2018 fishing year, estimates that DAS should be less than currently projected. The allocations in Table 2 exclude any DAS deductions that are required if the limited access scallop fleet exceeded its 2016 sub-ACL. In addition, these DAS values take into account a 0.14–DAS reduction necessary to compensate for a measure implemented in Framework Adjustment 26 to the FMP (80 FR 22119; April 21, 2015) that allows vessels to transit to ports south of 39° N. lat. while not on DAS. The DAS also include a 4.7 percent increase because the 2017 fishing year will be 13 months long to account for the change in the start of the fishing year (from March 1 to April 1) implemented through Amendment 19 to the Scallop FMP (81 FR 76516; November 3, 2016).

TABLE 2—SCALLOP OPEN AREA DAS ALLOCATIONS FOR 2017 AND 2018

Permit category	2017	2018 (default)
Full-Time	30.41	21.75
Part-Time	12.16	8.69
Occasional	2.54	1.91

Limited Access Allocations and Trip Possession Limits for Scallop Access Areas

For fishing year 2017, Framework 28 keeps the MAAA open as an access area and also opens the Nantucket Lightship Access Area (NLS) and Closed Area 2 Access Area (CA2). In addition, this action opens the Elephant Trunk Closed Area and allows full-time vessels to choose to fish up to 18,000 lb (8,165 kg) in the Elephant Trunk area or they may choose to fish this allocation in the MAAA. Because of the flexible trip option for the Elephant Trunk area, this action renames the area the Elephant Trunk Flex Access Area (ETFA) for 2017. Framework 28 also implements a seasonal closure of the ETFA, from July 1 through September 30, to help reduce the discard mortality of small scallops during the warmest months of the year. For the 2018 fishing year, full-time limited access vessels will be allocated 18,000 lb (8,165 kg) in the MAAA only with a trip possession limit of 18,000 lb (8,165 kg) per trip.

Table 3 outlines the limited access full-time allocations for all of the access areas, which could be taken in as many trips as needed, so long as the vessels do not exceed the possession limit (also in Table 3) on each trip.

TABLE 3—SCALLOP ACCESS AREA FULL-TIME LIMITED ACCESS VESSEL POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2017 AND 2018

Rotational access area	Scallop trip possession limit	2017 Scallop allocation	2018 Scallop allocation (default)
Closed Area 2	18,000 lb (8,165 kg)	18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship	18,000 lb (8,165 kg)	18,000 lb (8,165 kg)	0 lb (0 kg).
Mid-Atlantic	18,000 lb (8,165 kg)	18,000 lb (8,165 kg)	18,000 lb (8,165 kg).
Elephant Trunk Flex	18,000 lb (8,165 kg)	* 18,000 lb (8,165 kg)	0 lb (0 kg).
Total		72,000 lb (32,660 kg)	18,000 lb (8,165 kg).

* ETFA allocation can be landed from either the ETFA or the MAAA.

For the 2017 fishing year only, a part-time limited access vessel is allocated a total of 28,800 lb (13,064 kg) with a trip possession limit of 14,400 lb per trip (6,532 kg per trip). Of the 28,800-lb (13,064-kg) allocation, 14,400 lb (6,532 kg) is allocated exclusively to the MAAA. The remaining 14,400 lb (6,532 kg) may be harvested and landed either from the MAAA or any one other available access area, (CA2, NLS, or ETFA). However, if a vessel chooses to harvest and land the remaining 14,400 lb (6,532 kg) from the ETFA and does not harvest up to the full allocation on a trip, it is only allowed to land the remaining pounds either from the ETFA or the MAAA. For the 2018 fishing year, part-time limited access vessels will be allocated 14,400 lb (6,532 kg) in the MAAA only with a trip possession limit of 14,400 lb per trip (6,532 kg per trip).

For the 2017 fishing year only, an occasional limited access vessel is allocated 6,000 lb (2,722 kg) with a trip possession limit of 6,000 lb per trip (2,722 kg per trip). Occasional vessels are able to harvest 6,000 lb (2,722 kg) allocation from only one available access area (CA2, NLS, MAAA, or ETFA). For the 2018 fishing year, occasional limited access vessels are allocated 6,000 lb (2,722 kg) in the MAAA only with a trip possession limit of 6,000 lb per trip (2,722 kg per trip).

Limited Access Vessels' One-for-One Area Access Allocation Exchanges

This action clarifies that the owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another access area. These exchanges may only be made for the amount of the current trip possession limit (full-time: 18,000-lb (8,165-kg) and part-time: 14,400 lb (6,532 kg)). In addition, these exchanges may be made only between vessels with the same permit category: A full-time vessel may not exchange allocations with a part-time vessel, and vice versa.

In fishing year 2017, each limited access full-time vessel will be allocated 18,000 lb (8,165 kg) that may be landed from either the ETFA or the MAAA (flex allocation). Such flex allocation may be exchanged in full only for another access area allocation, but only the flex allocation could be landed from the ETFA. For example, if a Vessel A exchanges 18,000 lb (8,165 kg) of flex allocation for 18,000 lb (8,165 kg) of MAAA allocation with Vessel B, Vessel A would no longer be allowed to land allocation from the ETFA based on its MAAA allocation, but Vessel B could land up to 36,000 lb (16,330 kg) from the ETFA and/or the MAAA, combined.

Prohibition on Possessing Greater Than 50 Bushels of Shell Stock for Limited Access Vessels Inshore of the DAS Demarcation Line North of 42° 20′ N. Lat.

This action extends the existing prohibition on possessing greater than 50-bushels of shell stock inshore of the DAS demarcation line for limited access vessels to waters north of 42° 20' N. lat. to prevent limited access vessels from shucking scallops off the DAS clock. This prohibition is now fishery-wide.

LAGC Measures

1. LAGC IFQ Fleet Allocation Based on Spatial Management. To help ensure that the allocation of potential landings between the fleets is more consistent with the concept of spatial management, this action changes the way the LAGC IFQ allocations are set from a direct percentage of the ACL to a percentage of the APL. This results in an approximate 55 percent reduction in the allocation from the current method of allocation (status quo) for 2017 (2.49 million lb (1,129 mt) based on projected catch compared to 5.5 million lb (2,512 mt) based on stock-wide ACL). This new method of allocating to the LAGC IFQ fleet reduces the risk of LAGC IFQ allocations resulting in higher realized F rates in certain areas than predicted in the model.

2. ACL and IFQ allocation for LAGC vessels with IFQ permits. For LAGC vessels with IFQ permits, this action implements a 2,284-mt ACL for 2017 and a default ACL of 2,106 mt for 2018 (see Table 1). These sub-ACLs have no associated regulatory or management requirements, but provide a ceiling on overall landings by the LAGC IFQ fleets. The annual allocations to the LAGC IFQ-only fleet for fishing years 2017 and 2018 based on APL are 1,026 mt and 769 mt, respectively (see Table 1). The 2017 allocation includes a 4.7-percent increase because the 2017 fishing year will be 13 months long to account for the change in the start of the fishing year (from March 1 to April 1) implemented through Amendment 19 to the Scallop FMP.

3. ACL and IFQ allocation for Limited Access Scallop Vessels with IFQ Permits. For limited access scallop vessels with IFQ permits, this action implements a 228-mt ACL for 2017 and a default 211-mt ACL for 2018 (see Table 1). As explained above, this action changes the way the Council and NMFS calculate IFQ allocations by applying each vessel's IFQ contribution percentage to this fleet's percentage (*i.e.,* 0.5 percent) of the projected landings. The annual allocations to limited access vessels with IFQ permits for fishing years 2017 and 2018 are 103 mt and 77 mt, respectively (see Table 1). The 2017 allocation includes a 4.7 percent increase because the 2017 fishing year will be 13 months long to account for the change in the start of the fishing year (from March 1 to April 1) implemented through Amendment 19 to the Scallop FMP.

4. LAGC IFQ Trip Allocations for Scallop Access Areas. Framework 28 allocates LAGC IFQ vessels a fleetwide number of trips in the NLS, MAAA, and ETFA for fishing year 2017 and default fishing year 2018 trips in the MAAA (see Table 4). The total number of trips for both areas combined (2,230) for fishing year 2017 is equivalent to the 5.5 percent of total catch from access areas. This action does not allocate any LAGC IFQ trips into CA2 because many of these vessels do not fish in that area due to its distance from shore. Because the IFQ vessels would not be able to access CA2, Framework 28 shifts those trips that would have been allocated to CA2 to other access areas closer to shore, so that LAGC IFQ vessels have the opportunity to utilize their access area trips. This action allocates 558 trips that would have been allocated to CA2 into NLS (280 trips), MAAA (139), and ETFA (139).

TABLE 4—LAGC IFQ TRIP ALLOCATIONS FOR SCALLOP ACCESS AREAS

Access area	2017	2018 (default)
NLS	837	
MAAA	697	558
ETFA	697	
Total	2,231	558

5. NGOM TAC. This action implements a 95,000-lb (43,091 kg) annual NGOM TAC for fishing years 2017 and 2018. During the 2016 fishing year there was a 21,629-lb (9,811-kg) overage of the NGOM TAC. This triggers a pound-for-pound deduction in 2017 to account for the overage. Therefore, the 2017 NGOM TAC is 73,371 lb (33,281 kg) to account for the overage.

6. Scallop Incidental Catch Target TAC. This action implements a 50,000-lb (22,680-kg) scallop incidental catch target TAC for fishing years 2017 and 2018 to account for mortality from this component of the fishery, and to ensure that F targets are not exceeded. The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

RSA Harvest Restrictions

This action prohibits vessels participating in RSA projects from harvesting RSA compensation from CA2, NLS, and ETFA during the 2017 fishing year to control F, reduce impacts on flatfish, and reduce impacts on high densities of scallops with growth potential. Further, this action clarifies that the harvest of RSA compensation from the NGOM is prohibited. During the 2017 fishing year, all RSA compensation fishing must take place in either the open area or the MAAA. In addition, Framework 28 prohibits the harvest of RSA from any access areas under default 2018 measures. At the start of 2018, RSA compensation may only be harvested from the open area. The Council may re-evaluate this measure in the action that would set final 2018 specifications.

Regulatory Corrections Under Regional Administrator Authority

This rule includes a revision to the regulatory text to address a typographical error in the regulations. NMFS proposes this change consistent with section 305(d) of the MSA which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the MSA. This revision corrects the error at § 648.14(i)(4)(i)(G).

Comments and Responses

We received four comments on the proposed rule during the public comment period; three in support of the action and one against specific measures. An IFQ vessel owner, Lund's Fisheries Incorporated, and the Fisheries Survival Fund (FSF) (which represents a majority of the limited access scallop fleet) wrote in support of the rule. The following summarizes the issues raised in the comments and NMFS's responses.

Comment 1: Both Lund's Fisheries Incorporated and FSF encouraged NMFS to implement Framework 28 without delay, specifically regarding the Executive Order (E.O.) titled Reducing Regulation and Controlling Regulatory Costs.

Response: To help ease the burden on the industry, NMFS intends to make Framework 28 effective upon filing for public inspection in the **Federal Register** by waiving the 30-day delay in effectiveness required under the Administrative Procedures Act (see the Classification section below in this preamble). Office of Management and Budget (OMB) guidance clarifies that E.O. 13771, titled Reducing Regulation and Controlling Regulatory Costs (January 30, 2017), only applies to significant rules pursuant to E.O. 12866. OMB has determined that this rule is not significant pursuant to E.O. 12866. Therefore, Framework 28 is not subject to the requirements of E.O. 13771.

Comment 2: One commenter, an IFQ vessel owner and operator, suggested that we should not open the access areas in April due to safety and scallop meat yield concerns.

Response: Vessel operators must decide throughout the year when it is safe to fish and when it is not. We expect IFQ access area trips to be available well into May and beyond in some areas. Therefore, we do not believe that IFQ vessels will be forced to operate in unsafe conditions. We agree that meat yields are not at their peak in April, but this is consistent with scheduled opening of the MAAA in the default measures for fishing year 2017 that was put in place for this very reason. The Council did not discuss a closure or a delayed opening for the access areas, and it would be beyond our authority to postpone opening for reasons related to yield from the scallop resource and fishing mortality.

Comment 3: The IFQ vessel owner was concerned about the reduction in IFQ allocation from last year. He fears that the smaller vessels will not be profitable with the smaller quota in 2017 and that consolidation will continue on larger boats.

Response: The proposed IFQ reduction is a result of setting the allocation based on the projected landings as opposed to the ACL. The Council preferred this method because it was more consistent with the intent of Amendment 11 to the Scallop FMP (73 FR 20089; April 14, 2008), and because there is less potential to cause harm to the scallop biomass. The ownership caps in the LAGC IFQ fleet of 5 percent per owner and 2.5 percent per vessel remain in place to prevent excessive consolidation in the fleet.

Comment 4: The IFQ vessel owner commented that the observer costs were too high for LAGC IFQ boats when trips extended beyond a single day because

LAGC IFQ boats are compensated 175 lb (79 kg) per trip as opposed to 175 lb (79 kg) per day.

Response: The Council chose to compensate the LAGC IFQ fleet for carrying observers on a per-trip basis because the majority of LAGC IFQ trips are less than one full day. In developing Framework 28, the Council's Scallop Advisory Panel did not believe that additional compensation was necessary for these trips. However, for fishing year 2017, LAGC IFQ vessels will be compensated 200 lb (91 kg) per trip to help offset the costs of observers.

Changes From Proposed Rule to Final Rule

We corrected a typographical error at § 648.60(b) to better define the Elephant Trunk Flex Scallop Rotational Area, and we included changes to the regulatory text at § 648.59(g)(2) to clarify that LAGC IFQ vessels may use trawl gear in access areas west of 72°30′ W. long.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, the ESA, and other applicable law.

OMB has determined that this rule is not significant pursuant to E.O. 12866.

This final rule does not contain policies with federalism or ''takings'' implications, as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This action does not contain any collection-of-information requirements subject the Paperwork Reduction Act (PRA).

The Assistant Administrator for Fisheries has determined that the need to implement these measures in an expedited manner, in order to help achieve conservation objectives for the scallop fishery and certain fish stocks, and to relieve other restrictions on the scallop fleet, constitutes good cause, under authority contained in 5 U.S.C. 553(d)(1) and (3), to waive the 30-day delay in effectiveness and to make Framework 28 final measures effective upon filing for public inspection in the **Federal Register**.

Framework 28 will implement slightly reduced DAS allocations to the limited access fleet and significantly reduced allocation (44 percent) to the LAGC IFQ fleet. Ultimately, the scallop industry will be subject to these lower allocations. Therefore, delaying the implementation of these measures for 30 days would be contrary to the public interest because it would cause confusion for the fishing year. In addition, these lower allocations were set to reduce F in the fishery and implementing them as soon as possible will have conservation benefits to the scallop resource.

Further, this action extends the 50-bushel possession limit of in-shell scallops for limited access vessels inshore of the DAS demarcation line north of 42°20′ N. lat., making the restriction coastwide. Under current regulations, limited access vessels are able to shuck scallops off the DAS clock inside of the demarcation line north of 42°20′ N. lat. which allows them to skirt possession and landing limits. This is an unintended consequence of a provision that is no longer relevant to the fishery. Prohibiting this behavior helps achieve conservation objectives for the scallop fishery by helping to ensure compliance with possession and landing limits.

Until Framework 28 is fully implemented, certain default measures, including access area designations and DAS, IFQ, research set-aside and observer set-aside allocations, are automatically put into place. Under default measures, each full-time vessel has one 17,000-lb (7,711-kg) access area trip in the MAAA. This action, therefore, relieves restrictions on the scallop fleet by providing full-time vessels with an additional 55,000 lb (24,948 kg) in access area allocation (72,000 lb (32,659 kg) total) into the MAAA, NLS, CA2, and ETFA, combined. Further, the LAGC IFQ fleet will receive an additional 95 trips into the MAAA (697 trips total), 697 trips into the ETFA, and 836 trips in the NLS.

Framework 28 could not have been put into place sooner to allow for a 30-day delayed effectiveness because the information and data necessary for the Council to develop the framework was not available in time. Delaying the implementation of Framework 28 for 30 days would delay positive economic benefits to the scallop fleet. Therefore, the Assistant Administrator for Fisheries has waived the 30-day delayed effectiveness requirement to 5 U.S.C. 553(d)(1) and (3).

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), has completed a final regulatory flexibility analysis (FRFA) in support of Framework 28 in this final rule. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS responses to those comments, a summary of the analyses completed in the Framework 28 EA, and this portion of the preamble. A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this action was considered, the objectives of, and the legal basis for this rule is contained in Framework 28 and in the preamble to the proposed and this final rule, and is not repeated here. All of the documents that constitute the FRFA are available from NMFS and a copy of the IRFA, the Regulatory Impact Review (RIR), and the EA are available upon request (see **ADDRESSES**).

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

There were no specific comments on the IRFA. The Comments and Responses section summarizes the comments that highlight concerns about the economic impacts and implications of impacts on small businesses (*i.e.,* comments 3 and 4).

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

The regulations affect all vessels with limited access and LAGC scallop permits. The Framework 28 EA provides extensive information on the number and size of vessels and small businesses that will be affected by the regulations, by port and state (see **ADDRESSES**). Fishing year 2015 data were used for this analysis because these data are the most recent complete data set for a fishing year. There were 313 vessels that obtained full-time limited access permits in 2015, including 250 dredge, 52 small-dredge, and 11 scallop trawl permits. In the same year, there were also 34 part-time limited access permits in the sea scallop fishery. No vessels were issued occasional scallop permits. NMFS issued 217 LAGC IFQ permits in 2015, and 119 of these vessels actively fished for scallops that year. The remaining permits likely leased out scallop IFQ allocations with their permits in Confirmation of Permit History.

The RFA defines a small business in shellfish fishery as a firm that is independently owned and operated with receipts of less than $11 million annually (see NMFS final rule revising the small business size standard for commercial fishing, 80 FR 81194, December 29, 2015). Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, even beyond those impacted by the final

rule. Furthermore, multiple permitted vessels and/or permits may be owned by entities with various personal and business affiliations. For the purposes of this analysis, ''ownership entities'' are defined as those entities with common ownership as listed on the permit application. Only permits with identical ownership are categorized as an ''ownership entity.'' For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one ''ownership entity,'' that holds those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate ''ownership entity'' for the purpose of this analysis.

On June 1 of each year, ownership entities are identified based on a list of all permits for the most recent complete calendar year. The current ownership dataset is based on the calendar year 2015 permits and contains average gross sales associated with those permits for calendar years 2013 through 2015. Matching the potentially impacted 2015 fishing year permits described above (limited access and LAGC IFQ) to calendar year 2015 ownership data results in 154 distinct ownership entities for the limited access fleet and 87 distinct ownership entities for the LAGC IFQ fleet. Of these, and based on the Small Business Administration guidelines, 141 of the limited access distinct ownership entities and 84 of the LAGC IFQ entities are categorized as small. The remaining 13 of the limited access and 3 of the LAGC IFQ entities are categorized as large entities, all of which are shellfish businesses.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

During the development of Framework 28, NMFS and the Council considered ways to reduce the regulatory burden on, and provide flexibility for, the regulated entities in this action. For instance, Framework 28 allocates LAGC IFQ access trips that would have been allocated in CA2 into NLS, ETFA, and MAAA. Because LAGC vessels are smaller in size and operate with a 600-lb (272-kg) possession limit this option will reduce fishing costs and have positive impacts on their profits. Final actions and alternatives are described in detail in Framework 28, which includes an EA, RIR, and IRFA (available at **ADDRESSES**). The measures implemented by this final rule minimize the long-term economic impacts on small entities to the extent practicable. The only alternatives for the prescribed catch limits that were analyzed were those that met the legal requirements to implement effective conservation measures. Catch limits are fundamentally a scientific calculation based on the Scallop FMP control rules and SSC approval, and therefore are legally limited to the numbers contained in this rule. Moreover, the limited number of alternatives available for this action must be evaluated in the context of an ever-changing fishery management plan that has considered numerous alternatives over the years and have provided many mitigating measures applicable every fishing year.

Overall, this rule minimizes adverse long-term impacts by ensuring that management measures and catch limits result in sustainable fishing mortality rates that promote stock rebuilding, and as a result, maximize yield. The measures implemented by this final rule also provide additional flexibility for fishing operations in the short-term. This final rule implements measures that enable small entities to offset some portion of the estimated economic impacts. For example, Framework 28 implements an alternative that allocates the largest number of access area trips to the LAGC IFQ fleet compared to other alternatives considered under the spatial management option. This alternative allows up to 53.8 percent (607 mt) of the total LAGC allocation to be harvested from access areas.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 22, 2017.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR part 648 is to be amended as follows:

PART 648—FISHERIES OF THE NORTHEAST UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.14:

■ a. Revise paragraphs (i)(1)(viii), (i)(2)(iii)(B), and (i)(2)(vi)(B);

■ b. Add paragraph (i)(2)(vi)(C); and

■ c. Revise paragraphs (i)(3)(v)(E) and (i)(4)(i)(G).

The revisions and additions read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(1) * * *

(viii) *Scallop research.* (A) Fail to comply with any of the provisions specified in § 648.56.

(B) Fish for scallops in, or possess or land scallops from, the NGOM on a scallop research set-aside compensation trip as described in § 648.56(d).

* * * * *

(2) * * *

(iii) * * *

(B) Fish for, possess, or land more than 50 bu (17.62 hL) of in-shell scallops inside the VMS Demarcation Line on or by a vessel, except as provided in the state waters exemption, as specified in § 648.54.

* * * * *

(vi) * * *

(B) Transit the Closed Area II Scallop Rotational Area or the Closed Area II Extension Scallop Rotational Area, as defined § 648.60(d) and (e), respectively, or the Elephant Trunk Flex Scallop Rotational Area, as defined in § 648.60(b), unless there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(C) Fish for, possess, or land scallops in or from the Elephant Trunk Flex Access Area in excess of the vessel's total Elephant Trunk Flex Access Area specific allocation as specified in § 648.59(b)(3)(i)(B)(*1*)(*ii*) or the amount permitted to be landed from the Elephant Trunk Flex Access Area as allowed under trip exchanges specified in § 648.59(b)(3)(ii)(A) and (B).

* * * * *

(3) * * *

(v) * * *

(E) Transit the Elephant Trunk Flex Scallop Rotational Area, Closed Area II Scallop Rotational Area, or the Closed Area II Extension Scallop Rotational Area, as defined § 648.60(b), (d), and (e), respectively, unless there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

* * * * *

(4) * * *

(i) * * *

(G) Fish for, possess, or land more than 40 lb (18.1 kg) of shucked scallops, or 5 bu (1.76 hL) of in-shell scallops shoreward of the VMS Demarcation

Line, or 10 bu (3.52 hL) of in-shell scallops seaward of the VMS Demarcation Line, when the vessel is not declared into the IFQ scallop fishery, unless the vessel is fishing in compliance with all of the requirements of the State waters exemption program, specified at § 648.54.

* * * * *

■ 3. In § 648.52, revise paragraph (e) to read as follows:

§ 648.52 Possession and landing limits.

* * * * *

(e) Owners or operators of vessels issued limited access permits are prohibited from fishing for, possessing, or landing per trip more than 50 bu (17.6 hl) of in-shell scallops shoreward of the VMS Demarcation Line, unless when fishing under the state waters exemption specified under § 648.54.

* * * * *

■ 4. In § 648.53:

■ a. Revise the section heading, paragraph (a)(3), and the heading of paragraph (a)(6);

■ b. Add paragraph (a)(6)(iii); and

■ c. Revise paragraphs (a)(8), (b)(3), the heading of paragraph (h), (h)(2) introductory text, and (h)(2)(i).

The additions and revisions read as follows:

§ 648.53 Overfishing limit (OFL), acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), annual projected landings (APL), DAS allocations, and individual fishing quotas (IFQ).

(a) * * *

(3) *Overall ABC/ACL and APL*—(i) *Overall ABC/ACL.* The overall ABC for sea scallop fishery shall be the catch level that has an associated F that has a 75-percent probability of remaining below the F associated with OFL. The overall ACL shall be equal to the ABC for the scallop fishery, minus discards (an estimate of both incidental and discard mortality). The ABC/ACL, after the discards and deductions specified in paragraph (a)(4) of this section are removed, shall be divided as sub-ACLs between limited access vessels, limited access vessels that are fishing under a LAGC permit, and LAGC vessels as defined in paragraphs (a)(5) and (6) of this section, after the deductions outlined in paragraph (a)(4) of this section.

(ii) *APL.* The APL shall be equal to the combined projected landings by the limited access and LAGC IFQ fleets in both the open area and access areas, after set-asides (RSA and observer) and incidental landings are accounted for, for a given fishing year. Projected scallop landings are calculated by estimating the landings that will come from open and access area effort combined for both limited access and LAGC IFQ fleets. These projected landings shall not exceed the overall ABC/ACL and ACT, as described in paragraph (a) of this section.

* * * * *

(6) *LAGC IFQ fleet sub-ACL, sub-ACT, and annual allocation* * * *

* * * * *

(iii) *LAGC IFQ fleet annual allocation.* The annual allocation for the LAGC IFQ fishery for vessels issued only a LAGC IFQ scallop permit shall be equal to 5 percent of the APL. The annual allocation for the LAGC IFQ fishery for vessels issued both a LAGC IFQ scallop permit and a limited access scallop permit shall be 0.5 percent of the APL.

* * * * *

(8) The following catch limits will be effective for the 2017 and 2018 fishing years:

SCALLOP FISHERY CATCH LIMITS

Catch limits	2017 (mt)	2018 (mt) [1]
Overfishing Limit	75,485	69,678
Acceptable Biological Catch/ACL (discards removed)	46,737	43,142
Incidental Catch	23	23
Research Set-Aside (RSA)	567	567
Observer Set-Aside	467	431
ACL for fishery	45,680	42,121
Limited Access ACL	43,167	39,804
LAGC Total ACL	2,512	2,317
LAGC IFQ ACL (5% of ACL)	2,284	2,106
Limited Access with LAGC IFQ ACL (0.5% of ACL)	228	211
Limited Access ACT	38,623	35,614
APL	20,516	([1])
Limited Access Projected Landings (94.5% of APL)	19,388	([1])
Total IFQ Annual Allocation (5.5% of APL)	1,129	[2] 846
LAGC IFQ Annual Allocation (5% of APL)	1,026	[2] 769
Limited Access with LAGC IFQ Annual Allocation (0.5% of APL)	103	[2] 77

[1] The catch limits for the 2018 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2018 that will be based on the 2017 annual scallop surveys. The 2018 default allocations for the limited access component are defined for DAS in paragraph (b)(3) of this section and for access areas in § 648.59(b)(3)(i)(B).

[2] As a precautionary measure, the 2018 IFQ annual allocations are set at 75% of the 2017 IFQ Annual Allocations.

(b) * * *

(3) The DAS allocations for limited access scallop vessels for fishing years 2017 and 2018 are as follows:

SCALLOP OPEN AREA DAS ALLOCATIONS

Permit category	2017	2018 [1]
Full-Time	30.41	21.75
Part-Time	12.16	8.69

SCALLOP OPEN AREA DAS ALLOCATIONS—Continued

Permit category	2017	2018 [1]
Occasional	2.54	1.91

[1] The DAS allocations for the 2018 fishing year are subject to change through a future specifications action or framework adjustment. The 2018 DAS allocations are set at 75% of the 2017 allocation as a precautionary measure.

* * * * *

(h) *Annual IFQs* * * *

* * * * *

(2) *Calculation of IFQ.* The LAGC IFQ fleet annual allocation as defined in paragraph (a)(6)(iii) of this section, shall be used to determine the IFQ of each vessel issued an IFQ scallop permit. Each fishing year, the Regional Administrator shall provide the owner of a vessel issued an IFQ scallop permit issued pursuant to § 648.4(a)(2)(ii) with the scallop IFQ for the vessel for the upcoming fishing year.

(i) *IFQ.* The IFQ for an IFQ scallop vessel shall be the vessel's contribution percentage as specified in paragraph (h)(2)(iii) of this section and determined using the steps specified in paragraph (h)(2)(ii) of this section, multiplied by the LAGC IFQ fleet annual allocation as defined in paragraph (a)(6)(iii) of this section.

* * * * *

■ 5. In § 648.59:

■ a. Revise paragraphs (a)(2) and (3), (b)(3)(i)(B), (b)(3)(ii), (e), and (g)(2);

■ b. Remove and reserve paragraph (g)(3)(iv); and

■ c. Revise paragraph (g)(3)(v).

The additions and revisions read as follows:

§ 648.59 Sea Scallop Rotational Area Management Program and Access Area Program requirements.

(a) * * *

(2) *Transiting a Closed Scallop Rotational Area.* No vessel possessing scallops may enter or be in the area(s) specified in this section when those areas are closed, as specified through the specifications or framework adjustment processes defined in § 648.55, unless the vessel is transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Elephant Trunk Flex Scallop Rotational Area, the Closed Area II Scallop Rotational Area, or the Closed Area II Extension Scallop Rotational Area, as defined § 648.60(b), (d), and (e), respectively, if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(3) *Transiting a Scallop Access Area.* Any sea scallop vessel that has not declared a trip into the Scallop Area Access Program may enter a Scallop Access Area, and possess scallops not caught in the Scallop Access Areas, for transiting purposes only, provided the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2. Any scallop vessel that has declared a trip into the Scallop Area Access Program may not enter or be in another Scallop Access Area on the same trip except such vessel may transit another Scallop Access Area provided its gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Elephant Trunk Flex Scallop Rotational Area, Closed Area II Scallop Rotational Area, or the Closed Area II Extension Scallop Rotational Area, as defined in § 648.60(b), (d), and (e), respectively, if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(b) * * *

(3) * * *

(i) * * *

(B) The following access area allocations and possession limits for limited access vessels shall be effective for the 2017 and 2018 fishing years:

(*1*) *Full-time vessels*—(*i*) For a full-time limited access vessel, the possession limit and allocations are:

Rotational access area	Scallop possession limit	2017 Scallop allocation	2018 Scallop allocation (default)
Closed Area 2	18,000 lb (8,165 kg) per trip	18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship		18,000 lb (8,165 kg)	0 lb (0 kg).
Mid-Atlantic		18,000 lb (8,165 kg)	18,000 lb (8,165 kg).
Elephant Trunk Flex		18,000 lb (8,165 kg) [1]	0 lb (0 kg).
Total		72,000 lb (32,660 kg)	18,000 lb (8,165 kg).

[1] Elephant Trunk Flex Access Area allocation can be landed from either the Elephant Trunk Flex Access Area or the Mid-Atlantic Access Area, as described in paragraph (B)(1)(ii) of this section.

(*ii*) *Elephant Trunk Flex Access Area allocations.* Subject to the seasonal restriction specified in § 648.60(b)(2), for the 2017 fishing year only, a full-time vessel may choose to land up to 18,000 lb (8,165 kg) of the Mid-Atlantic Rotational Access Area allocation from the Elephant Trunk Flex Access Area, which shall be known as an *Elephant Trunk Flex Access Area allocation.* For example, Vessel A could take a trip in to the Elephant Trunk Flex Access Area and land 18,000 lb (8,165 kg) from that area on one trip, leaving the vessel with 18,000 lb (8,165 kg) of the Mid-Atlantic Rotational Access Area allocation; or, alternatively, the vessel could take a trip in to the Elephant Trunk Flex Access Area and land 15,000 lb (6,804 kg), leaving the vessel with 21,000 lb (9,525 kg) of Mid-Atlantic Access Area allocation, and, 3,000 lb (1,361 kg) of flex allocation which could be landed from the Elephant Trunk Flex Access Area on another trip, provided the 18,000 lb possession limit is not exceeded on any one trip.

(*iii*) For the 2018 fishing year, full-time limited access vessels are allocated 18,000 lb (8,165 kg) in the Mid-Atlantic Access Area only with a trip possession limit of 18,000 lb (8,165 kg).

(*2*) *Part-time vessels.* (*i*) For the 2017 fishing year only, a part-time limited access vessel is allocated a total of 28,800 lb (13,064 kg) of scallops with a trip possession limit of 14,400 lb of scallops per trip (6,532 kg per trip). Of

the 28,800-lb (13,064-kg) allocation, 14,400 lb (6,532 kg) are allocated exclusively to the Mid-Atlantic Access Area. The remaining 14,400 lb (6,532 kg) can be landed either from the Mid-Atlantic Access Area or any one other available access area (Closed Area 2, Nantucket Lightship, or Elephant Trunk Flex Access Areas). However, if a vessel chooses to land the remaining 14,400 lb (6,532 kg) from the Elephant Trunk Flex Access Area and does not land up to the full allocation on a trip, it may only land the remaining pounds either from the Elephant Trunk Flex Access Areas or the Mid-Atlantic Access Area.

(*ii*) For the 2018 fishing year, part-time limited access vessels are allocated 14,400 lb (6,532 kg) of scallops in the Mid-Atlantic Access Area only with a trip possession limit of 14,400 lb of scallops per trip (6,532 kg per trip).

(*3*) *Occasional vessels.* (*i*) For the 2017 fishing year only, an occasional limited access vessel is allocated 6,000 lb (2,722 kg) of scallops with a trip possession limit at 6,000 lb of scallops per trip (2,722 kg per trip). Occasional vessels may harvest the 6,000 lb (2,722 kg) allocation from only one available access area (Closed Area 2, Nantucket Lightship, Mid-Atlantic, or Elephant Trunk Flex Access Areas).

(*ii*) For the 2018 fishing year, occasional limited access vessels are allocated 6,000 lb (2,722 kg) of scallops in the Mid-Atlantic Access Area only with a trip possession limit of 6,000 lb of scallops per trip (2,722 kg per trip).

(ii) *Limited access vessels' one-for-one area access allocation exchanges.* (A) The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another Scallop Access Area. These exchanges may only be made for the amount of the current trip possession limit, as specified in paragraph (b)(3)(i)(B) of this section. For example, if the access area trip possession limit for full-time vessels is 18,000 lb (8,165 kg), a full-time vessel may exchange no more or less than 18,000 lb (8,165 kg), from one access area for no more or less than 18,000 lb (8,165 kg) allocated to another vessel for another access area. In addition, these exchanges may be made only between vessels with the same permit category: A full-time vessel may not exchange allocations with a part-time vessel, and vice versa. Vessel owners must request these exchanges by submitting a completed Access Area Allocation Exchange Form at least 15 days before the date on which the applicant desires the exchange to be effective. Exchange forms are available from the Regional Administrator upon request. Each vessel owner involved in an exchange is required to submit a completed Access Area Allocation Form. The Regional Administrator shall review the records for each vessel to confirm that each vessel has enough unharvested allocation remaining in a given access area to exchange. The exchange is not effective until the vessel owner(s) receive a confirmation in writing from the Regional Administrator that the allocation exchange has been made effective. A vessel owner may exchange equal allocations up to the current possession limit between two or more vessels under his/her ownership. A vessel owner holding a Confirmation of Permit History is not eligible to exchange allocations between another vessel and the vessel for which a Confirmation of Permit History has been issued.

(B) *Flex allocation exchanges.* In fishing year 2017, each limited access full-time vessel is allocated 18,000 lb (8,165 kg) that may be landed from either the Elephant Trunk Flex Access Area or the Mid-Atlantic Access Area (flex allocation). Such flex allocation may be exchanged in full only for another access area allocation, but only the flex allocation may be landed from the Elephant Trunk Flex Access Area. For example, if a Vessel A exchanges 18,000 lb (8,165 kg) of flex allocation for 18,000 lb (8,165 kg) of Mid-Atlantic Access Area allocation with Vessel B, Vessel A would no longer be allowed to land allocation from the Elephant Trunk Flex Access Area based on its Mid-Atlantic Access Area allocation, but Vessel B could land up to 36,000 lb (16,330 kg) from the Elephant Trunk Flex Access Area and/or the Mid-Atlantic Access Area, combined.

* * * * *

(e) *Sea Scallop Research Set-Aside Harvest in Scallop Access Areas.* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a specifications action or framework adjustment and pursuant to § 648.56. The amount of scallops that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2017 and 2018 are:

(1) 2017: Mid-Atlantic Access Area.

(2) 2018: No access areas.

* * * * *

(g) * * *

(2) *Limited Access General Category Gear restrictions.* An LAGC IFQ scallop vessel authorized to fish in the Scallop Rotational Areas specified in § 648.60 that lay east of 72°30′ W. lat. must fish with dredge gear only. The combined dredge width in use by, or in possession on board of, an LAGC scallop vessel fishing in these areas may not exceed 10.5 ft (3.2 m). The combined dredge width in use by, or in possession on board of, an LAGC scallop vessel fishing in the remaining Scallop Rotational Areas defined in § 648.60 may not exceed 31 ft (9.4 m). Dredge width is measured at the widest point in the bail of the dredge.

(3) * * *

(v) The following LAGC IFQ access area allocations will be effective for the 2017 and 2018 fishing years:

Scallop access area	2017	2018 [1]
Mid-Atlantic	697	558
Elephant Trunk Flex	697	0
Nantucket Lightship	837	0

[1] The LAGC IFQ access area trip allocations for the 2018 fishing year are subject to change through a future specifications action or framework adjustment.

* * * * *

■ 6. In § 648.60, revise paragraph (b) to read as follows:

§ 648.60 Sea Scallop Rotational Areas.

* * * * *

(b) *Elephant Trunk Flex Scallop Rotational Area.* (1) The Elephant Trunk Flex Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request).

Point	Latitude	Longitude
ETFA 1	38°50′ N.	74°20′ W.
ETFA 2	38°50′ N.	73°40′ W.
ETFA 3	38°40′ N.	73°40′ W.
ETFA 4	38°40′ N.	73°50′ W.
ETFA 5	38°30′ N.	73°50′ W.
ETFA 6	38°30′ N.	74°20′ W.
ETFA 1	38°50′ N.	74°20′ W.

(2) *Season.* A vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Elephant Trunk Flex Scallop Rotational Area, defined in paragraph (b)(1) of this section, during the period of July 1 through September 30 of each year the Elephant Trunk Flex Scallop Rotational Area is open to scallop vessels, unless transiting pursuant to § 648.59(a).

* * * * *

■ 7. In § 648.62, revise paragraph (b)(1) to read as follows:

§ 648.62 Northern Gulf of Maine (NGOM) Management Program.

* * * * *

(b) * * *

(1) *NGOM annual hard TACs.* The annual hard TAC for the NGOM is 73,371 lb (33,281 kg) for the 2017 fishing year and 95,000 lb (43,091 kg) for the 2018 fishing year.

* * * * *

[FR Doc. 2017–06002 Filed 3–23–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151210999–6348–02]

RIN 0648–XF312

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; 2017 Closure of the Northern Gulf of Maine Scallop Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Northern Gulf of Maine Scallop Management Area will close for the remainder of the 2017 fishing year. No vessel issued a Federal scallop permit, with the exception of Northern Gulf of Maine permit holders also holding a Maine state scallop permit and fishing under the state waters exemption program in Maine state waters, may fish for, possess, or land scallops from the Northern Gulf of Maine Scallop Management Area. Regulations require this action once NMFS projects that 100 percent of the 2017 default total allowable catch for the Northern Gulf of Maine Scallop Management Area will be harvested.

DATES: Effective 0001 hr local time, March 23, 2017, through February 28, 2018.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, (978) 282–8456.

SUPPLEMENTARY INFORMATION: The reader can find regulations governing fishing activity in the Northern Gulf of Maine (NGOM) Scallop Management Area in 50 CFR 648.54 and § 648.62. These regulations authorize vessels issued a valid Federal scallop permit to fish in the NGOM Scallop Management Area under specific conditions, including a total allowable catch (TAC) of 70,000 lb (30.6 mt) set under Scallop Framework Adjustment 27 default measures for the start of the 2017 fishing year, and a State Waters Exemption Program for the State of Maine. Section 648.62(b)(2) requires the NGOM Scallop Management Area to be closed to federally permitted scallop vessels for the remainder of the fishing year once the NMFS Greater Atlantic Regional Administrator determines that the default TAC for fishing year 2017 is projected to be harvested. Any vessel that holds a Federal NGOM permit (category LAGC B) may continue to fish in the Maine state waters portion of the NGOM Scallop Management Area under the State Waters Exemption Program found in § 648.54 provided they have a valid Maine state scallop permit and fish in state waters only.

Based on trip declarations by federally permitted scallop vessels fishing in the NGOM Scallop Management Area, an analysis of fishing effort, and other information, we project that the 2017 default TAC will be harvested as of March 23, 2017. Therefore, in accordance with § 648.62(b)(2), the NGOM Scallop Management Area is closed to all federally permitted scallop vessels as of March 23, 2017. No vessel issued a Federal scallop permit may fish for, possess, or land scallops in or from the NGOM Scallop Management Area after 0001 local time, March 23, 2017, unless the vessel is fishing exclusively in state waters and is participating in an approved state waters exemption program as specified in § 648.54. Any federally permitted scallop vessel that has declared into the NGOM Scallop Management Area, complied with all trip notification and observer requirements, and crossed the VMS demarcation line on the way to the area before 0001, March 23, 2017, may complete its trip. All limited access scallop vessels fishing on a day-at-sea must exit the NGOM Scallop Management Area before 0001 hr local time, March 23, 2017. This closure is in effect through February 28, 2018.

Classification

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

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The NGOM Scallop Management Area opened for the 2017 fishing year on March 1, 2017, under default measures implemented under Framework 27 (May 4, 2016, 81 FR 26727). The regulations at § 648.60(b)(2) require this closure to ensure that federally permitted scallop vessels do not harvest more than the allocated TAC for the NGOM Scallop Management Area. The projections of the date on which the NGOM Scallop Management Area TAC will be harvested become apparent only as trips into the area occur on a real-time basis and as activity trends begin to appear. As a result, an accurate projection only can be made very close in time to when the TAC is harvested. In addition, proposing a closure would likely increase activity, triggering an earlier closure than predicted. To allow federally permitted scallop vessels to continue to take trips in the NGOM Scallop Management Area during the period necessary to publish and receive comments on a proposed rule would likely result in vessels over-harvesting the 2017 default TAC for the NGOM Scallop Management Area. Over-harvest from the NGOM Scallop Management Area would result in excessive fishing effort in the area, where effort controls are critical, thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures. Also, the public had prior notice and full opportunity to comment on this closure process when we put these provisions in place. NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: March 21, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–05904 Filed 3–22–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF310

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; modification of closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to fully use the B season allowance of the 2017 total allowable catch of pollock in Statistical Area 610 of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 23, 2017, through 1200 hours, A.l.t., March 27, 2017.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 6, 2017.

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

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0127,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The B season allowance of the 2017 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 2,232 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017).

NMFS closed directed fishing for pollock in Statistical Area 610 of the GOA under § 679.20(d)(1)(iii) on March 12, 2017 (82 FR 13777, March 15, 2017).

As of March 17, 2017, NMFS has determined that approximately 1,874 metric tons of pollock remain in the B season directed fishing allowance for pollock in Statistical Area 610 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the B season allowance of the 2017 TAC of pollock in Statistical Area 610 of the GOA, NMFS is terminating the previous closure and is reopening directed fishing pollock in Statistical Area 610 of the GOA, effective 1200 hours, A.l.t., March 23, 2017.

The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of pollock in Statistical Area 610 of the GOA and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2017 TAC of pollock in Statistical Area 610 of the GOA will be reached on March 27, 2017. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,132 mt and is setting aside the remaining 100 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached on March 27, 2017. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA on March 27, 2017.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of directed fishing for pollock in Statistical Area 610 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 17, 2017.

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

Without this inseason adjustment, NMFS could not allow the fishery for pollock in Statistical Area 610 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until April 6, 2017.

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

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

Dated: March 21, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–05978 Filed 3–22–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 57
Monday, March 27, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0243; Directorate Identifier 2016–NM–045–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, and –200C series airplanes. This proposed AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that was conducted by the manufacturer. We have determined that supplemental inspections are required for timely detection of fatigue cracking for certain structurally significant items (SSIs). This proposed AD would require revising the maintenance or inspection program, as applicable, to add supplemental inspections. This proposed AD would also require inspections to detect cracks in each SSI, and repair of any cracked structure. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 11, 2017.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0243; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0243; Directorate Identifier 2016–NM–045–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

This proposed AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that was conducted by the manufacturer. We have determined that supplemental inspections are required for timely detection of fatigue cracking for certain SSIs. We are proposing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–100, –200, and –200C series airplanes.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Document D6–37089, ''Supplemental Structural Inspection Document for Model 737–100/200/200C Airplanes,'' Revision F, dated November 2015. The service information identifies SSIs having fatigue crack growth characteristics warranting special attention, describes procedures for inspections to detect cracks of all structure identified as SSIs, and provides corrective actions for cracked SSI structure. 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.

Other Related Rulemaking

On December 30, 1998, we issued AD 98–11–04 R1, Amendment 39–10984 (64 FR 987, January 7, 1999) (''AD 98–11–04 R1''), for all Boeing Model 737–100 and –200 series airplanes. AD 98–11–04 R1 requires that the FAA-approved maintenance inspection program be revised to include inspections that will give no less than the required damage tolerance rating (DTR) for each structural significant item, and repair of cracked structure. We issued AD 98–11–04 R1 to ensure the continued structural integrity of the entire Boeing Model 737–100 and –200 fleet.

On April 8, 2008, we issued AD 2008–08–23, Amendment 39–15477 (73 FR 21237, April 21, 2008) (''AD 2008–08–23''), for all Boeing Model 737–200C series airplanes. AD 2008–08–23 requires revising the FAA-approved maintenance inspection program to include inspections that will give no less than the required DTR for each SSI, doing repetitive inspections to detect cracks of all SSIs, and repairing cracked structure. We issued AD 2008–08–23 to maintain the continued structural integrity of the entire fleet of Model 737–200C series airplanes.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require revising the maintenance or inspection program, as applicable, to include inspections that will give no less than the required DTR for certain SSIs, and repairing any cracked structure. This proposed AD would also require initial and repetitive inspections to detect cracks of all structure identified in Boeing Document D6–37089, ''Supplemental Structural Inspection Document for Model 737–100/200/200C Airplanes,'' Revision F, dated November 2015, and repair if necessary.

Accomplishing the actions required by paragraphs (g) and (h) of this proposed AD would terminate all requirements of AD 98–11–04 R1 and AD 2008–08–23.

Costs of Compliance

We estimate that this proposed AD affects 84 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revision of maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$7,140

We have not specified cost estimates for the inspections and repair specified in this proposed AD. Compliance with this proposed AD constitutes a method of compliance with the FAA aging airplane safety final rule (AASFR) (70 FR 5518, February 2, 2005) for certain baseline structure of Model 737–100, –200, and –200C series airplanes. The AASFR requires certain operators to incorporate damage tolerance inspections into their maintenance programs. These requirements are described in 14 CFR 121.1109(c)(1) and 14 CFR 129.109(b)(1). Accomplishment of the actions specified in this proposed AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection portion of this proposed AD were accounted for in the regulatory evaluation of the AASFR.

We estimate the following costs to do any necessary reporting that would be required based on the results of the inspections specified in the proposed revision of the maintenance or inspection program. We have no way of determining the number of aircraft that might need this action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0243; Directorate Identifier 2016–NM–045–AD.

(a) Comments Due Date

We must receive comments by May 11, 2017.

(b) Affected ADs

This AD affects AD 98–11–04 R1, Amendment 39–10984 (64 FR 987, January 7, 1999) (''AD 98–11–04 R1''); and AD 2008–08–23, Amendment 39–15477 (73 FR 21237, April 21, 2008) (''AD 2008–08–23'').

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, and –200C series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage; 54, Nacelles/Pylons; 55, Stabilizers; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that was conducted by the manufacturer that identified additional structural elements that qualify as structural significant items (SSIs). We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–100, –200, and –200C series airplanes.

(f) Compliance

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

(g) Revision of the Maintenance or Inspection Program for All Airplanes

Prior to reaching the compliance time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, as applicable: Incorporate a revision into the maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI listed in Boeing Document D6–37089, ''Supplemental Structural Inspection Document for Model 737–100/200/200C Airplanes,'' Revision F, dated November 2015 (''Document D6–37089, Revision F''). The required DTR value for each SSI is listed in Document D6–37089, Revision F. The revision to the maintenance or inspection program must include, and must be implemented in accordance with, the procedures in Section 5.0, ''Damage Tolerance Rating (DTR) System Application,'' and Section 6.0, ''SSI Discrepancy Reporting'' of Document D6–37089, Revision F. Accomplishing the revision required by this paragraph terminates the actions required by paragraphs (a) and (b) of AD 98–11–04 R1, and paragraph (g) of AD 2008–08–23.

(h) Initial and Repetitive Inspections

Perform an inspection in accordance with Document D6–37089, Revision F, to detect cracks of all structure identified in Document D6–37089, Revision F, at the time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, as applicable. Once the initial inspection has been performed, repeat the inspection thereafter at the intervals specified in Document D6–37089, Revision F. Accomplishing an initial inspection required by this paragraph terminates the corresponding inspection required by paragraph (c) of AD 98–11–04 R1 and paragraph (h) of AD 2008–08–23.

(1) For SSIs on Model 737–100 and –200 series airplanes: Before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later.

(2) For SSIs on Model 737–200C series airplanes not affected by cargo configuration: Before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later.

(3) For SSIs on Model 737–200C series airplanes affected by cargo configuration: Before the accumulation of 46,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later.

(i) Repair for Cracking Found During Accomplishment of the Actions Specified in Paragraph (h) of This AD

If any cracked SSI structure is found during any inspection required by paragraph (h) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Within 18 months after repair, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage-tolerance-based alternative inspection program for the repaired structure. Thereafter, inspect the affected structure in accordance with the alternative program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative program must be approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) Terminating Action for Other ADs

Accomplishing the revision required by paragraph (g) of this AD and all initial inspections required by paragraph (h) of this AD terminates all requirements of AD 98–11–04 R1 and AD 2008–08–23.

(k) Paperwork Reduction Act Burden Statement

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

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 98–11–04 R1 and AD 2008–08–23 are approved as AMOCs for the corresponding provisions of

paragraphs (g) and (h) of this AD for the SSIs identified in the AMOC.

(m) Related Information

(1) For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

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

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

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05769 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0244; Directorate Identifier 2016–NM–044–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–300, –400, and –500 series airplanes. This proposed AD was prompted by a determination that supplemental inspections are required for timely detection of fatigue cracking for certain structural significant item (SSIs). This proposed AD would require revising the maintenance or inspection program, as applicable, to add supplemental inspections. This proposed AD would also require inspections to detect cracks in each SSI, and repair of any cracked structure. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by May 11, 2017.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0244; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0244; Directorate Identifier 2016–NM–044–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On April 8, 2008, we issued AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008) (''AD 2008–09–13''), for all Model 737–300, –400, and –500 series airplanes. AD 2008–09–13 requires revising the FAA-approved maintenance inspection program to include inspections that will give no less than the required damage tolerance rating (DTR) for each SSI, doing repetitive inspections to detect cracks of all SSIs, and repairing cracked structure. AD 2008–09–13 resulted from a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective. We issued AD 2008–09–13 to ensure the continued structural integrity of all Model 737–300, –400, and –500 series airplanes.

Actions Since AD 2008–09–13 Was Issued

Since we issued AD 2008–09–13, a structural reevaluation was conducted by the manufacturer. As a result, we have determined that supplemental inspections are required for timely detection of fatigue cracking for certain SSIs.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. The service information identifies SSIs having fatigue crack growth characteristics warranting special attention, describes procedures for inspections to detect cracks of all structure identified as SSIs, and provides corrective actions for cracked SSI structure. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information

and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require revising the maintenance or inspection program, as applicable, to include inspections that will give no less than the required DTR for certain SSIs, and repairing any cracked structure. This proposed AD would also require initial and repetitive inspections to detect cracks of all structure identified in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015, and repair if necessary.

Accomplishing the actions required by paragraphs (g) and (h) of this proposed AD would terminate all requirements of AD 2008–09–13.

Costs of Compliance

We estimate that this proposed AD affects 500 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revision of maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$42,500

We have not specified cost estimates for the inspections and repair specified in this proposed AD. Compliance with this proposed AD constitutes a method of compliance with the FAA aging airplane safety final rule (AASFR) (70 FR 5518, February 2, 2005) for certain baseline structure of Model 737–300, –400, and –500 series airplanes. The AASFR requires certain operators to incorporate damage tolerance inspections into their maintenance programs. These requirements are described in 14 CFR 121.1109(c)(1) and 14 CFR 129.109(b)(1). Accomplishment of the actions specified in this proposed AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection portion of this proposed AD were accounted for in the regulatory evaluation of the AASFR.

We estimate the following costs to do any necessary reporting that would be required based on the results of the inspections specified in the proposed revision of the maintenance or inspection program. We have no way of determining the number of aircraft that might need this action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0244; Directorate Identifier 2016–NM–044–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by May 11, 2017.

(b) Affected ADs

This AD affects AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008) (''AD 2008–09–13'').

(c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors; 53, Fuselage; 54, Nacelles/Pylons; 55, Stabilizers; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a structural reevaluation conducted by the manufacturer. We have determined that supplemental inspections are required for timely detection of fatigue cracking for certain structural significant items (SSIs). We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–300, –400, and –500 series airplanes.

(f) Compliance

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

(g) Revision of the Maintenance or Inspection Program for All Airplanes

Before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Incorporate a revision into the maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI listed in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. The required DTR value for each SSI is listed in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. The revision to the maintenance or inspection program must include, and must be implemented in accordance with, the procedures in Section 5.0, ''Damage Tolerance Rating (DTR) System Application;'' and Section 6.0, ''SSI Discrepancy Reporting;'' of Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. Accomplishment of the revision required by this paragraph terminates the requirements of paragraph (g) of AD 2008–09–13.

(h) Initial and Repetitive Inspections

Before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Perform an inspection in accordance with Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015, to detect cracks of all structure identified in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. Once the initial inspection has been performed, repeat the inspections thereafter at the intervals specified in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. Accomplishing an initial inspection required by this paragraph terminates the corresponding inspection required by paragraph (h) of AD 2008–09–13.

(i) Repair

If any cracked SSI structure is found during any inspection required by paragraph (h) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Within 18 months after repair, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage-tolerance-based alternative inspection program for the repaired structure. Thereafter, inspect the affected structure in accordance with the alternative program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative program must be approved in accordance with the procedures specified in paragraph (l) of this AD.

(j) Terminating Action for AD 2008–09–13.

Accomplishing the revision required by paragraph (g) of this AD and all initial inspections required by paragraph (h) of this AD terminates all requirements of AD 2008–09–13.

(k) Paperwork Reduction Act Burden Statement

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

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2008–09–13 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD for the SSIs identified in the AMOC, except for AMOCs written for empennage SSIs E–19, E–21, E–29, E–30, and E–31.

(m) Related Information

(1) For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the

FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–05770 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9511; Airspace Docket No. 16–ASW–20]

Proposed Amendment of Class D Airspace; Kingsville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace extending up to 2,500 feet above the surface at Kingsville Naval Air Station (NAS), Kingsville, TX. This action is necessary due to the decommissioning of the Kingsville radio beacon (RBN), and cancellation of the RBN approach, and would enhance the safety and management of instrument flight rules (IFR) operations at the airport. This action would also update the geographic coordinates of the airport.

DATES: Comments must be received on or before May 11, 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–2016–9511; Airspace Docket No. 16–ASW–20, 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: Ron Laster, Federal Aviation Administration, Contract Support, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5879.

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 modify Class D airspace extending up to and including 2,500 feet MSL above the surface area at Kingsville NAS, Kingsville, TX, to accommodate the decommissioning of the Kingsville radio beacon (RBN) and cancellation of the RBN approach.

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–2016–9511/Airspace Docket No. 16–ASW–20.'' The postcard will be date/time stamped and returned to the commenter.

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.regulations.gov.*

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 Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.11, Airspace Designations and Reporting Points, dated August 3, 2016, and effective September 15, 2016. FAA Order 7400.11 is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11 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 modifying Class D airspace extending up to and including 2,500 feet MSL within a 4.3-mile radius of Kingsville NAS by removing the area within two miles each side of the 200 degree bearing from the Kingsville RBN extending from the 4.3-mile radius to 4.9 miles south of the airport. This action would also update the geographic coordinates of the airport to be in concert with the FAA's aeronautical database.

Airspace reconfiguration is necessary due to the decommissioning of the RBN and cancellation of the RBN approaches, and would enhance the safety and management of standard instrument approach procedures for IFR operations at the airport.

Class D airspace designations are published in paragraph 6000 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 D 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 6000 Class D Airspace Areas.

* * * * *

ASW TX D Kingsville, TX [Amended]

Kingsville Naval Air Station (NAS), TX
(Lat. 27°30′16″ N., long. 97°48′30″ W.)
Kingsville TACAN
(Lat. 27°29′57″ N., long. 97°48′20″ W.)

That airspace extends upward from the surface to and including 2,500 feet MSL within a 4.3-mile radius of Kingsville NAS, and within 1.3 miles each side of the 191° radial of the Kingsville TACAN extending from the 4.3-mile radius to 4.9 miles south of the airport.

Issued in Fort Worth, Texas, on March 13, 2017.

Walter Tweedy,

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

[FR Doc. 2017–05803 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

[Docket No. MSHA–2014–0030]

RIN 1219–AB87

Examinations of Working Places in Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; delay of effective date.

SUMMARY: On January 23, 2017, the Mine Safety and Health Administration (MSHA) published a final rule in the **Federal Register** amending the Agency's standards for the examination of working places in metal and nonmetal mines. The effective date of this final rule is May 23, 2017. MSHA is proposing to delay the effective date of the final rule on Examinations of Working Places in Metal and Nonmetal Mines to assure that mine operators and miners affected by the examinations final rule have the training and compliance assistance they need prior to the rule's effective date. This proposed rule would delay the effective date of the final rule to July 24, 2017. MSHA is soliciting comments on the limited issue of whether to extend the effective date to July 24, 2017, and whether this extension offers an appropriate length of time for MSHA to provide stakeholders training and compliance assistance.

DATES: Comment Deadline: April 26, 2017.

ADDRESSES: Submit comments, identified by RIN 1219–AB87 or Docket No. MSHA–2014–0030, by one of the following methods:

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: zzMSHA-comments@dol.gov.*
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.
- *Hand Delivery or Courier:* 201 12th Street South, Suite 4E401, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th Floor East, Suite 4E401.
- *Fax:* 202–693–9441.

Instructions: All submissions must include RIN 1219–AB87 or Docket No. MSHA–2014–0030. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change, including any personal information provided.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* or *http://www.msha.gov/currentcomments.asp.* To read background documents, go to *http://www.regulations.gov.* Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. EST Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th Floor East, Suite 4E401.

E-Mail Notification: To subscribe to receive an email notification when MSHA publishes rules in the **Federal Register**, go to *http://www.msha.gov.*

FOR FURTHER INFORMATION CONTACT: Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Delay of Effective Date

On January 23, 2017, MSHA published a Final Rule in the **Federal Register** (82 FR 7680) amending the Agency's standards for the examination of working places in metal and nonmetal mines. The final rule was scheduled to become effective on May 23, 2017. On January 20, 2017, the Chief of Staff of the White House released a memorandum titled ''Regulatory Freeze Pending Review'' to ''ensure that the President's appointees or designees have the opportunity to review any new or pending regulations . . . .'' 82 FR 8346, January 24, 2017. Among other things, the memorandum directed the heads of executive departments and agencies to consider temporarily postponing the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

In keeping with MSHA's standard implementation practices, MSHA would

develop and distribute additional compliance assistance materials to post on the Agency's Web site (*www.msha.gov*). Compliance assistance materials would include templates for workplace examinations for different mining environments that would facilitate compliance and minimize mine operator recordkeeping burden. MSHA would make these compliance assistance materials available at a number of informational stakeholder meetings at various locations around the country. MSHA also understands that mine operators may need time to adjust schedules, develop additional recordkeeping capacity, and in other ways modify the way they currently do business to comply with the rule. For these reasons, MSHA is proposing to extend the rule's effective date to July 24, 2017.

MSHA is committed to assuring that mine operators and miners affected by the examinations final rule have the training and compliance assistance they need prior to the rule's effective date. As part of the outreach and compliance assistance process, MSHA would consider issues raised by stakeholders and consider further extending the effective date in order to determine if these issues can be reasonably addressed through compliance assistance and training. MSHA also seeks comments regarding the appropriate length of the proposed extension.

Patricia W. Silvey,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2017–05979 Filed 3–24–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0010]

RIN 1625–AA08

Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is amending and updating its special local regulations relating to recurring marine parades, regattas, and other events that take place in the Coast Guard Sector Ohio Valley area of responsibility (AOR). This notice informs the public of regularly scheduled events that require additional safety measures through establishing a special local regulation. Through this notice the current list of recurring special local regulations is updated with revisions, additional events, and removal of events that no longer take place in Sector Ohio Valley's AOR. When these special local regulations are enforced, certain restrictions are placed on marine traffic in specified areas. Additionally, this one proposed rulemaking project reduces administrative costs involved in producing separate proposed rules for each individual recurring special local regulation and serves to provide notice of the known recurring special local regulations throughout the year.

DATES: Comments and related material must be received by the Coast Guard on or before April 26, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0010 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 on this proposed rule, call or email Petty Officer James Robinson, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779–5347, email *James.C.Robinson@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

II. Background, Purpose, and Legal Basis

The Captain of the Port (COTP) Ohio Valley is proposing to establish, amend, and update its current list of recurring special local regulations.

These special local regulations are proposed to be added, amended, and updated to the list of annually recurring special local regulations under 33 CFR 100.801 in Table no. 1 for annual special local regulations in the COTP Ohio Valley zone. The Coast Guard will address all comments accordingly, whether through response, additional revision to the regulation, or otherwise. Additionally, these recurring events are provided to the public through local avenues and planned by the local communities.

The current list of annual and recurring special local regulations occurring in Sector Ohio Valley's AOR is published under 33 CFR part 100.801. That most recent list was created January 25, 2016 through the rulemaking 81 FR 3976.

The Coast Guard's authority for establishing a special local regulation is contained at 33 U.S.C. 1233. The Coast Guard is amending and updating the special local regulations under 33 CFR part 100 to include the most up to date list of recurring special local regulations for events held on or around navigable waters within Sector Ohio Valley's AOR. These events include marine parades, boat races, swim events, and other marine related events. The current list under 33 CFR 100.801 requires amending to provide new information on existing special local regulations, updating to include new special local regulations expected to recur annually or biannually, and to remove special local regulations that are no longer required. Issuing individual regulations for each new special local regulation, amendment, or removal of an existing special local regulation creates unnecessary administrative costs and burdens. This single proposed rulemaking will considerably reduce administrative overhead and provides the public with notice through publication in the **Federal Register** of the upcoming recurring special local regulations.

The Coast Guard encourages the public to participate in this proposed rulemaking through the comment process so that any necessary changes can be identified and implemented in a timely and efficient manner.

III. Discussion of Proposed Rule

33 CFR part 100 contains regulations to provide effective control over regattas and marine parades conducted on U.S. navigable waters in order to ensure the safety of life in the regattas or marine parade area. Section 100.801 provides the regulations applicable to events taking place in the Eighth Coast Guard District and also provides a table listing each event and special local regulation. This section requires amendment from time to time to properly reflect the recurring special local regulations in Sector Ohio Valley's AOR. This proposed rule amends and updates Section 100.801 replacing the current Table 1 for Sector Ohio Valley.

Additionally, this proposed rule would add 12 new recurring special local regulations and removes 06 special local regulations as follows: 12 added

under the new Table 1 for Sector Ohio Valley.

Date	Event/sponsor	Ohio Valley location	Regulated area
2 days—First weekend in August	Powerboat Nationals—Ravenswood Regatta	Ravenswood, WV	Ohio River, Mile 220.5–221.5 (West Virginia).
2 days—One of the last three weekends in June.	Lawrenceburg Regatta/Whiskey City Regatta	Lawrenceburg, IN	Ohio River, Mile 492.0–496.0 (Indiana).
2 days—One of the last three weekends in September.	Madison Vintage Thunder	Madison, IN	Ohio River, Mile 557.5–558.5 (Indiana).
1 day—Fourth weekend in October	Chattajack	Chattanooga, TN	Tennessee River, Mile 463.7–464.5 (Tennessee).
1 day—Third weekend in March	Vanderbilt Invite	Nashville, TN	Cumberland River Mile 189.0–192.0 (Tennessee).
2 days—last weekend in September	Music City Head Race	Nashville, TN	Cumberland River, Mile 190.5–195.0 (Tennessee).
1 day—Last weekend in July	Music City SUP Race	Nashville, TN	Cumberland River Mile 190.0–191.5 (Tennessee).
3 days—Third weekend in June	Thunder on the Cumberland	Nashville, TN	Cumberland River, Mile 190.5–194.0 (Tennessee).
3 days—Second weekend in May	ACRA Henley	Nashville, TN	Cumberland River, Mile 189.0–193.0 (Tennessee).
2 days—Third weekend in August	Kittanning Riverbration Boat Races	Kittanning, PA	Allegheny River, Mile 44.0–45.5 (Pennsylvania).
2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Mile 598.0–603.0.
3 days—One of the first two weekends in September.	Evansville HydroFest	Evansville, IN	Ohio River, Mile 791.8.0–793.0.

This proposed rule would remove the following seven special local regulations from the existing Table 1 Part 100.801 as follows:

Date	Event/sponsor	Ohio Valley location	Regulated area
1 day—Saturday before Memorial Day weekend.	Venture Outdoors/Venture Outdoors Festival	Pittsburgh, PA	Allegheny River, Mile 0.0–0.25 Monongahela River 0.0–0.25 (Pennsylvania).
1 day—Third Saturday in July	Pittsburgh Irish Rowing Club/St. Brendan's Cup Currach Regatta.	Pittsburgh, PA	Miles 7–9, Ohio River back channel (Pennsylvania).
2 days—Last weekend in September	Fall Records Challenge Committee/Fall Records Challenge.	New Martinsville, WV.	Ohio River, Mile 128.5–129.5 (West Virginia).
1 day—One weekend, last half of September.	Harbor House of Louisville/Ken''Ducky'' Derby	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
1 day—July 4th	Wellsburg 4th of July Committee/Wellsburg 4th of July Fireworks.	Wellsburg, WV	Ohio River, Mile 73.5–74.5 (West Virginia).
1 day—One weekend, last half of September.	Harbor House of Louisville/Ken''Ducky'' Derby	Louisville, KY	Ohio River, Mile 602.0–604.0 (Kentucky).
2 days—First or second weekend in September.	State Dock/Cumberland Poker Run	Jamestown, KY	Lake Cumberland (Kentucky).

The effect of this proposed rule would be to restrict general navigation during these events. Vessels intending to transit the designated waterway through the special local regulations will only be allowed to transit the area when the COTP Ohio Valley, or designated representative, has deemed it safe to do so or at the completion of the event.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

E.O.s 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') 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 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. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has not reviewed it.

As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

The Coast Guard expects the economic impact of this proposed rule to be minimal, and therefore a full regulatory evaluation is unnecessary. This proposed rule establishes special local regulations limiting access to certain areas under 33 CFR part 100 within Sector Ohio Valley's AOR. The effect of this proposed rulemaking will not be significant because these special local regulations are limited in scope and duration. Additionally, the public is given advance notification through local forms of notice, the **Federal Register**,

and/or Notices of Enforcement and thus will be able to plan operations around the special local regulations in advance. Deviation from the special local regulations established through this proposed rulemaking may be requested from the appropriate COTP and requests will be considered on a case-by-case basis. Broadcast Notices to Mariners and Local Notices to Mariners will also inform the community of these special local regulations so that they may plan accordingly for these short restrictions on transit. Vessel traffic may request permission from the COTP Ohio Valley or a designated representative to enter the restricted area.

B. Impact on Small Entities

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

This proposed rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the special local regulation areas during periods of enforcement. The special local regulations would not have a significant economic impact on a substantial number of small entities because they are limited in scope and will be in effect for short periods of time. Before the enforcement period, the Coast Guard COTP will issue maritime advisories widely available to waterway users. Deviation from the special local regulations established through this proposed rulemaking may be requested from the appropriate COTP and requests will be considered on a case-by-case basis.

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 proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this 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 (NEPA)(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 rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(h) of the Instruction because it involves establishment of special local regulations related to marine event permits for marine parades, regattas, and other marine events. 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 100

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

For the reasons discussed in the preamble, the U.S. Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERWAYS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Amend § 100.801 to revise table 1 to read as follows:

§ 100.801 Annual Marine Events in Sector Ohio Valley's AOR.

* * * * *

Date	Event/sponsor	Ohio Valley location	Regulated area
1. The first Saturday in April	University of Charleston Rowing/West Virginia Governor's Cup Regatta.	Charleston, WV	Kanawha River, Mile 59.9–61.4 (West Virginia).
2. 1 day—During the last week of April or first week of May.	Kentucky Derby Festival/Belle of Louisville Operating Board/Great Steamboat Race.	Louisville, KY	Ohio River, Mile 596.0–604.3 (Kentucky).
3. 1 day—Third or fourth weekend in May.	REV3/REV3 Triathlon	Knoxville, TN	Tennessee River, Mile 646.0–649.0 (Tennessee).
4. 1 day—Third weekend in May	World Triathlon Corporation/IRONMAN 70.3	Chattanooga, TN	Tennessee River, Mile 463.0–466.0 (Tennessee).
5. 1 day—second weekend in June	Chattanooga Parks and Rec/Chattanooga River Rats Open Water Swim.	Chattanooga, TN	Tennessee River, Mile 464.0–469.0 (Tennessee).
6. 1 day—Third or fourth weekend in June.	Greater Morgantown Convention and Visitors Bureau/Mountaineer Triathlon.	Morgantown, WV	Monongahela River, Mile 101.0–102.0 (West Virginia).
7. 2 days—First weekend of June	Kentucky Drag Boat Association	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
8. 1 day—One of the first two weekends in August.	Green Umbrella/Ohio River Paddlefest	Cincinnati, OH	Ohio River, Mile 459.5–470.2 (Ohio and Kentucky).
9. 1 day—Fourth or fifth Sunday in September.	Green Umbrella/Great Ohio River Swim	Cincinnati, OH	Ohio River, Mile 469.8–470.2 (Ohio and Kentucky).
10. 1 day—One of the last two weekends in September.	Ohio River Open Water Swim	Prospect, KY	Ohio River, Mile 588.0–590.0 9 (Kentucky).
11. 2 days—Second or third weekend in September.	Louisville Dragon Boat Festival	Louisville, KY	Ohio River, Mile 603.0–603.5 (Kentucky).
12. 1 day—Third or fourth Sunday of July.	Tucson Racing/Cincinnati Triathlon	Cincinnati, OH	Ohio River, Mile 469.3–470.2 (Ohio).
13. 2 days—First weekend of July	Kentucky Drag Boat Association	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
14. 1 day—Second weekend in July	Bradley Dean/Renaissance Man Triathlon	Florence, AL	Tennessee River, Mile 255.0–257.0 (Alabama).
15. 3 days—One of the first two weekends in July.	Madison Regatta, Inc./Madison Regatta	Madison, IN	Ohio River, Mile 555.0–560.0 (Indiana).
16. 1 day—One of the last three weekends in June.	Louisville Race the Bridge Triathlon	Louisville, KY	Ohio River, Mile 601.5–603.0 (Kentucky).
17. 1 day—Fourth weekend in June	Team Magic/Chattanooga Waterfront Triathlon	Chattanooga, TN	Tennessee River, Mile 463.0–465.0 (Tennessee).
18. 1 day—Fourth weekend in July	Team Magic/Music City Triathlon	Nashville, TN	Cumberland River, Mile 190.0–192.0 (Tennessee).
19. 2 days—Last two weeks in July or first three weeks of August.	Friends of the Riverfront Inc./Pittsburgh Triathlon and Adventure Races.	Pittsburgh, PA	Allegheny River, Mile 0.0–1.5 (Pennsylvania).
20. 3 days—First week of August	EQT Pittsburgh Three Rivers Regatta	Pittsburgh, PA	Ohio River, Mile 0.0–0.5, Allegheny River, Mile 0.0–0.6, and Monongahela River, Mile 0.0–0.5 (Pennsylvania).
21. 2 days—First weekend of August	Kentucky Drag Boat Association	Pisgah Bay, KY	Tennessee River, Mile 30.0 (Kentucky).
22. 2 days—One of the last two weekends in September.	Captain Quarters Regatta	Louisville, KY	Ohio River, Mile 595.0–597.0 (Kentucky).
23. 2 days—Second or third weekend in October.	Norton Healthcare/Ironman Triathlon	Louisville, KY	Ohio River, Mile 601.5–604.5 (Kentucky).
24. 2 days—Third full weekend (Saturday and Sunday) in August.	Ohio County Tourism/Rising Sun Boat Races	Rising Sun, IN	Ohio River, Mile 504.0–508.0 (Indiana and Kentucky).
25. 1 day—Last weekend in August	Tennessee Clean Water Network/Downtown Dragon Boat Races.	Knoxville, TN	Tennessee River, Mile 647.0–649.0 (Tennessee).
26. 3 days—Third weekend in August	Governors' Cup/UWP–IJSBA National Championships.	Charleston, WV	Kanawha River, Mile 56.7–57.6 (West Virginia).
27. 2 days—Fourth weekend in July	Herd Racing LLC/Huntington Classic	Huntington, WV	Ohio River, Mile 307.3–309.3 (West Virginia).
28. 2 days—Labor Day weekend	Wheeling Vintage Race Boat Association Ohio/Wheeling Vintage Regatta.	Wheeling, WV	Ohio River, Mile 090.4–091.5 (West Virginia).
29. 2 days—weekend before Labor Day	SUP3Rivers The Southside Outside	Pittsburgh, PA	Monongahela River, Mile 0.0–3.09 Allegheny River Mile 0.0–0.25 (Pennsylvania).
30. 1 day—Saturday before Labor Day	Wheeling Dragon Boat Race	Wheeling, WV	Ohio River, Mile 90.4–91.5 (West Virginia).
31. 1 day—First or second weekend in September.	Cumberland River Compact/Cumberland River Dragon Boat Festival.	Nashville, TN	Cumberland River, Mile 190.0–192.0 (Tennessee).
32. 2 days—First or second weekend in September.	State Dock/Cumberland Poker Run	Jamestown, KY	Lake Cumberland (Kentucky).
33. 3 days—First or second weekend in September.	Sailing for a Cure Foundation/SFAC Fleur de Lis Regatta.	Louisville, KY	Ohio River, Mile 601.0–604.0 (Kentucky).
34. 1 day—Last weekend in September	World Triathlon Corporation/IRONMAN Chattanooga.	Chattanooga, TN	Tennessee River, Mile 463.0–467.0 (Tennessee).
35. 1 day—Second weekend in September.	City of Clarksville/Clarksville Riverfest Cardboard Boat Regatta.	Clarksville, TN	Cumberland River, Mile 125.0–126.0 (Tennessee).
36. 2 days—First weekend of October	Three Rivers Rowing Association/Head of the Ohio Regatta.	Pittsburgh, PA	Allegheny River, Mile 0.0–4.0 (Pennsylvania).

Date	Event/sponsor	Ohio Valley location	Regulated area
37. 1 day—First or second weekend in October.	Lookout Rowing Club/Chattanooga Head Race	Chattanooga, TN ..	Tennessee River, Mile 464.0–467.0 (Tennessee).
38. 1 day—Third weekend in November	TREC–RACE/Pangorge	Chattanooga, TN ..	Tennessee River, Mile 444.0–455.0 (Tennessee).
39. 3 days—First weekend in November	Atlanta Rowing Club/Head of the Hooch Rowing Regatta.	Chattanooga, TN ..	Tennessee River, Mile 464.0–467.0 (Tennessee).
40. One Saturday in June or July	Paducah Summer Festival/Cross River Swim	Paducah, KY	Ohio River, Mile 934–936 (Kentucky).
41. 1 day—During the last weekend in May.	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
42. 3 days—One of the last three weekends in June.	Hadi Shrine/Evansville Shriners Festival	Evansville, IN	Ohio River, Mile 791.0–795.0 (Indiana).
43. 1 day—Second or third Saturday in July.	Allegheny Mountain LMSC/Search for Monongy	Pittsburgh, PA	Allegheny River, Mile 0.0–0.6 (Pennsylvania).
44. 1 day—During the first week of July	Evansville Freedom Celebration/4th of July Freedom Celebration.	Evansville, IN	Ohio River, Mile 791.0–796.0 (Indiana).
45. 1 day—First weekend in September	Louisville Metro Government/Mayor's Healthy Hometown Subway Fresh Fit, Hike, Bike and Paddle.	Louisville, KY	Ohio River, Mile 602.0–603.5 (Kentucky).
46. 2 days—One of the last three weekends in July.	Dare to Care/KFC Mayor's Cup Paddle Sports Races/Voyageur Canoe World Championships.	Louisville, KY	Ohio River, Mile 601.0–604.0 (Kentucky).
47. 3 days—Fourth weekend in August	Kentucky Drag Boat Association/Thunder on the Green.	Livermore, KY	Green River, Mile 70.0–71.5 (Kentucky).
48. 1 day—Fourth weekend in August ..	Team Rocket Tri-Club/Rocketman Triathlon	Huntsville, AL	Tennessee River, Mile 333.0–334.5 (Alabama).
49. 3 days—One of the last three weekends in September or first weekend in October.	Hadi Shrine/Owensboro Air Show	Owensboro, KY	Ohio River, Mile 755.0–759.0 (Kentucky).
50. 1 day—First Sunday in August	HealthyHuntington.org/St. Marys Tri-state Triathlon.	Huntington, WV	Ohio River, Mile 307.3–308.3 (West Virginia).
51. 2 days—First Weekend in August ...	Buckeye Outboard Association/Portsmouth Challenge.	Portsmouth, OH ...	Ohio River, Mile 355.3–356.7 (Ohio).
52. 1 day—Sunday before Labor Day ...	Cincinnati Bell, WEBN, and Proctor and Gamble/Riverfest.	Cincinnati, OH	Ohio River, Mile 464.0–476.0 (Kentucky and Ohio) and Licking River Mile 0.0–3.0 (Kentucky).
53. Second Sunday in September	Ohio River Sternwheel Festival Committee Sternwheel race reenactment.	Marietta, OH	Ohio River, Mile 170.5–172.5 (Ohio).
54. Second Saturday in September	Parkersburg Paddle Fest	Parkersburg, WV ..	Ohio River, Mile 184.3–188 (West Virginia).
55. Three days during the fourth weekend in September.	New Martinsville Records and Regatta Challenge Committee.	New Martinsville, WV.	Ohio River, Mile 128–129 (West Virginia).
56. First weekend in July	Eddyville Creek Marina/Thunder Over Eddy Bay	Eddyville, KY	Cumberland River, Mile 46.0–47.0 (Kentucky).
57. First or second weekend of July	Prizer Point Marina/4th of July Celebration	Cadiz, KY	Cumberland River, Mile 54.0–55.09 (Kentucky).
58. 2 days, last weekend in May or first weekend in June.	Visit Knoxville/Racing on the Tennessee	Knoxville, TN	Tennessee River, Mile 647.0–648.0 (Tennessee).
59. 1 day—First or second weekend in August.	Riverbluff Triathlon	Ashland City, TN ..	Cumberland River, Mile 157.0–159.0 (Tennessee).
60. 2 days—First weekend in August	POWERBOAT NATIONALS—Ravenswood Regatta.	Ravenswood, WV	Ohio River, Mile 220.5–221.5 (West Virginia).
61. 3 days—One of the last three weekends in June.	Lawrenceburg Regatta/Whiskey City Regatta	Lawrenceburg, IN	Ohio River, Mile 492.0–496.0 (Indiana).
62. 2 days—One of the last three weekends in September.	Madison Vintage Thunder	Madison, IN	Ohio River, Mile 557.5–558.5 (Indiana).
63. 1 day—Fourth weekend in October	Chattajack	Chattanooga, TN ..	Tennessee River, Mile 463.7–464.5 (Tennessee).
64. 1 day—Third weekend in March	Vanderbilt Invite	Nashville, TN	Cumberland River, Mile 189.0–192.0 (Tennessee).
65. 2 days—last weekend in September	Music City Head Race	Nashville, TN	Cumberland River, Mile 190.5–195.0 (Tennessee).
66. 1 day—Last weekend in July	Music City SUP Race	Nashville, TN	Cumberland River, Mile 190.0–191.5 (Tennessee).
67. 3 days—Third weekend in June	Thunder on the Cumberland	Nashville, TN	Cumberland River, Mile 190.5–194.0 (Tennessee).
68. 3 days—Second weekend in May ...	ACRA Henley	Nashville, TN	Cumberland River, Mile 189.0–193.0 (Tennessee).
69. 2 days—Third weekend in August ...	Kittanning Riverbration Boat Races	Kittanning, PA	Allegheny River, Mile 44.0–45.5 (Pennsylvania).
70. 2 days—Third Friday and Saturday in April.	Thunder Over Louisville	Louisville, KY	Ohio River, Mile 598.0–603.0 (Kentucky).
71. 3 days—One of the first two weekends in September.	Evansville HydroFest	Evansville, IN	Ohio River, Mile 791.8.0–793.0.

* * * * *

Dated: March 21, 2017.

M.B. Zamperini,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2017–05989 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 82, No. 57
Monday, March 27, 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

Agricultural Marketing Service

[Doc. No. OA17–CP–01, AMS–FV–17–0022]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for an extension of the currently approved information collection request Web-Based Supply Chain Management Commodity Offer Form, Paperwork Collection Notice. This information collection is necessary to support the procurement of agricultural commodities for domestic nutrition assistance programs. AMS issues invitations to purchase fresh and processed commodities for domestic nutrition assistance programs on a year round basis. The extension of the information collection request is required to continue using our Web-Based Supply Chain Management (WBSCM) system, which allows respondents to submit information electronically. The information collection burden for respondents should not increase.

DATES: Comments on this notice must be received by May 26, 2017 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments should be submitted on the Internet at *http://www.regulations.gov* or to Commodity Procurement Branch, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., S–0239, Washington, DC 20250–0239. All comments received will be posed without change, including personal information provided. All comments should reference the document number, the date and the page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours or at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Chad Burke, Project Manager, Web Based Supply Chain Management System, at the above address, by telephone at (202) 720–4517, fax (202) 720–5871, or by email at *Chad.Burke@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Web-Based Supply Chain Management Offer Forms.

OMB Number: 0581–0273.

Expiration Date of Approval: Three years from approval.

Type of Request: Extension of a currently approved information collection.

Abstract: AMS purchases commodities for various domestic nutrition assistance programs, and provides support for commodity markets with surplus inventory. AMS issues invitations to purchase agricultural commodities for use in domestic nutrition assistance programs. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this information collection request is for the extension of the currently approved information collection for the WBSCM system where respondents will submit information electronically via that system. Vendor information, annual certification information, and all domestic commodity offer information will be entered and received electronically in WBSCM. Vendors will be able to access WBSCM to see the date and time the system shows for receipt of bid, bid modification, or bid cancellation information. At bid opening date and time, the bid information is evaluated through the WBSCM system. Acceptances will be sent to the successful offerors electronically. Awarded contracts will be posted on the AMS Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information per response.

Respondents: Businesses.

Estimated Number of Respondents: 330.

Estimated Total Annual Responses: 189,892.

Estimated Number of Responses per Respondent: 575.43.

Estimated Total Annual Burden on Respondents: 48,375.76 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: March 22, 2017.

Bruce Summers,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2017–05976 Filed 3–24–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the United States Department of Agriculture's Rural Utilities Service (RUS) invites comments on this

information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by May 26, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Deputy Director, Program Development and Regulatory Analysis, USDA Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492. FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

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, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Deputy Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1522, Room 5164–S, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435. Email: *Thomas.Dickson@wdc.usda.gov.*

Title: Request for Mail List Data, RUS Form 87.

OMB Control Number: 0572–0051.

Type of Request: Extension of a currently approved information collection.

Abstract: The RUS Form 87 is used for both the Rural Utilities Service Electric and Telecommunications programs to obtain the names and addresses of the borrowers' officials with whom they must communicate directly in order to administer the Agency's lending programs. Changes occurring at the borrower's annual meeting (*e.g.* the selection of board members, managers, attorneys, certified public accountants, or other officials) make necessary the collection of information.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hour per response.

Respondents: Business or other for-profit and non-profit institutions.

Estimated Number of Respondents: 980.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 245.

Copies of this information collection can be obtained from MaryPat Daskal, Program Development and Regulatory Analysis, at (202) 720–7853, FAX: (202) 720–8435. Email: *MaryPat.Daskal@wdc.usda.gov.*

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.

Dated: March 15, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–06027 Filed 3–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–838]

Seamless Refined Copper Pipe and Tube From Mexico: Rescission of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico for the period November 1, 2015, through October 31, 2016.

DATES: Effective March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or George Ayache, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–2623, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 4, 2016, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico for the period of review (POR) November 1, 2015, through October 31, 2016.[1]

On November 30, 2016, the Ad Hoc Coalition for Domestically Produced Seamless Refined Copper Pipe and Tube (the petitioner)[2] requested an administrative review of the order with respect to entries of subject merchandise during the POR.[3] On February 13, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the order on seamless refined copper pipe and tube from Mexico with respect to: (1) Nacional de Cobre, S.A. de C.V.; (2) IUSA, S.A. de C.V.; and, (3) GD Affiliates S. de R.L. de C.V.[4] On March 14, 2017, the petitioner withdrew its request for an administrative review of all three companies listed in the *Initiation Notice.*[5] No other party requested an administrative review of this order.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, the petitioner timely withdrew its request by the 90-day deadline, and no other party requested an administrative review of the antidumping duty order. Therefore, we are rescinding the administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico for the period November 1, 2015, through October 31, 2016, in its

---

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 76,920 (November 4, 2016).

[2] The individual members are Cerro Flow Products, LLC, Wieland Copper Products, LLC, Mueller Copper Tube Products, Inc., and Mueller Copper Tube Company, Inc.

[3] *See* the petitioner's submission, ''Seamless Refined Copper Pipe and Tube from Mexico: Request for Antidumping Duty Administrative Review,'' dated November 30, 2016.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017) (*Initiation Notice*).

[5] *See* the petitioner's submission, ''Seamless Refined Copper Pipe and Tube from Mexico: Withdrawal of Request for Administrative Review,'' dated March 14, 2017.

entirety, in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department intends to instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of seamless refined copper pipe and tube from Mexico during the POR at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 41 days after the publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: March 20, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–05988 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–039]

Certain Amorphous Silica Fabric From the People's Republic of China: Countervailing Duty Order

Correction

In notice document 2017–05432 appearing on pages 14316–14317 in the issue of March 17, 2017, make the following correction:

On page 14316, in the third column, in footnote 3, the formula in lines 3 and 4 should read:

((Fired Area, cm2 − Initial Area, cm2)/ Initial Area, cm2) × 100 = Areal Shrinkage, %.

[FR Doc. C1–2017–05432 Filed 3–24–17; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–801]

Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Final Results and Partial Rescission of Antidumping Duty Administrative Review; 2014–2015

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

SUMMARY: On September 19, 2016, the Department of Commerce (the Department) published the preliminary results of the 12th administrative review of the antidumping duty order on certain frozen fish fillets (fish fillets) from the Socialist Republic of Vietnam (Vietnam). We gave interested parties an opportunity to comment on the preliminary results. Based upon our analysis of the comments and information received, we made changes from the preliminary results. Specifically, we have modified the list of companies rescinded from this administrative review. The final dumping margins are listed below in the ''Final Results of the Review'' section of this notice. The period of review (POR) is August 1, 2014, through July 31, 2015.

DATES: Effective March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Kenneth Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone 202–482–6491.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* on September 19, 2016.[1] Between October 19 and February 14, 2017, interested parties submitted case and rebuttal briefs. On February 24, 2017, the Department held a public hearing limited to issues raised in the case and rebuttal briefs.

Scope of the Order

The product covered by the order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti, Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*) and *Pangasius Micronemus.* These products are classifiable under tariff article code 0304.62.0020 (Frozen Fish Fillets of the species *Pangasius,* including basa and tra), and may enter under tariff article codes 0305.59.0000, 1604.19.2100, 1604.19.3100, 1604.19.4100, 1604.19.5100, 1604.19.6100 and 1604.19.8100 of the Harmonized Tariff Schedule of the United States (HTSUS).[2] Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues which

[1] *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results and Partial Rescission of the Antidumping Duty Administrative Review; 2014–2015,* 81 FR 64131 (September 19, 2016) (*Preliminary Results*).

[2] Until June 30, 2004, these products were classifiable under HTSUS 0304.20.6030, 0304.20.6096, 0304.20.6043 and 0304.20.6057. From July 1, 2004, until December 31, 2006, these products were classifiable under HTSUS 0304.20.6033. From January 1, 2007, until December 31, 2011, these products were classifiable under HTSUS 0304.29.6033. On March 2, 2011, the Department added two HTSUS numbers at the request of U.S. Customs and Border Protection (''CBP'') that the subject merchandise may enter under: 1604.19.2000 and 1604 19.3000, which were changed to 1604.19.2100 and 1604.19.3100 on January 1, 2012. On January 1, 2012, the Department added the following HTSUS numbers at the request of CBP: 0304.62.0020, 0305.59.0000, 1604.19.4100, 1604.19.5100, 1604.19.6100 and 1604.19.8100.

[3] For a complete description of the scope of the order, *see* Memorandum to Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from James Doyle, Director, Office V, Antidumping and Countervailing Duty Operations, ''Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Issues and Decision Memorandum for the Final Results of the Twelfth Antidumping Duty Administrative Review; 2014–2015,'' at 2–3 (Issues and Decision Memorandum), dated concurrently with and hereby adopted by this notice.

parties raised is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building, as well as electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we have not changed the margins assigned in the *Preliminary Results.*

Final Determination of No Shipments

In the *Preliminary Results,* the Department preliminarily determined that Ben Tre Aquaproduct Import and Export Joint Stock Company, CADOVIMEX II Seafood Import Export and Processing Joint Stock Company, and Hoang Long Seafood Processing Company Limited (collectively, the No Shipment Companies) had no reviewable transactions during the POR. Consistent with the Department's refinement to its assessment practice in non-market economy (NME) cases, we completed the review with respect to the above-named companies.[4] Based on the certifications submitted by these companies, we continue to find that they did not have any reviewable transactions during the POR. As noted in the ''Assessment Rates'' section below, the Department intends to issue appropriate instructions to CBP for the above-named companies based on the final results of the review.

Vietnam-Wide Entity

We noted in the *Preliminary Results* that a review was requested, but not rescinded, for Golden Quality Seafood Corporation (Golden Quality), Thuan An Production and Trading and Services Co., Ltd. (Tafishco), Viet Phu Foods and Fish Co., Ltd. (Viet Phu). Additionally, consistent with the Department's practice to assign the Vietnam-wide rate to companies that do not submit separate rate certifications or applications and, thus, are not eligible for separate rate status, we are assigning the Vietnam-wide entity status to Anvifish Joint Stock Company (Anvifish) and Basa Joint Stock Company (Basaco).

Partial Rescission of Administrative Review

In accordance with 19 CFR 351.213(d)(3) and 19 CFR 351.401(f), and in accordance with our decision in Comment 4 of the Issues and Decision Memorandum, the Department is rescinding this review with respect to QVD Food Company Ltd., QVD Dong Thap Food Co., Ltd. (also known as Dong Thap), and Thuan Hung Co., Ltd. (also known as THUFICO), collectively (QVD). In accordance with Comment 5 of the Issues and Decision Memorandum, as of the *Preliminary Results,* we rescinded this review with respect to Bien Dong Seafood Co., Ltd., Hai Huong Seafood Joint Stock Company, Hung Vuong Seafood Joint Stock Company, Vinh Hoan Corporation, and Vinh Quang Fisheries Corporation.

Final Results of the Review

The weighted-average dumping margins for the final results of this administrative review are as follows:

Exporter	Weighted-average dumping margins (dollars/kilogram) [5]
Cuu Long Fish Joint Stock Company	0.69
GODACO Seafood Joint Stock Company	0.69
Green Farms Seafood Joint Stock Company	0.69
NTSF Seafoods Joint Stock Company	0.69
Vietnam-Wide Entity [6]	2.39

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this administrative review.

For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. We will continue to direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.,* per kilogram) rates by the weight in kilograms of each entry of the subject merchandise during the POR. Specifically, we calculated importer specific duty assessment rates on a per-unit rate basis by dividing the total dumping margins (calculated as the difference between normal value and export price, or constructed export price) for each importer by the total sales quantity of subject merchandise sold to that importer during the POR. If an importer (or customer)-specific assessment rate is *de minimis* (*i.e.,* less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2).

The Department determines that the No Shipment Companies did not have any reviewable transactions during the POR. As a result, any suspended entries that entered under these exporters' case numbers (*i.e.,* at each exporter's rate) will be liquidated at the Vietnam-wide rate.[7]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have separate rates, the cash deposit rate will

[4] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[5] In the third administrative review of this order, the Department determined that it would calculate per-unit assessment and cash deposit rates for all future reviews. *See Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review and Partial Rescission,* 73 FR 15479, 15481 (March 24, 2008).

[6] The Vietnam-wide entity includes mandatory respondents Anvifish, Basaco, Golden Quality, Tafishco, and Viet Phu, as well as Can Tho Import-Export Seafood Joint Stock Company (Caseamex).

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011); *see also* Preliminary Decision Memo at 4–5.

continue to be the exporter-specific rate published for the most recent period; (3) for all Vietnamese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the Vietnam-wide rate of $2.39 per kilogram; and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporters that supplied that non-Vietnamese exporter. The 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 duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these administrative reviews and notice in accordance with sections 751(a)(l) and 777(i) of the Act.

Dated: March 20, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Final Decision Memorandum

Comment 1: Assignment of Vietnam-Wide Rate to Caseamex
Comment 2: Assignment of Vietnam-Wide Rate to Mandatory Respondents
Comment 3: The Vietnam-Wide Rate Applied Need Not Be Corroborated
Comment 4: Treatment of HVG and the QVD Companies
Comment 5: Ministerial Errors

[FR Doc. 2017–05934 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–849]

Steel Wire Garment Hangers From Taiwan: Rescission of Antidumping Duty Administrative Review; 2015–2016

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

DATES: Effective March 27, 2017.

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on steel wire garment hangers from Taiwan for the period of review (POR), December 1, 2015, through November 30, 2016.

FOR FURTHER INFORMATION CONTACT: Julia Hancock, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–6491.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2016, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on steel wire garment hangers from Taiwan for the period of December 1, 2015, through November 30, 2016.[1] On December 21, 2016, in accordance with section 751(a) of the Tariff Act of 1930, as amended, (the Act), and 19 CFR 351.213(b), the Department received a timely request from Petitioners[2] to conduct an administrative review of the antidumping duty order on steel wire garment hangers from Taiwan manufactured or exported by Gee Ten Enterprise Co., Ltd. (Gee Ten Enterprise), Inmall Enterprises Co., Ltd. (Inmall Enterprises), Mindful Life and Coaching Co., Ltd. (Mindful Life), Ocean Concept Corporation (Ocean Concept), Su-Chia International Ltd. (Su-Chia International), Taiwan Hanger Manufacturing Co., Ltd. (Taiwan Hanger), and Young Max Enterprises Co. Ltd. (Young Max Enterprises).[3]

On February 13, 2017, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order for Gee Ten Enterprise, Inmall Enterprises, Mindful Life, Ocean Concept, Su-Chia International, Taiwan Hanger, and Young Max Enterprises.[4] On March 2, 2017, Petitioners timely withdrew their request for an administrative review for all companies under review.[5]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. Petitioners withdrew their request within the 90-day deadline. No other party requested an administrative review of the antidumping duty order. Therefore, in response to the timely withdrawal of the review request, the Department is rescinding in its entirety the administrative review of the antidumping duty order on steel wire garment hangers from Taiwan.

Assessment

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

Notification to Importers

This notice serves as the only reminder to importers whose entries will be liquidated as a result of this rescission, of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 86694 (December 1, 2016) (*Notice regarding Request for Review*).

[2] M&B Metal Products Company, Inc., Innovative Fabrication LLC/Indy Hanger and US Hanger Company, LLC (collectively ''Petitioners'').

[3] *See* Petitioners' letter, ''Steel Wire Garment Hangers from Taiwan: Request for Fourth Administrative Review,'' (December 21, 2016).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017) (*Initiation*).

[5] *See* Petitioners' letter, ''Withdrawal of Request for Fourth Administrative Review,'' (March 2, 2017).

regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). 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 terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(a) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: March 20, 2017.

Gary Taverman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–05987 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Prospective Grant of Exclusive Patent License

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

ACTION: Notice; prospective grant of exclusive patent license.

SUMMARY: The National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent Application No. 62/302,855, titled ''Prostate Cancer Detection Using Western Blot Analysis,'' (NIST Docket No. 16–007) to McJimpsey Biotechnologies, Inc. The grant of the license would be for prostate cancer detection.

FOR FURTHER INFORMATION CONTACT: Donald Archer, National Institute of Standards and Technology, Technology Partnerships Office, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, (301) 975–2522; *donald.archer@nist.gov.*

SUPPLEMENTARY INFORMATION: The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The Provisional Patent Application was filed on March 3, 2016 and describes systems and methods for detecting prostate cancer.

Phillip Singerman,

Associate Director for Innovations and Industry Services.

[FR Doc. 2017–06003 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Management and Oversight of the National Estuarine Research Reserve System.

OMB Control Number: 0648–0121.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 75.

Average Hours per Response: Management plan, 1800 hours; site profile, 1800 hours; award application, 8 hours; award reports, 5 hours; designations, 2000 hours; NEPA documentation, 40 hours.

Burden Hours: 8,216.

Needs and Uses: The Coastal Zone Management Act of 1972 (CZMA; 16 U.S.C. 1461 *et seq.*) provides for the designation of estuarine research reserves representative of various regions and estuarine types in the United States to provide opportunities for long-term research, education and interpretation. During the site selection and designation process, information is collected from states in order to prepare a management plan and environmental impact statement. Designated reserves apply annually for operations funds by submitting a work plan; subsequently progress reports are required every six months for the duration of the award. Each reserve compiles an ecological characterization or site profile to describe the biological and physical environment of the reserve, research to date and research gaps. Reserves revise their management plans every five years. This information is required to ensure that reserves are adhering to regulations and that the reserves are in keeping with the purpose for which they were designated.

Affected Public: Not-for-profit instituations; state, local or tribal government.

Frequency: On occasion, semi-annually and annually.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 22, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–05973 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF315

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Atlantic Surfclam and Ocean Quahog Advisory Panel (AP) will hold a public meeting.

DATES: The meeting will be held on Tuesday, April 18, 2017, from 10 a.m. to 4 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Embassy Suites by Hilton Philadelphia Airport, 9000 Bartram Avenue, Philadelphia, PA 19153; telephone: (215) 365–4500.

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

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

SUPPLEMENTARY INFORMATION: The Atlantic Surfclam and Ocean Quahog Advisory Panel (AP) will meet to create a fishery performance report that provides structured input to the Scientific and Statistical Committee (SSC) and MAFMC, for consideration at their May and June 2017 meetings, respectively.

Special Accommodations

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

Dated: March 22, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–06006 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice on Engagement With the National Climate Assessment

AGENCY: The National Oceanic and Atmospheric Administration (NOAA) on behalf of the United States Global Change Research Program (USGCRP).

ACTION: Notice regarding availability of updates and public engagement opportunities for the fourth National Climate Assessment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) are publishing this notice on behalf of the United States Global Change Research Program (USGCRP) to clarify the processes and platforms for public engagement with the development of the fourth National Climate Assessment.

DATES: Updates will be offered continuously during the development phase of the National Climate Assessment.

ADDRESSES: Updates on the status of the Assessment and engagement opportunities will be provided via *http://www.globalchange.gov/nca4.* Public notices will be posted at *http://www.globalchange.gov/notices,* and updates on Assessment milestones will be posted at *http://www.globalchange.gov/news.*

FOR FURTHER INFORMATION CONTACT: USGCRP Contact: Katie Reeves; Telephone 202–419–3486; or email: *kreeves@usgcrp.gov.* NOAA Contact: Daniel Barrie; telephone 301–734–1256; or email: *daniel.barrie@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Context: The U.S. Global Change Research Program (USGCRP) is mandated under the Global Change Research Act (GCRA) of 1990 to conduct a quadrennial National Climate Assessment (NCA). Under its current, updated decadal strategic plan (*http://go.usa.gov/x9MCQ*), USGCRP is building sustained assessment capacity. The sustained assessment supports the Nation's ability to understand, anticipate, and respond to risks and potential impacts brought about by global environmental change. Work on the fourth National Climate Assessment is currently underway.

To provide clarity on the process of developing the Assessment, and opportunities for community involvement, the USGCRP will be continually providing updates on the status of the Assessment and engagement opportunities via *http://www.globalchange.gov/nca4.* Public notices will be posted at *http://www.globalchange.gov/notices,* and updates on Assessment milestones will be posted at *http://www.globalchange.gov/news.*

Dated: March 15, 2017.

Dan Barrie,

Program Manager, Assessments Program, NOAA Climate Program Office.

Dated: March 21, 2017.

Paul Johnson,

Acting Deputy Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–06010 Filed 3–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF305

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will hold a meeting to review the methodology of the California Department of Fish and Wildlife/California Wetfish Producers Association aerial survey. The meeting is open to the public.

DATES: The meeting will be held Monday and Tuesday, April 17–18, 2017, from 8 a.m. to 5 p.m. each day, or when business for the day has been completed.

ADDRESSES: The meeting will be held in the Pacific Conference Room of the National Oceanic and Atmospheric Administration (NOAA) Southwest Fisheries Science Center, 8901 La Jolla Shores Dr., La Jolla, CA 92037–1508.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Pacific Council; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide technical and scientific review of the California Department of Fish and Wildlife/California Wetfish Producers Association aerial survey for Coastal Pelagic Species (CPS). This survey is being proposed for potential inclusion in stock assessments for CPS stocks managed by the Pacific Council. The methodology review panel will review the proposed survey, and will produce a report that will be considered by the Pacific Council at its June 2017 meeting in Spokane, WA.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam (858) 546–7170 at least 10 days prior to the meeting date.

Dated: March 22, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–06004 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

Publicly Available Biologic and Geologic Samples From the 2015 and 2016 NOAA Ship Okeanos Explorer Expeditions

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: NOAA OER announces the availability of biologic and geologic samples that were collected during NOAA Ship *Okeanos Explorer* expeditions in 2015 and 2016. Biologic specimens from all 2015 and 2016 expeditions are now available for loan through the Smithsonian Institution's National Museum of Natural History. Rock samples collected during the three legs of EX–15–05 are now available through Oregon State University's Marine Geology Repository.

Information about individual samples as well as all imagery and oceanographic data collected during these expeditions can be found in the digital record for each cruise on the OER Digital Atlas, (*http://explore.noaa.gov/digitalatlas*).

The biologic and geologic samples described in this notice are available immediately from the designated repositories.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Russell, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., Seattle, WA 98115, (206) 526–4803, *Craig.Russell@noaa.gov.*

SUPPLEMENTARY INFORMATION: The specimens listed below were collected by NOAA during seven telepresence-enabled *Okeanos Explorer* ocean exploration expeditions: EX–15–04 Legs 2, 3, and 4 of the ''2015 Hohonu Moana: Exploring Deep Waters off Hawai'i'' expedition that focused operations within the Papahanaumokuakea Marine National Monument (northwest Hawaiian Islands); EX–16–03 ''2016 Hohonu Moana: Exploring Deep Waters off Hawai'i'', which also conducted sampling operations within Papahanaumokuakea; EX–16–05 Leg 1 and Leg 3 of the ''2016 Deepwater Exploration of the Marianas'' expedition that focused operations in and around the Marianas Trench Marine National Monument, Guam, and the Commonwealth of the Northern Mariana Islands; and EX–16–06 ''Deepwater Wonders of Wake'' expedition that was focused within the Wake Atoll unit of the Pacific Remote Islands Marine National Monument. These expeditions are part of NOAA's 'Campaign to Address Pacific monument Science, Technology, and Ocean NEeds' (CAPSTONE)—a major multi-year effort focused on collecting baseline information in deepwater areas of U.S. marine protected areas in the central and western Pacific.

NOAA OER conducts collaborative and systematic global ocean exploration with NOAA Ship *Okeanos Explorer* to provide lasting benefits for the nation's environmental, economic, and societal needs. Expeditions are planned collaboratively with input from partners and stakeholders and are executed to benefit NOAA, the broader scientific community, and general public. OER ocean exploration expeditions are designed to catalyze follow-on research and to meet management needs.

These expeditions are conducted mainly in unexplored or poorly known areas where high-resolution mapping and initial sampling will result in initial site descriptions. The rationale that guides sampling during *Okeanos Explorer* expeditions is to enable a general characterization of physical, chemical, and biological environments in the area of interest.

Once the expeditions are complete, samples are cataloged and prepared for archival. Biologic samples are sent for primary archival to the Smithsonian Institution's National Museum of Natural History Research and Collections to provide access to as many researchers as possible. There the samples are taxonomically identified, curated and made accessible through the Invertebrate Zoology Collection. Metadata about the samples and information on how to request samples is available through the museum's online portal (*http://invertebrates.si.edu/collections.htm*).

During at-sea sample processing, prior to additional preservation techniques such as ethanol or formalin, small tissue samples are preserved onboard for later genomic DNA and RNA extraction at the Ocean Genome Legacy Center (OGL) at Northeastern University. Available materials can be searched, browsed, and requested through the online catalog on the OGL Web site (*http://www.northeastern.edu/ogl/*).

Additionally, selected coral and sponge specimens will be subsampled and made accessible through the Bernice Pauahi Bishop Museum's marine invertebrate collection. Descriptions of holdings, a searchable database, loan request forms, and Frequently Asked Questions for specimens are available on the museum's Invertebrate Zoology collection Web site (*http://www.bishopmuseum.org/collections-3/invertebrate-zoology/*).

Rock samples collected during the three legs of EX–15–04 are archived at Oregon State University's Marine Geology Repository where they have been entered into the Repository's sample library. The Repository provides online metadata about the samples, images of thin sections, and how to request specimens (*http://osu-mgr.org/noaa-ex/*).

Digital records of all *Okeanos Explorer* sampling operations can be accessed through the OER Digital Atlas (*http://explore.noaa.gov/digitalatlas*). Through the Digital Atlas, users can find the ''Collected Specimens'' from the Data Access tab of cruises for which samples were collected. Additional information about the sampling operations and access to select images of each specimen can be found in OER's *Okeanos Explorer* Atlas (*http://explore.noaa.gov/okeanosatlas*), a GIS application which can be used to access a point layer of sampling locations. In-situ, close-up, and laboratory images of each specimen are also available through this Atlas.

All other associated video, oceanographic, and bathymetric data from these expeditions that provide context for collected samples are also available through the OER Digital Atlas.

Dated: March 22, 2017.

Paul Johnson,

Acting Deputy Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–06012 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant Advisory Board (NSGAB)

AGENCY: National Sea Grant Advisory Board (NSGAB), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation for nominations for the National Sea Grant Advisory Board.

SUMMARY: This notice responds the Sea Grant Program Improvement Act of 1976, which requires the Secretary of Commerce to solicit nominations at least once a year for membership on the National Sea Grant Advisory Board (Board), a Federal Advisory Committee that provides advice on the implementation of the National Sea Grant College Program. The NOAA intends to fill two expected vacancies on the Board in 2017 and another two in 2018 to apply for membership to the Board, applicants should submit a current resume, via the methodology discussed in the Contact Information Section of this notice. A cover letter highlighting specific areas of expertise relevant to the purpose of the Board is helpful, but not required. NOAA is an equal opportunity employer.

DATES: Applications, there is no due date for applications. However, the program intends to begin reviewing applications to fulfill existing vacancies by April 28th 2017. Applications will be kept on file for consideration of any Board vacancy for a period of three years from October 1st 2017 in order to fill any future or unexpected vacancies.

FOR FURTHER INFORMATION CONTACT: Nominations will be accepted by email or mail. They should be sent to the attention of Ms. Mary Anne Garlic, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC 3, Room 11717, Silver Spring, Maryland 20910. If you need additional assistance, please email *maryann.garlic@noaa.gov* or call 301–734–1088.

SUPPLEMENTARY INFORMATION: Established by Section 209 of the Act and as amended the National Sea Grant College Program Amendments Act of 2008 (Pub. L. 110–394), the duties of the Board are as follows:

(1) In general, the Board shall advise the Secretary and the Director concerning:

(A) Strategies for utilizing the Sea Grant College Program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

(B) The designation of Sea Grant Colleges and Sea Grant Institutes; and

(C) Such other matters as the Secretary refer to the Board for review and advice.

(2) Biennial Report. The Board shall report to the Congress every two years on the state of the National Sea Grant College Program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel and administrative services and assistance as it may reasonably require to carry out its duties under this title.

The Board shall consist of 15 voting members who shall be appointed by the Secretary for a 4-year term, renewable for a 2nd 4-year term at the discretion of the Secretary. The Director and a director of a Sea Grant program who is elected by the various directors of Sea Grant programs shall serve as nonvoting members of the Board. Not less than 8 of the voting members of the Board shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, coastal management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, management, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the Board if the individual is (A) the director of a Sea Grant College or Sea Grant Institute; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205 [33 USCS § 1124]; or (C) a full-time officer or employee of the United States.

Individuals Selected for Federal Advisory Committee Membership: Upon selection and agreement to serve on the National Sea Grant Advisory Board, you become a Special Government Employee (SGE) of the United States Government. According to 18 U.S.C. 202(a), an SGE is an officer or employee of an agency who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, either on a fulltime or intermittent basis. Please be aware that after the selection process is complete, applicants selected to serve on the Board must complete the following actions before they can be appointed as a Board member:

(a) Security Clearance (on-line Background Security Check process and fingerprinting), and other applicable forms, both conducted through NOAA Workforce Management; and

(b) Confidential Financial Disclosure Report as an SGE, you are required to file a Confidential Financial Disclosure Report annually to avoid involvement in a real or apparent conflict of interest. You may find the Confidential Financial Disclosure Report at the following Web site. *http://www.oge.gov/Forms-Library/OGE-Form-450-Confidential-Financial-Disclosure-Report/*.

Dated: March 21, 2017.

Paul Johnson,

Acting Deputy Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–06011 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF309

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold its 159th meeting.

DATES: The meeting will be held on April 18–19, 2017. The Council will convene on Tuesday, April 18, 2017, from 9 a.m. to 5:30 p.m., and will reconvene on Wednesday, April 19, 2017, from 9 a.m. to 5 p.m.

ADDRESSES: Renaissance St. Croix Carambola Beach Resort & Spa, Estate Davis Bay, St. Croix, USVI 00850.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 159th regular Council Meeting to discuss the items contained in the following agenda:

April 18, 2017, 9 a.m.–5:30 p.m.

- Call to Order
- Adoption of Agenda
- Consideration of 158th Council Meeting Verbatim Transcriptions
- Executive Director's Report

- Scientific and Statistical Committee Report
  —February 6–10, 2017 Meeting
  —April 3–7, 2017 Meeting
- District Advisory Panel Report from March 7–8, 2017 Meeting
- Island-based Fishery Management Plans
  —Review and Comment on Final Draft of Goals and Objectives for each Island Group
  —Review of Proposed Actions and Alternatives
  —Action 1: Species to Manage (Final Draft Alternatives Complete)
  —Action 2: Species Groupings (Review Final Draft Alternatives)
  —Action 3: Reference Points (Review Final Draft Alternatives)
  —Action 4: Essential Fish Habitat
  —5-year Review Status and Timeline
  —Action 5: Framework Measures
  —Status and Suggested Additions
  —Select Preliminary Preferred Alternative(s) for each Action
  —Schedule Public Hearings
  —Next Steps/Roadmap
- Regulatory Amendment 6 to the Reef Fish Fishery Management Plan: Triggering Accountability Measures in the Puerto Rico Exclusive Economic Zone
  —Review Proposed Action and Alternatives
  —Select Preferred Alternative
- Review of Annual Catch Limit overages and resultant 2017 Accountability Measure-based Closures
- Other Business

Public Comment Period (5-minutes presentations)

April 18, 2017, 5:30 p.m.–6:30 p.m.

- Administrative Matters
  —CY 2017
  —Closed Session

April 18, 2017, 7 p.m.–8 p.m.

- Public Hearings on Regulatory Amendment 6 to the Reef Fish Fishery Management Plan: Triggering Accountability Measures in the Puerto Rico Exclusive Economic Zone

April 19, 2017, 9 a.m.–5 p.m.

- St. Thomas/St. John's Fishery Management Update and Concerns—Julian Magras
- Spiny Lobster Fisheries Workshop Report—Tony Iarocci
- Electronic Reporting System Update—Ricardo López
- Regulatory Amendment 6 to the Reef Fish Fishery Management Plan: Triggering Accountability Measures in the Puerto Rico Exclusive Economic Zone
  —Results from Public Hearings
  —Next Step: Consider taking final action/Review codified text
- Fishery Ecosystem Plan Status Report
- Outreach and Education Report
- Enforcement Issues:
  —Puerto Rico-DNER
  —U.S. Virgin Islands-DPNR
  —U.S. Coast Guard
  —1991 DNER/NMFS Memorandum of Understanding
  —NMFS/NOAA
- Meetings Attended by Council Members and Staff

Public Comment Period (5-minute presentations)

- Other Business
- Next Meeting(s)

The established times for addressing items on the agenda may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. To further accommodate discussion and completion of all items on the agenda, the meeting may be extended from, or completed prior to the date established in this notice.

The meeting is open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be subjects for formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice, and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918, telephone (787) 766–5926, at least five days prior to the meeting date.

Dated: March 22, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–06005 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA Space-Data Collection System (DCS) Agreements.

OMB Control Number: 0648–0157.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 225.

Average Hours per Response: 30 minutes.

Burden Hours: 113.

Needs and Uses: This request is for extension of an existing information collection.

The National Oceanic and Atmospheric Administration (NOAA) operates two space-based data collection systems (DCS), the Geostationary Operational Environmental Satellite (GOES) DCS and the Polar-Orbiting Operational Environmental Satellite (POES) DCS, also known as the Argos system. NOAA allows users access to the DCS if they meet certain criteria. The applicants must submit information to ensure that they meet these criteria. NOAA does not approve agreements where there is a commercial service available to fulfill the user's requirements.

Affected Public: Federal government; state, local or tribal government; business or other for-profit organizations; not-for-profit institutions; individuals or households.

Frequency: Annually, every three years or every five years.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: March 22, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–05974 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF316

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Friday, April 14, 2017, at 9 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Logan Airport, 100 Boardman Street, Boston, MA 02128; phone: (617) 567–6789.

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

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

SUPPLEMENTARY INFORMATION:

Agenda

The Habitat Committee will review the outcomes of March 13 and 15 deep-sea coral stakeholder workshops. They will also review impacts analysis and recommend preferred alternatives for the Deep-Sea Coral Amendment. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

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

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

Dated: March 22, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–06007 Filed 3–24–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0044; OMB Control Number 0704–0231]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 26, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 237, Service Contracting, associated DFARS Clauses at DFARS 252.237, and DD Form 2063, Record of Preparation and Disposition of Remains (Within CONUS); OMB Control Number 0704–0231.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 2,637.

Responses per Respondent: 1.3, approximately.

Annual Responses: 3,519.

Average Burden per Response: 1.6, approximately.

Annual Burden Hours: 5,801.

Needs and Uses: This information collection is used for the following purposes—

DFARS 237.270 prescribes the use of the provision at DFARS 252.237–7000, Notice of Special Standards, in solicitations for the acquisition of audit services. The provision, at paragraph (c), requires the apparently successful offeror to submit evidence that it is properly licensed in the state or political jurisdiction it operates its professional practice.

DFARS 237.7003 prescribes the use of the clause 252.237–7011, Preparation History, and DD Form 2063, Record of Preparation and Disposition of Remains (Within CONUS). The clause and the DD Form 2063 are used to verify that the deceased's remains have been properly cared by the mortuary contractor.

DFARS 237.7603(b) prescribes the use of the provision at 252.237–7024, Notice of Continuation of Essential Contractor Services, in solicitations that require the acquisition of services to support a mission essential function. The provision requires the offeror to submit a written plan demonstrating its capability to continue to provide the contractually required services to support a DoD component's mission essential functions in an emergency. The written plan, submitted concurrently with the proposal or offer, allows the contracting officer to assess the offeror's capability to continue providing contractually required services to support the DoD component's mission essential functions in an emergency.

DFARS 237.7603(a) prescribes the use of the clause at DFARS 252.237–7023, Continuation of Essential Contractor Services, in solicitations and contracts for services in support of mission essential functions. The clause requires the contractor to maintain and update its written plan as necessary to ensure that it can continue to provide services to support the DoD component's mission essential functions in an emergency. The contracting officer provides approval of the updates to the contractor's plan, to ensure that the contractor can continue to provide services in support of the DoD component's required mission essential functions in an emergency.

Affected Public: Businesses and other for-profit and not-for profit institutions.

Reporting Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05996 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0039; OMB Control Number 0704–0229]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 26, 2017.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement Part 225, Foreign Acquisition, and Related Clauses at 252.225; DD Form 2139; OMB Control Number 0704–0229.

Number of Respondents: 26,669.

Responses per Respondent: 10 (approximately).

Annual Responses: 263,863.

Average Burden per Response: .29 hours.

Annual Burden Hours: 77,209 (76,944 reporting hours and 265 recordkeeping hours).

Reporting Frequency: On occasion.

Needs and Uses: This information collection includes requirements related to foreign acquisition in DFARS Part 225, Foreign Acquisition, and the related clause at DFARS 252.225.

DFARS 252.225–7000, Buy American Act—Balance of Payments Program Certificate, as prescribed in 225.1101(1), requires an offeror to identify, in its proposal, supplies that are not domestic end products, separately listing qualifying country and other foreign end products.

DFARS 252.225–7003, Report of Intended Performance Outside the United States and Canada—Submission with Offer, and 252.225–7004, Report of Intended Performance Outside the United States and Canada—Submission after Award, as prescribed in 225.7204(a) and (b) respectively, require offerors and contractors to submit a Report of Contract Performance Outside the United States for subcontracts to be performed outside the United States. The reporting threshold is $700,000 for contracts that exceed $13.5 million. The contractor may submit the report on DD Form 2139, Report of Contract Performance Outside the United States, or a computer-generated report that contains all information required by DD Form 2139.

DFARS 252.225–7005, Identification of Expenditures in the United States, as prescribed in 225.1103(1), requires contractors incorporated or located in the United States to identify, on each request for payment under contracts for supplies to be used, or for construction or services to be performed, outside the United States, that part of the requested payment representing estimated expenditures in the United States.

DFARS 252.225–7010, Commercial Derivative Military Article—Specialty Metals Compliance Certificate, as prescribed at 225.7003–5(b), requires the offeror to certify that it will take certain actions with regard to specialty metals if the offeror chooses to use the alternative compliance approach when providing commercial derivative military articles to the Government.

DFARS 252.225–7013, Duty-Free Entry, as prescribed in 225.1101(4), requires the contractor to provide information on shipping documents and customs forms regarding products that are eligible for duty-free entry.

DFARS 252.225–7018, Photovoltaic Devices—Certificate, as prescribed at 225.7017–4(b), requires offerors to certify that no photovoltaic devices with an estimated value exceeding $3,000 will be utilized in performance of the contract or to specify the country of origin.

DFARS 252.225–7020, Trade Agreements Certificate, as prescribed in 225.1101(5), requires an offeror to list the item number and country of origin of any nondesignated country end product that it intends to furnish under the contract. Either 252.225–7020 or 252.225–7022 is used in any solicitation for products subject to the World Trade Organization Government Procurement Agreement.

DFARS 252.225–7021, Alternate II, Trade Agreements, as prescribed in 225.1101(6)(ii), in order to comply with a condition of the waiver authority provided by the United States Trade Representative to the Secretary of Defense, requires contractors from a south Caucasus/central or south Asian state to inform the government of its participation in the acquisition and also advise their governments that they generally will not have such opportunities in the future unless their governments provide reciprocal procurement opportunities to U.S. products and services and suppliers of such products and services.

DFARS 252.225–7023, Preference for Products or Services from Afghanistan, as prescribed in 225.7703–5(a), requires an offeror to identify, in its proposal, products or services that are not products or services from Iraq or Afghanistan.

DFARS 252.225–7025, Restriction on Acquisition of Forgings, as prescribed in 225.7102–4, requires the contractor to retain records showing compliance with the requirement that end items and their components delivered under the contract contain forging items that are of domestic manufacture only. The contractor must retain the records for 3 years after final payment and must make the records available upon request of the contracting officer. The contractor may request a waiver of this requirement in accordance with DFARS 225.7102–3.

DFARS 252.225–7032, Waiver of United Kingdom Levies—Evaluation of Offers, and 252.225–7033, Waiver of United Kingdom Levies, as prescribed in 225.1101(7) and (8), require an offeror to provide information to the contracting officer regarding any United Kingdom levies included in the offered price, and require the contractor to provide information to the contracting officer regarding any United Kingdom levies to be included in a subcontract that exceeds $1 million, before award of the subcontract.

DFARS 252.225–7035, Buy American Act—North American Free Trade Agreement Implementation Act—

Balance of Payments Program Certificate, as prescribed in 225.1101(9), requires an offeror to list any qualifying country, NAFTA country, or other foreign end product that it intends to furnish under the contract. The Buy American Act no longer applies to acquisitions of commercial information technology.

DFARS 252.225–7046, Exports of Approved Community Members in Response to the Solicitation, requires a representation whether exports or transfers of qualifying defense articles were made in preparing the response to the solicitation. If yes, the offeror represents that such exports or transfers complied with the requirements of the provision.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05995 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0042; OMB Control Number 0704–0286]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 26, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Part 205, Publicizing Contract Actions, and DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders; OMB Control Number 0704–0286.

Type of Request: Revision of a previously approved collection.

Number of Respondents: 6,272.

Responses per Respondent: 1.

Annual Responses: 6,272.

Average Burden per Response: 1.1 hours (approximately).

Annual Burden Hours: 6,899.

Needs and Uses: DFARS 205.470 prescribes the use of the clause at DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders, in solicitations and contracts, including solicitations and contracts using Federal Acquisition Regulation (FAR) part 12 procedures for the acquisition of commercial items, which are expected to exceed $1,000,000. This clause implements 10 U.S.C. 2416. The clause requires contractors to provide cooperative agreement holders, upon request, with a list of the contractor's employees or offices responsible for entering into subcontracts under DoD contracts. The list must include the business address, telephone number, and area of responsibility of each employee or office.

The Contractor need not provide the listing to a particular cooperative agreement holder more frequently than once a year. Upon receipt of a contractor's list, the cooperative agreement holder utilizes the information to help businesses identify and pursue contracting opportunities with DoD and expand the number of businesses capable of participating in Government contracts.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05984 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0043; OMB Control Number 0704–0398]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 26, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: DFARS Defense Acquisition Regulation Supplement (DFARS) Part 211, Describing Agency Needs, and related clauses at DFARS 252.211; OMB Control Number 0704–0398.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 641.

Responses per Respondent: 102 (approximately).

Annual Responses: 65,573.

Average Burden per Response: 0.27 hours (approximately).

Annual Burden Hours: 17,836.

Needs and Uses:

(a) DFARS provision 252.211–7004, Alternate Preservation, Packaging, and Packing, allows potential offerors to propose alternatives to military preservation, packaging, or packing specifications. Specifically, the offeror may include in its offer two unit prices in the format specified in the clause: one price based on use of the military specifications, and another price based on commercial or industry preservation, packaging, or packing of equal or better protection that the military. DoD uses the information to evaluate and award contracts using commercial or industrial preservation, packaging, or packing if the offeror chooses to propose such alternates.

(b) DFARS provision 252.211–7005, Substitutions for Military or Federal Specifications and Standards, permits offerors to propose Single Process Initiative (SPI) processes as alternatives to military or Federal specifications and standards cited in DoD solicitations for previously developed items. DoD uses the information to verify Government acceptance of an SPI process as a valid replacement for a military or Federal specification or standard.

(c) DFARS clause 252.211–7007, Reporting of Government-Furnished Property, requires contractors to report to the DoD Item Unique Identification (IUID) Registry all serially-managed Government-furnished property (GFP), as well as contractor receipt of non-serially managed items. The clause provides a list of specific reportable data elements and procedures for updating the IUID registry. DFARS 252.211–7007 strengthens the accountability and end-to-end traceability of GFP within DoD. Through electronic notification of physical receipt, the contracting officer is made aware that GFP has arrived at the contractor's repair facility. The DoD logistics community uses the information as a data source of available DoD equipment. In addition, the DoD organization responsible for contract administration uses the data to test the adequacy of the contractor's property management system.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05985 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2016–0045; OMB Control Number 0704–0253]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 26, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Subcontracting Policies and Procedures—DFARS Part 244; OMB Control Number 0704–0253.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 36.

Responses per Respondent: 2.

Annual Responses: 72.

Average Burden per Response: 8 hours.

Annual Burden Hours: 576.

Needs and Uses: Contracting officers use the information provided in contractor responses to initial and final business system determinations as a basis for either approving or disapproving the contractor's purchasing system. DFARS 244.305–71, Contractor Purchasing System, prescribes the use of the following clause and its alternate:

a. DFARS clause 252.244–7001, Contractor Purchasing System Administration—Basic, which is prescribed for use in solicitations and contracts containing the clause at FAR 52.244–2, Subcontracts.

b. DFARS clause 252.244–7001, Contractor Purchasing System Administration—Alternate I, which is prescribed for use in solicitations and contracts that contain DFARS clause 252.246–7007, Contractor Counterfeit Electronic Part Detection and Avoidance System, but do not contain FAR 52.244–2, Subcontracts.

The basic clause and its alternate provide the criteria necessary for

contractors to establish an acceptable purchasing system. Paragraph (d)(2) of the clause requires the contractor to respond within 30 days to the contracting officer's written initial determination that significant deficiencies exist in the contractor's purchasing system. If the contractor disagrees with the initial determination, the contractor responds, providing rationale for disagreeing. Paragraph (e) of both the clause and its Alternate requires the contractor to respond within 45 days to the contracting officer's final determination that significant deficiencies exist, and to either correct the significant deficiencies or submit an acceptable corrective action plan showing milestones and actions.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05994 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2016–0040; OMB Control Number 0704–0232]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 26, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulations Supplement (DFARS) Subpart 215.4, Contract Pricing, and Related Clauses at DFARS 252.215; OMB Control Number 0704–0232.

Type of Request: Revision of currently approved collection.

Number of Respondents: 302.

Responses per Respondent: 1.4 (approximately).

Annual Responses: 427.

Average Burden per Response: 40.7 hours (approximately).

Annual Burden Hours: 17,400.

Needs and Uses: DFARS clause 252.215–7002, Cost Estimating Systems Requirements, includes the following information collection requirements, which are necessary to evaluate and monitor contractor cost estimating systems; however, the need for information collection decreases as contractor estimating systems improve and gain contracting officer approval:

(a) Paragraph (d)(1) requires the contractor to establish an adequate estimating system, disclose such estimating systems to the ACO, in writing;

(b) Paragraph (d)(3)(ii) requires the contractor to disclose significant changes to the cost estimating system to the ACO on a timely basis;

(c) Paragraph (e)(2) requires the contractor to respond within 30 days to the contracting officer's written initial determination that identifies significant deficiencies in the contractor's estimating system; and

(d) Paragraph (f) requires the contractor to respond within 45 days to the contracting officer's final determination of significant deficiencies, and either correct the significant deficiencies or submit an acceptable corrective action plan showing milestones and actions to eliminate the deficiencies.

DoD contracting officers use this information to determine if the contractor has an adequate system for generating cost estimates, which forecasts costs based on appropriate source information available at the time, and has the ability to monitor the correction of significant deficiencies.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower,

Suite 03F09 Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–05986 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2016–0046; OMB Control Number 0704–0359]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 26, 2017.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: DFARS Part 232, Contract Financing, and Related Clauses at DFARS 252.232; OMB Control Number 0704–0359.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 1,800.

Responses per Respondent: 1.

Annual Responses: 1,800.

Average Burden per Response: 1 hour.

Annual Burden Hours: 1,800.

Needs and Uses: This requirement provides for the collection of information related to contract financing under DoD contracts.

a. DFARS 252.232–7007, Limitation of Government's Obligation. The Government will use this information to decide whether to allot additional funds for continued performance under the contract or to terminate the contract for convenience. If after such notification additional funds are not allotted by the date identified in the contractor's notification, or by an agreed substitute date, the contracting officer will terminate any items for which additional funds have not been allotted, pursuant to the clause of this contract entitled ''Termination for Convenience of the Government.''

b. DFARS subpart 232.10, Performance-Based Payments. If a contractor desires to structure contract financing using performance-based payments, the contractor shall submit a proposed performance-based payments schedule which includes all performance-based payments events, completion criteria and event values along with the expected expenditure profile. The contracting officer will use this information to populate the Performance Based Payments analysis tool and negotiate the performance-based payment event schedule. This analysis tool is a cash-flow model used for evaluating alternative financing arrangements and to calculate improved financing opportunities that will provide benefit to both industry (prime and subcontractor level) and the taxpayer.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

Instructions: All submissions received must include the agency name, docket number, and title for the **Federal Register** document. The general policy for comments and other public submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: Information Collections Program, WHS/ESD Office of Information Management, 4800 Mark Center Drive, 3rd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2017–06000 Filed 3–24–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of the Revised Draft Environmental Impact Statement for the Lower Bois d'Arc Creek Reservoir Project, Fannin County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE) Tulsa District has prepared a Revised Draft Environmental Impact Statement (RDEIS) to analyze the direct, indirect and cumulative effects of the construction of the proposed Lower Bois d'Arc Creek Reservoir (LBCR) and related actions proposed by the North Texas Municipal Water District (NTMWD) in Fannin County, Texas. The Proposed Action is a regional water supply project intended to provide up to 175,000 acre-feet/year (AFY), with an estimated firm yield of 120,665 AFY, of new water for NTMWD's member cities and direct customers in all or portions of nine counties in northern Texas—Collin, Dallas, Denton, Fannin, Hopkins, Hunt, Kaufman, Rains and Rockwall. Construction of the reservoir and related facilities would result in permanent impacts to approximately 5,874 acres of wetlands and 651,140 linear feet of streams, and 78 acres of open waters. This action requires authorization from the USACE under Section 404 of the Clean Water Act (CWA). The Section 404 of the CWA permit applicant is the NTMWD.

The RDEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the USACE's regulations for NEPA implementation (33 Code of Federal Regulations [CFR] parts 230 and 325 (with associated Appendices B and C). The USACE, Tulsa District, Regulatory Office is the lead federal agency responsible for the RDEIS and information contained in the EIS will serve as the basis for a decision whether or not to issue a Section 404 of the CWA permit. It also provides information for Federal, State and local agencies having jurisdictional responsibility for affected resources.

DATES: Written comments on the RDEIS will be accepted on or before May 11, 2017.

ADDRESSES: Send written comments regarding the RDEIS to Mr. Andrew R. Commer, Regulatory Office Chief, USACE Tulsa District (CESWT–RO), 1645 South 101st East Avenue, Tulsa, Oklahoma 74128–4609, or via email:

ceswt-ro@usace.army.mil. Comments submitted by email must include ''RDEIS Lower Bois d'Arc Creek Reservoir'' in the subject line. Requests to be placed on or removed from the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Commer, USACE, Tulsa District Regulatory Office, at 918–669–7400.

SUPPLEMENTARY INFORMATION: The USACE has determined that the basic project purpose in the present case is to develop an additional, reliable water supply for the applicant (NTMWD) and its member cities and customers.

The purpose of the RDEIS is to provide decision-makers and the public with information pertaining to the Proposed Action and alternatives, and to disclose environmental impacts and identify mitigation measures to reduce impacts. NTMWD proposes to build the LBCR with a total storage capacity of approximately 367,609 AF. A dam approximately 10,400 feet (about two miles) long and up to 90 feet high would be constructed, and much of the reservoir footprint would be cleared of trees and built structures. NTMWD also proposes to construct several related facilities or connected actions. These include a raw water intake pump station and electrical substation at the reservoir site, as well as a 90–96 inch diameter buried pipeline to carry raw water from the new reservoir approximately 35 miles in a southwesterly direction to a new water treatment plant and terminal storage reservoir that would be located west of the City of Leonard, also in Fannin County, Texas. A number of rural roads within the footprint and in the vicinity of the proposed reservoir would have to be closed or relocated; the most significant of these is FM 1396, which would be relocated to cross the reservoir in a different alignment on an entirely new bridge that would need to be constructed.

An aquatic resources mitigation plan has been prepared by the applicant to comply with the federal policy of ''no overall net loss of wetlands'' and to provide compensatory mitigation, to the extent practicable, for impacts to other waters of the U.S. that would be impacted by construction of the proposed reservoir. NTMWD has purchased a 14,960-acre parcel of land known as the Riverby Ranch, which borders the Red River. This working ranch is located downstream of the proposed project within both the same watershed (Bois d'Arc Creek) and the same county (Fannin). NTMWD acquired the Riverby Ranch specifically because its biophysical features have the potential to provide a portion of the appropriate mitigation for the proposed project. Additional mitigation is proposed within a 1,900-acre upstream site and within the proposed reservoir itself. Though not part of the proposed mitigation plan, Bois d'Arc Creek downstream of the reservoir will receive environmental flow releases as a result of an operations plan and flow regime established in consultation with the Texas Commission on Environmental Quality (TCEQ), and stipulated in the Water Right Permit issued by TCEQ to NTMWD.

The U.S. Environmental Protection Agency Region VI, U.S. Forest Service, U.S. Fish and Wildlife Service, and the Texas Parks and Wildlife Department (TPWD) participated as cooperating agencies in the formulation of the Draft EIS.

1. On December 8, 2009, the USACE held a NEPA EIS public scoping meeting in Bonham, Texas. On March 24, 2015, the USACE held a public meeting during the comment period on the previous DEIS. The revision and publication of this RDEIS is informed by public and agency comment on the original DEIS and changes have been made to address commented issues. No public meeting is planned during this comment period. Copies of the RDEIS will be available for review during the comment period at the USACE Tulsa District Office, the permit applicant's office in Wylie Texas, and at five locations in the project area in Fannin County, Texas, addresses of each as follows.

2. Bonham Public Library, 305 East 5th Street, Bonham, TX 75418; (903) 583–3128.

3. Sam Rayburn Library, 800 West Sam Rayburn Drive, Bonham, TX 75418; (903) 583–2455.

4. Bertha Voyer Memorial Library, 500 6th Street, Honey Grove, TX 75446; (903) 378–2206.

5. Leonard Public Library, 102 South Main Street, Leonard, TX 75452; (903) 587–2391.

6. North Texas Municipal Water District headquarters, 505 East Brown Street, Wylie, TX 75098.

7. U.S. Army Corps of Engineers, Tulsa District, Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128–4609.

Electronic copies of the Draft EIS may be obtained from the USACE Tulsa District, Regulatory Office or its Web site at *http://www.swt.usace.army.mil/Missions/Regulatory/Tulsa-District-Environmental-Impact-Statements/*.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–05874 Filed 3–24–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0041]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Impact Aid Discretionary Construction Grant Program (1894–0001)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 26, 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–0041. 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 Amanda Ognibene, 202–453–6637.

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: Impact Aid Discretionary Construction Grant Program (1894–0001).

OMB Control Number: 1810–0657.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 40.

Total Estimated Number of Annual Burden Hours: 240.

Abstract: The Impact Aid Program, authorized by Title VII of the Elementary and Secondary Education Act, as amended, provides financial assistance to Local Educational Agencies (LEA) whose enrollment or revenues are adversely affected by Federal activities. The ESEA, as amended, authorized a Discretionary Construction Grant program under Section 7007(b). The Impact Aid Discretionary Construction Program provides grants to eligible Impact Aid school districts for emergency repairs and modernization of school facilitates. The eligible Impact Aid school districts have a limited ability to raise revenues for capital improvements because they have large areas of Federal land within their boundaries. As a result, these districts find it difficult to respond when their school facilities are in need of emergency repairs or modernization; the Impact Aid Discretionary Construction Program assists these LEAs.

Dated: March 22, 2017.

Washington Tomakie,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–05983 Filed 3–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Application for New Awards; Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to State Entities

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: CSP—Grants to State Entities; Notice inviting applications for new awards for fiscal year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282A.

DATES: *Application Available:* March 27, 2017.

Date of Pre-Application Webinar: March 30, 2017, 2:00 p.m. to 4:00 p.m., Washington, DC, time.

Deadline for Transmittal of Applications: May 11, 2017.

Deadline for Intergovernmental Review: July 10, 2017.

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *kathryn.meeley@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Through the CSP Grants to State Entities (CSP State Entities) competition (CFDA number 84.282A), the Department awards grants to ''State entities'' (as defined in this notice) to enable them to award subgrants to ''eligible applicants'' (as defined in this notice) to enable such eligible applicants to open and prepare for the operation of new ''charter schools'' (as defined in this notice) and to ''replicate'' (as defined in this notice) and ''expand'' (as defined in this notice) ''high-quality charter schools'' (as defined in this notice). Grant funds may also be used to provide technical assistance to eligible applicants and ''authorized public chartering agencies'' (as defined in this notice) in opening and preparing for the operation of new charter schools, or replicating or expanding high-quality charter schools; and to work with authorized public chartering agencies to improve authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

Background: The CSP State Entities program provides financial assistance to State entities to support charter schools that serve elementary and secondary school students in a given ''State'' (as defined in this notice). Charter schools receiving funds under the CSP State Entities program also may serve students in ''early childhood education programs'' (as defined in this notice) or postsecondary students.

The CSP State Entities program is newly authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7221–7221j).[1] This notice contains information regarding eligibility, priorities, definitions, application requirements, and selection criteria under the new law.

All charter schools receiving CSP funds must meet the definition of ''charter school'' in section 4310(2) of the ESEA, including by complying with various non-discrimination laws, such as the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, section 444 of the General Education Provisions Act (GEPA), and part B of the Individuals with Disabilities Education Act (IDEA).

Priorities: This notice includes eight competitive preference priorities. Competitive preference priorities 1 and 2 are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on June 15, 2015 (80 FR 34201) (NFP). Competitive preference priorities 3 through 8 are from section 4303(g)(2) of the ESEA.

Competitive Preference Priorities: For FY 2017 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award:

- An additional five points to an application that meets one, and an

[1] Prior to enactment of the ESSA, the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), authorized the Secretary to make awards to State educational agencies to enable them to conduct charter school subgrant programs in their States. Unless otherwise indicated, all references to the ESEA in this notice are to the ESEA, as amended by the ESSA.

additional 10 points to an application that meets both, of competitive preference priorities 1 and 2;

- An additional two points to an application that meets competitive preference priority 3;
- Up to an additional eight points, depending on how well the application addresses one or more of competitive preference priorities 4, 5, 6, and 7; and
- Up to an additional five points, depending on how well the application addresses competitive preference priority 8.

An application may receive up to a total of 25 points under the competitive preference priorities.

Competitive Preference Priority 1—Periodic Review and Evaluation (0 or 5 points): To meet this priority, an applicant must demonstrate that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school at least once every five years, unless required more frequently by State law, and takes steps to ensure that such reviews take place. The review and evaluation must serve to determine whether the charter school is meeting the terms of the school's charter and meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth in the school's charter or under State law, a State regulation, or a State policy, provided that the student academic achievement requirements and goals for charter schools established by that policy meet or exceed those set forth under applicable State law or State regulation. This periodic review and evaluation must include an opportunity for the authorized public chartering agency to take appropriate action or impose meaningful consequences on the charter school, if necessary.

Competitive Preference Priority 2—Charter School Oversight (0 or 5 points): To meet this priority, an application must demonstrate that State law, regulations, or other policies in the State where the applicant is located require the following:

(a) That each charter school in the State—

(1) Operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the rights and responsibilities of the school and the authorized public chartering agency;

(2) Conducts annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and

(3) Demonstrates improved student academic achievement; and

(b) That all authorized public chartering agencies in the State use increases in student academic achievement for all groups of students described in section 1111(c)(2) of the ESEA (20 U.S.C. 6311(c)(2)) as one of the most important factors when determining whether to renew or revoke a school's charter.

Competitive Preference Priority 3—One Authorized Public Chartering Agency Other than a Local Educational Agency, or an Appeals Process (0 or 2 points).

To meet this priority, an applicant must demonstrate that it is located in a State that—

(a) Allows at least one entity that is not a local educational agency to be an authorized public chartering agency for ''developers'' (as defined in this notice) seeking to open a charter school in the State; or

(b) In the case of a State in which local educational agencies are the only authorized public chartering agencies, the State has an appeals process for the denial of an application for a charter school.

Competitive Preference Priority 4—Equitable Financing (up to 2 points).

To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located ensures equitable financing, as compared to traditional public schools, for charter schools and students in a prompt manner.

Competitive Preference Priority 5—Charter School Facilities (up to 2 points).

To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located provides charter schools one or more of the following:

(a) Funding for facilities;

(b) Assistance with facilities acquisition;

(c) Access to public facilities;

(d) The ability to share in bonds or mill levies;

(e) The right of first refusal to purchase public school buildings; or

(f) Low- or no-cost leasing privileges.

Competitive Preference Priority 6—Best Practices to Improve Struggling Schools and Local Educational Agencies (up to 2 points).

To receive points under this priority, an applicant must demonstrate the extent to which the State in which it is located uses best practices from charter schools to help improve struggling schools and local educational agencies.

Competitive Preference Priority 7—Serving At-Risk Students (up to 2 points).

To receive points under this priority, an applicant must demonstrate the extent to which it supports charter schools that serve at-risk students through activities such as dropout prevention, dropout recovery, or comprehensive career counseling services.

Competitive Preference Priority 8—Best Practices for Charter School Authorizing (up to 5 points).

To receive points under this priority, an applicant must demonstrate the extent to which it has taken steps to ensure that all authorized public chartering agencies implement best practices for charter school authorizing.

Application Requirements

These application requirements are from section 4303(f) of the ESEA (20 U.S.C. 7221b(f)). The Department will reject an application that does not meet the application requirements.

Applications for funding under the CSP State Entities program must contain the following:

(I) Description of Program—A description of the State entity's objectives in running a quality charter school program and how the objectives of the program will be carried out, including—

(A) A description of how the State entity will—

(1) Support the opening of charter schools through the startup of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools (including the proposed number of new charter schools to be opened, high-quality charter schools to be opened as a result of the replication of a high-quality charter school, or high-quality charter schools to be expanded under the State entity's program);

(2) Inform eligible charter schools, developers, and authorized public chartering agencies of the availability of funds under the program;

(3) Work with eligible applicants to ensure that the eligible applicants access all Federal funds that such applicants are eligible to receive, and help the charter schools supported by the applicants and the students attending those charter schools—

(a) Participate in the Federal programs in which the schools and students are eligible to participate;

(b) Receive the commensurate share of Federal funds the schools and students are eligible to receive under such programs; and

(c) Meet the needs of students served under such programs, including

''students with disabilities''[2] and ''English learners'' (as defined in this notice);

(4) Ensure that authorized public chartering agencies, in collaboration with surrounding local educational agencies where applicable, establish clear plans and procedures to assist students enrolled in a charter school that closes or loses its charter to attend other high-quality public schools;

(5) In the case of a State entity that is not a ''State educational agency'' (as defined in this notice)—

(a) Work with the State educational agency and charter schools in the State to maximize charter school participation in Federal and State programs for which charter schools are eligible; and

(b) Work with the State educational agency to operate the State entity's program under this competition, if applicable;

(6) Ensure that each eligible applicant that receives a subgrant under the State entity's program—

(a) Is using funds provided under this competition for one of the activities described in section 4303(b)(1) of the ESEA; and

(b) Is prepared to continue to operate charter schools funded under this competition in a manner consistent with the eligible applicant's application for such subgrant once the subgrant funds under this program are no longer available;

(7) Support—

(a) Charter schools in local educational agencies with a significant number of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i) of the ESEA; and

(b) The use of charter schools to improve struggling schools, or to turn around struggling schools;

(8) Work with charter schools on—

(a) Recruitment and enrollment practices to promote inclusion of all students, including by eliminating any barriers to enrollment for educationally disadvantaged students (who include foster youth and unaccompanied homeless youth); and

(b) Supporting all students once they are enrolled to promote retention, including by reducing the overuse of discipline practices that remove students from the classroom;

(9) Share best and promising practices between charter schools and other public schools;

(10) Ensure that charter schools receiving funds under the State entity's program meet the educational needs of their students, including ''children with disabilities'' (as defined in this notice) and English learners;

(11) Support efforts to increase charter school quality initiatives, including meeting the quality authorizing elements described in section 4303(f)(2)(E) of the ESEA;

(12) (a) In the case of a State entity that is not a ''charter school support organization'' (as defined in this notice), a description of how the State entity will provide oversight of authorizing activity, including how the State will help ensure better authorizing, such as by establishing authorizing standards that may include approving, monitoring, and re-approving or revoking the authority of an authorized public chartering agency based on the performance of the charter schools authorized by such agency in the areas of student achievement, student safety, financial and operational management, and compliance with all applicable statutes and regulations; and

(b) In the case of a State entity that is a charter school support organization, a description of how the State entity will work with the State to support the State's system of technical assistance and oversight, as described in application requirement (I)(A)(12)(a) above, of the authorizing activity of authorized public chartering agencies; and

(13) Work with eligible applicants receiving a subgrant under the State entity's program to support the opening of new charter schools or charter school models described in application requirement (I)(A)(1) that are high schools;

(B) A description of the extent to which the State entity—

(1) Is able to meet and carry out competitive preference priorities 3 through 8;[3]

(2) Is working to develop or strengthen a cohesive statewide system to support the opening of new charter schools and, if applicable, the replication of high-quality charter schools, and the expansion of high-quality charter schools; and

(3) Is working to develop or strengthen a cohesive strategy to encourage collaboration between charter schools and local educational agencies on the sharing of best practices;

(C) A description of how the State entity will award subgrants, on a competitive basis, including—

(1) A description of the application each eligible applicant desiring to receive a subgrant will be required to submit and how the State entity will ensure that such application complies with section 4303(f)(1)(C)(i) of the ESEA; and

(2) A description of how the State entity will review applications from eligible applicants;

(D) In the case of a State entity that partners with an outside organization to carry out the State entity's quality charter school program in whole or in part, a description of the roles and responsibilities of the partner;

(E) A description of how the State entity will ensure that each charter school receiving funds under the State entity's program has considered and planned for the transportation needs of the school's students;

(F) A description of how the State in which the State entity is located addresses charter schools in the State's open meetings and open records laws; and

(G) A description of how the State entity will support diverse charter school models, including models that serve rural communities.

(II) Assurances that—

(A) Each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

(B) The State entity will support charter schools in meeting the educational needs of their students, including children with disabilities and English learners;

(C) The State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners;

(D) The State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in application requirement (I)(A)(8) above;

(E) The State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's

[2] For purposes of this notice, ''students with disabilities,'' or ''student with a disability,'' has the same meaning as ''children with disabilities,'' or ''child with a disability'' (as defined in this notice).

[3] In accordance with 34 CFR 105(c)(2)(i), applications are not required to address competitive preference priorities but may receive additional points if they do so. Therefore, to meet this application requirement, the State entity must describe the extent to which it is able to meet and carry out competitive preference priorities 3 through 8. If the State entity is unable to meet and carry out one or more of these competitive preference priorities, the description for that priority should state that the State entity is unable to meet or carry out the priority.

ability to monitor the charter schools authorized by the agency, including by—

(1) Assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

(2) Reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles and ensuring that any such audits are publically reported; and

(3) Holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter;

(F) The State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

(G) The State entity will ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual State report card under section 1111(h) of the ESEA, including on the Web site of the school, information to help ''parents'' (as defined in this notice) make informed decisions about the education options available to their children, including—

(1) Information on the educational program;

(2) Student support services;

(3) Parent contract requirements (as applicable), including any financial obligations or fees;

(4) Enrollment criteria (as applicable); and

(5) Annual performance and enrollment data for each of the subgroups of students, as defined in section 1111(c)(2) of the ESEA, except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(III) Requests for information about waivers, including—

(A) A request and justification for waivers of any Federal statutory or regulatory provisions that the State entity believes are necessary for the successful operation of the charter schools that will receive funds under the State entity's program under section 4303 of the ESEA or, in the case of a State entity that is a charter school support organization, a description of how the State entity will work with the State to request such necessary waivers, where applicable; and

(B) A description of any State or local rules, generally applicable to public schools, that will be waived or otherwise not apply to such schools.

Definitions

The following definitions are from sections 4303(a), 4310, and 8101 of the ESEA (20 U.S.C. 7221b(a), 7221i, and 7801), and 34 CFR 77.1.

Ambitious means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a ''performance target'' (as defined in this notice), whether a performance target is ambitious depends upon the context of the relevant ''performance measure'' (as defined in this notice) and the ''baseline'' (as defined in this notice) for that measure. (34 CFR 77.1)

Authorized public chartering agency means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school. (ESEA section 4310(1))

Baseline means the starting point from which performance is measured and targets are set. (34 CFR 77.1)

Charter school means a public school that—

(a) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;

(b) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(c) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(d) Provides a program of elementary or secondary education, or both;

(e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(f) Does not charge tuition;

(g) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), section 444 of GEPA (20 U.S.C. 1232g) (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') and part B of the IDEA;

(h) Is a school to which parents choose to send their children, and that—

(1) Admits students on the basis of a lottery, consistent with section 4303(c)(3)(A) of the ESEA, if more students apply for admission than can be accommodated; or

(2) In the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in paragraph (1);

(i) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(j) Meets all applicable Federal, State, and local health and safety requirements;

(k) Operates in accordance with State law;

(l) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(m) May serve students in early childhood educational programs or postsecondary students. (ESEA section 4310(2))

Charter management organization means a nonprofit organization that operates or manages a network of charter schools linked by centralized support, operations, and oversight. (ESEA section 4310(3))

Charter school support organization means a nonprofit, non-governmental entity that is not an authorized public chartering agency and provides, on a statewide basis—

(a) Assistance to developers during the planning, program design, and initial implementation of a charter school; and

(b) Technical assistance to operating charter schools. (ESEA section 4310(4))

Child with a disability means—

(a) A child (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this title as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services.

(b) For a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child (i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development; cognitive development; communication development; social or emotional development; or adaptive development; and (ii) who, by reason thereof, needs special education and related services. (ESEA section 8101(4))

Developer means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out. (ESEA section 4310(5))

Early childhood education program means (A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 *et seq.*), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding; (B) a State licensed or regulated child care program; or (C) a program that (i) serves children from birth through age six that addresses the children's cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and (ii) is (I) a State prekindergarten program; (II) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act; or (III) a program operated by a local educational agency. (ESEA section 8101(16))

Eligible applicant, when used with respect to subgrants made by a State entity, means a developer that has—

(a) Applied to an authorized public chartering authority to operate a charter school; and

(b) Provided adequate and timely notice to that authority. (ESEA section 4310(6))

English learner, when used with respect to an individual, means an individual—

(a) Who is aged 3 through 21;

(b) Who is enrolled or preparing to enroll in an elementary school or secondary school;

(c)(1) Who was not born in the United States or whose native language is a language other than English;

(2)(i) Who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(ii) Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(3) Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(d) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(1) The ability to meet the challenging State academic standards;

(2) The ability to successfully achieve in classrooms where the language of instruction is English; or

(3) The opportunity to participate fully in society. (ESEA section 8101(20))

Expand, when used with respect to a high-quality charter school, means to significantly increase enrollment or add one or more grades to the high-quality charter school. (ESEA section 4310(7))

High-quality charter school means a charter school that—

(a) Shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(b) Has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

(c) Has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

(d) Has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 1111(c)(2) of the ESEA, except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual students. (ESEA section 4310(8))

Logic model (also referred to as a theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally. (34 CFR 77.1)

Parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare). (ESEA section 8101(38))

Performance Measure means any quantitative indicator, statistic, or metric used to gauge program or project performance. (34 CFR 77.1)

Performance Target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project. (34 CFR 77.1)

Replicate, when used with respect to a high-quality charter school, means to open a new charter school, or a new campus of a high-quality charter school, based on the educational model of an existing high-quality charter school, under an existing charter or an additional charter, if permitted or required by State law. (ESEA section 4310(9))

State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas. (ESEA section 8101(48))

State educational agency means the agency primarily responsible for the State supervision of public elementary schools and secondary schools. (ESEA section 8101(45))

State entity means—

(a) A State educational agency;

(b) A State charter school board;

(c) A Governor of a State; or

(d) A charter school support organization. (ESEA section 4303(a))

Program Authority: Title IV, Part C of the ESEA (20 U.S.C. 7221–7221j).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 76, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The OMB 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 in 2 CFR part 3474. (d) The NFP.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, $332,538,640 for the CSP program, of which we would use an estimated $157,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2018 from the list of unfunded applications from this competition.

Estimated Range of Awards: $2,000,000 to $23,000,000 per year.

Estimated Average Size of Awards: $10,000,000 per year.

Maximum Award: See *Reasonable and Necessary Costs* in section III.4.(a) of this notice for information regarding the maximum amount of funds that State entities may award for each charter school receiving subgrant funds.

Estimated Number of Awards: 3–8.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period. We may use FY 2017 funds to support multiple 12-month budget periods for one or more grantees.

Project Period: Up to five years.

Note: State entities may award subgrants to eligible applicants for a period of up to five years, no more than 18 months of which may be used for planning and program design.

III. Eligibility Information

1. *Eligible Applicants:* State entities in States with a State statute specifically authorizing the establishment of charter schools.

Under section 4303(e)(1) of the ESEA, no State entity may receive a grant under this program for use in a State in which a State entity is currently using a grant received under this program. Accordingly, if multiple State entities in a State submit applications that receive high enough scores to be recommended for funding under this competition, only the highest-scoring application amongst such State entities would be funded.

Note: A charter school developer in a State in which no State entity has an application for a grant approved under section 4303 of the ESEA may apply for funding directly from the Department under the CSP Grants to Developers competitions. Additional information about the CSP Grants to Developers competitions is available at *http://innovation.ed.gov/what-we-do/charter-schools.*

2. *Audits:* (a) All grantees must provide to the Department their most recent independent audits of the grantee's financial statements prepared in accordance with generally accepted accounting principles, and all grantees must continue to provide independent, annual audits of their financial statements prepared in accordance with generally accepted accounting principles each year of the grant.

(b) All grantees must ensure that charter schools receiving subgrants conduct independent, annual audits of their financial statements prepared in accordance with generally accepted accounting principles, and ensure that any such audits are publicly reported.

3. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

4. *Other:* (a) *Reasonable and Necessary Costs:* The Secretary may elect to impose maximum limits on the amount of subgrant funds that a State entity may award to an eligible applicant per new charter school created or replicated, per charter school expanded, or per new school seat created.

For this competition, the maximum amount of grant funds a State entity may award to a subgrantee per new charter school, replicated high-quality charter school, or expanding high-quality charter school is $900,000.

Note: Applicants must ensure that all costs included in the proposed budget are reasonable and necessary in light of the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

IV. Application and Submission Information

1. *Address to Request Application Package:* Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *charterschools@ed.gov.*

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

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

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

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the priorities, selection criteria, and application requirements that reviewers use to evaluate your application. We recommend that you limit the application narrative to no more than 60 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.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- 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 or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the State Entities grant competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4. In the appropriate

Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: March 27, 2017.

Date of Pre-Application Webinar: The Department will hold a pre-application meeting via Webinar for prospective applicants on March 30, 2017 from 2:00 p.m.–4:00 p.m., Washington, DC, time. Individuals interested in attending this meeting are encouraged to pre-register by emailing their name, organization, and contact information with the subject heading ''STATE ENTITIES PRE–APPLICATION MEETING'' to *CharterSchools@ed.gov.* There is no registration fee for attending this meeting.

For further information about the pre-application meeting, contact Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818 or by email: *kathryn.meeley@ed.gov.*

Deadline for Transmittal of Applications: May 11, 2017.

Applications for grants under this competition 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 person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 10, 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 competition.

5. *Funding Restrictions:* In accordance with section 4303(c) of the ESEA, a State entity receiving a grant under this program shall use not less than 90 percent of the grant funds to award subgrants to eligible applicants, in accordance with the charter school program described in the State entity's application pursuant to section 4303(f) of the ESEA, for activities related to opening and preparing for the operation of new charter schools or to replicate or expand high-quality charter schools; reserve not less than seven percent of such funds to provide technical assistance to eligible applicants and authorized public chartering agencies in opening and preparing for the operation of new charter schools or to replicate or expand high-quality charter schools and in improving authorizing quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools; and reserve not more than three percent of such funds for administrative costs, which may include technical assistance. A State entity may use a grant received under this program to carry out the activities authorized under this program directly or through grants, contracts, or cooperative agreements.

Limitation on Grants and Subgrants: A grant awarded by the Secretary to a State entity under this competition shall be for a period of not more than five years.

A subgrant awarded by a State entity under this program shall be for a period of not more than five years, of which an eligible applicant may use not more than 18 months for planning and program design. An eligible applicant may not receive more than one subgrant under this program for each individual charter school for a five-year period, unless the eligible applicant demonstrates to the State entity that such individual charter school has at least three years of improved educational results for students enrolled in such charter school, with respect to the elements described in section 4310(8)(A) and (D) of the ESEA.[4]

Other CSP Grants: A charter school that previously received CSP funds for planning or initial implementation under section 5202(c)(2) of the ESEA, as amended by the NCLB (CFDA number 84.282B), or for the replication or expansion of a high-quality charter school under one of the Department's Appropriations Acts[5] (CFDA number 84.282M), is not eligible to receive funds from a State entity under this program for the same or a substantially similar purpose. However, a charter school may be eligible to receive funds to expand if the school is a high-quality charter school.

Likewise, a charter school that receives funds from a State entity is ineligible to receive funds for the same or a substantially similar purpose under section 4305(a)(2) and (b) of the ESEA.

Uses of Subgrant Funds: State entities awarded grants under this competition shall award subgrants to eligible applicants to enable such eligible applicants to—

(a) Open and prepare for the operation of new charter schools;

(b) Open and prepare for the operation of replicated high-quality charter schools; or

(c) Expand high-quality charter schools.

An eligible applicant receiving a subgrant under this program shall use such funds to support activities related to opening and preparing for the operation of new charter schools or replicating or expanding high-quality charter schools, which shall include one or more of the following:

(a) Preparing teachers, school leaders, and specialized instructional support personnel, including through paying costs associated with—

(i) Providing professional development; and

(ii) Hiring and compensating, during the eligible applicant's planning period specified in the application for funds, one or more of the following:

(A) Teachers.

(B) School leaders.

(C) Specialized instructional support personnel.

(b) Acquiring supplies, training, equipment (including technology), and educational materials (including developing and acquiring instructional materials).

(c) Carrying out necessary renovations to ensure that a new school building complies with applicable statutes and regulations, and minor facilities repairs (excluding construction).

(d) Providing one-time, startup costs associated with providing transportation to students to and from the charter school.

[4] Section 4303(e)(2) of the ESEA clarifies when an applicant may be eligible to apply to a State entity for a second subgrant for an individual charter school. The applicant still would have to meet all program requirements, including the requirements for replicating or expanding a high-quality charter school.

[5] Beginning with the Consolidated Appropriations Act, 2010, Public Law 111–117, each of the Department's Appropriations Acts through the FY 2016 Appropriations Act authorized the Secretary to award grants for the replication and expansion of charter schools.

(e) Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.

(f) Providing for other appropriate, non-sustained costs related to opening, replicating, or expanding high-quality charter schools when such costs cannot be met from other sources.

Diversity of Projects: Each State entity awarding subgrants under this competition shall award subgrants in a manner that, to the extent practicable and applicable, ensures that such subgrants—

(a) Are distributed throughout different areas, including urban, suburban, and rural areas; and

(b) Will assist charter schools representing a variety of educational approaches.

Award Basis: In determining whether to approve a grant award and the amount of such award, the Department will consider, among other things, the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.217(d)(3)(ii) and 233(b)). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

We reference additional 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: *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 competition 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 CSP Grants to Support High-Quality Charter Schools for State Entities, CFDA number 84.282A, 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 CSP Grants to Support High-Quality Charter Schools for State Entities at *www.Grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.282, not 84.282A).

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 competition 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: the 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 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 person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the *Grants.gov* system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. FAX: (202) 453–6818.

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 84.282A, 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.

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 84.282A, 550 12th Street, SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The Secretary awards grants to State entities on the basis of the quality of the applications submitted under section 4303(f) of the ESEA, after taking into consideration the following selection criteria. These selection criteria are from section 4303(g)(1) of the ESEA (20 U.S.C. 7221b(g)(1)) and the NFP. The maximum possible total score an application can receive for addressing the criteria is 100 points. The maximum possible score for each criterion is indicated in parentheses following the criterion.

(a) *Flexibility (up to 10 points):* The degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law.

(b) *Objectives (up to 15 points):* The ambitiousness of the State entity's objectives for the quality charter school program carried out under this program.

(c) *Quality of Eligible Subgrant Applicants (up to 15 points):* The likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students.

(d) *State Plan (up to 20 points):* The State entity's plan to—

(1) Adequately monitor the eligible applicants receiving subgrants under the State entity's program;

(2) Work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and

(3) Provide technical assistance and support for—

(i) The eligible applicants receiving subgrants under the State entity's program; and

(ii) Quality authorizing efforts in the State.

(e) *Parent and Community Involvement (up to 10 points):* The State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

(f) *Quality of the Project Design (up to 15 points):* The Secretary considers the quality of the design of the State entity's charter school subgrant program, including the extent to which the project design furthers the State entity's overall strategy for increasing the number of high-quality charter schools in the State and improving student academic achievement. In determining the quality of the project design, the Secretary considers the quality of the State entity's process for awarding subgrants for planning, program design, and initial implementation including—

(1) The subgrant application and peer review process, timelines for these processes, and how the State entity intends to ensure that subgrants will be awarded to eligible applicants demonstrating the capacity to create high-quality charter schools; and

(2) A reasonable year-by-year estimate, with supporting evidence, of (i) the number of subgrants the State entity expects to award during the project period and the average size of those subgrants, including an explanation of any assumptions upon which the estimates are based; and (ii) if the State entity has previously received a CSP grant, the percentage of eligible applicants that were awarded subgrants and how this percentage related to the overall quality of the applicant pool.

(g) *Quality of the Management Plan and Theory of Action (up to 15 points):* The Secretary considers the quality of the management plan and the project's theory of action. In determining the quality of the management plan and the project's theory of action, the Secretary considers the following factors:

(1) The quality, including the cohesiveness and strength of reasoning, of the ''logic model'' (as defined in this notice), and the extent to which it addresses the role of the grant in promoting the State-level strategy for using charter schools to improve educational outcomes for students through CSP subgrants for planning, program design, and initial implementation and other strategies;

(2) The extent to which the State entity's project-specific performance measures, including any measures required by the Department, support the logic model; and

(3) The adequacy of the management plan to—

(i) Achieve the objectives of the proposed project on time and within budget, including the existence of clearly defined responsibilities, timelines, and milestones for accomplishing project tasks; and

(ii) Address any compliance issues or findings related to the CSP that are identified in an audit or other monitoring review.

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).

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 specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000) under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. 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) In accordance with section 4303(i) of the ESEA, each State entity receiving a grant under this section shall submit to the Secretary, at the end of the third year of the five-year grant period (or at the end of the second year if the grant period is less than five years), and at the end of such grant period, a report that includes the following:

(1) The number of students served by each subgrant awarded under this section and, if applicable, the number of new students served during each year of the period of the subgrant.

(2) A description of how the State entity met the objectives of the quality charter school program described in the State entity's application, including—

(A) How the State entity met the objective of sharing best and promising practices as outlined in section 4303(f)(1)(A)(ix) of the ESEA in areas such as instruction, professional development, curricula development, and operations between charter schools and other public schools; and

(B) If known, the extent to which such practices were adopted and implemented by such other public schools.

(3) The number and amount of subgrants awarded under this program to carry out activities described in section 4303(b)(1)(A) through (C) of the ESEA.

(4) A description of—

(A) How the State entity complied with, and ensured that eligible applicants complied with, the assurances included in the State entity's application; and

(B) How the State entity worked with authorized public chartering agencies, and how the agencies worked with the management company or leadership of the schools that received subgrant funds under this program, if applicable.

(d) 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:*

(a) *Program Performance Measures (GPRA Measures).* The primary goal of the CSP is to support the creation and development of a large number of high-quality charter schools that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has established two performance indicators to measure progress towards this goal: (1) The number of charter schools in operation around the Nation, and (2) the percentage of fourth- and eighth-grade charter school students who are achieving at or above the proficient level on State assessments in mathematics and reading/language arts. Additionally, the Secretary has established the following measure to examine the efficiency of the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more consecutive years).

(b) *Project-Specific Performance Measures.* Applicants must propose project-specific performance measures and performance targets consistent with the objectives of the proposed project. Applications must provide the

following information as directed under 34 CFR 75.110(b) and (c).

(1) *Performance measures.* How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) *Baseline data.* (i) Why each proposed ''baseline'' (as defined in this notice) is valid; or (ii) If the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) *Performance targets.* Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) *Data Collection and reporting.* (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

6. *Project Director's Meeting:* Applicants approved for funding under this competition must attend a two-day meeting for project directors at a location to be determined in the continental United States during each year of the project. Applicants may include the cost of attending this meeting in their proposed budgets.

VII. Agency Contact

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* 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 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 22, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2017–06017 Filed 3–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Expanding Opportunity Through Quality Charter Schools Program—Grants for Credit Enhancement for Charter School Facilities

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information

Expanding Opportunity through Quality Charter Schools Program (CSP)—Grants for Credit Enhancement for Charter School Facilities Notice inviting applications for new awards for fiscal year (FY) 2017.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.354A.

DATES:

Applications Available: March 27, 2017.

Date of Pre-Application Meeting: April 12, 2017, 1:00 p.m. to 2:00 p.m., Washington, DC, time.

Deadline for Transmittal of Applications: May 11, 2017.

Deadline for Intergovernmental Review: July 10, 2017.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Grants for Credit Enhancement for Charter School Facilities (Credit Enhancement) program provides grants to eligible entities to demonstrate innovative methods of helping charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans and bond financing.

Background

Since FY 2002, the Department has made new Credit Enhancement grants each year, which has resulted in a portfolio of grantees using Federal funds to enhance the credit of charter schools so that they can access private-sector and other non-Federal capital in order to acquire, construct, and renovate facilities at a reasonable cost. In December 2015, the Credit Enhancement program was reauthorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7221c). This notice contains application requirements from the ESEA, as amended by the ESSA,[1] and selection criteria and a competitive preference priority for charters operating in high-need communities and geographic areas. This notice also includes an invitational priority that encourages applicants to partner with other entities to leverage new or previously untapped capital and other resources to expand support to more schools and students as well as improve their ability to support schools and students. For example, under this priority, an applicant could propose to partner with a newly created State-funded credit enhancement program designed to improve charter schools' credit ratings on bonds, thereby enabling charter school facility financing at lower interest rates and lower borrowing costs.

Priorities: This competition includes one competitive preference priority and one invitational priority.

Competitive Preference Priority: In accordance with 34 CFR 75.105(b)(2)(ii),

[1] Unless otherwise indicated, references to the ESEA are to the ESEA, as amended by the ESSA.

this priority is from 34 CFR 225.12. 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 15 points to an application, depending on how well the application addresses the priority.

This priority is:

The capacity of charter schools to offer public school choice in those communities with the greatest need for this choice based on—

(1) The extent to which the applicant would target services to geographic areas in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under Title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB).

(2) The extent to which the applicant would target services to geographic areas in which a large proportion of students perform below proficient on State academic assessments; and

(3) The extent to which the applicant would target services to communities with large proportions of students from low-income families.

Note: With regard to paragraph (1), consistent with the transition authority in section 4(b) of the ESSA, through the 2017–2018 school year, the Department will allow applicants to target services to geographic areas in which a large proportion of public schools are, at the time of submission of an application under this competition: (i) Elementary and secondary schools identified as in need of improvement, corrective action, or restructuring under the ESEA, as amended by NCLB; or (ii) elementary and secondary schools identified as a priority or focus school by the State prior to August 1, 2016 under ESEA flexibility.

After school year 2017–2018, the Department will require an applicant that receives points under this priority and receives a grant under this competition to amend its approved application, as needed, to describe how it will target services to geographic areas in which a large proportion of public schools are elementary and secondary schools identified for comprehensive or targeted support and improvement under the ESEA, as amended by the ESSA.

Invitational Priority: For FY 2017 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Projects proposing the development of one or more partnerships that will enable the applicant to leverage newly created or previously untapped sources of capital or other assistance, which may include non-Federal programs, in financing charter school facilities.

Definitions

The following definition is from section 4310 of the ESEA.

Charter school means a public school that—

(a) In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements in section 4310 of the ESEA;

(b) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(c) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(d) Provides a program of elementary or secondary education, or both;

(e) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(f) Does not charge tuition;

(g) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974''), and part B of the Individuals with Disabilities Education Act;

(h) Is a school to which parents choose to send their children, and that—

(1) Admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or

(2) In the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (1);

(i) Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(j) Meets all applicable Federal, State, and local health and safety requirements;

(k) Operates in accordance with State law;

(l) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(m) May serve students in early childhood education programs or postsecondary students.

Program Authority: 20 U.S.C. 7221c.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB 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 225.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Further Continuing and Security Assistance Appropriations Act, 2017, would provide, on an annualized basis, $332,538,640 for the CSP program and the authority to use at least $16,000,000 of CSP funds for Credit Enhancement awards. We intend to use an estimated $16,000,000 for new awards under this competition. The actual level of funding 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 subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $4,000,000 to $8,000,000.

Estimated Average Size of Awards: $5,333,000.

Maximum Award: We will reject any application that proposes a budget exceeding $8,000,000 for a grant project.

Estimated Number of Awards: 3.

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

Project Period: From the start date indicated on the grant award document until the Federal funds and earnings on those funds have been expended for the grant purposes or until financing facilitated by the grant has been retired, whichever is later.

III. Eligibility Information

1. Eligible Applicants:

(a) A public entity, such as a State or local governmental entity;

(b) A private, nonprofit entity; or

(c) A consortium of entities described in paragraphs (a) and (b) of this section.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other:* The charter schools that a grantee selects to benefit from this program must meet the definition of ''charter school'' in section 4310 of the ESEA.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://innovation.ed.gov/what-we-do/charter-schools/credit-enhancement-for-charter-school-facilities-program/.* To obtain a copy from ED Pubs, write, fax, or call: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.354A.

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 person or team listed under *Accessible Format* in section VIII of this notice.

2. a. *Content and Form of Application Submission:* Each Credit Enhancement program application must include the following specific elements:

(A) A statement identifying the activities that the eligible entity proposes to carry out with funds received under the program, including how the eligible entity will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive.

(B) A description of the involvement of charter schools in the application's development and the design of the proposed activities.

(C) A description of the eligible entity's expertise in capital market financing. (Consortium applicants must provide this information for each of the participating organizations.)

(D) A description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools, including how the eligible entity will offer a combination of rates and terms more favorable than the rates and terms that a charter school could receive without assistance from the eligible entity under this section.

(E) A description of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought.

(F) In the case of an application submitted by a State governmental entity, a description of the actions that the eligible entity has taken, or will take, to ensure that charter schools within the State receive the funding that charter schools need to have adequate facilities.

(G) In the case of applicants applying as a consortium, applicants must also submit consortium agreements as part of their application package. These applicants must either designate one member of the group to apply for the grant or establish a separate legal entity to apply for the grant. All members of the consortium must then enter into an agreement that details the activities that each member of the group plans to perform and that binds each member to the application statements and assurances. This consortium agreement must be submitted as part of the consortium's application. The Department's administrative regulations at 34 CFR 75.127—129 provide more details about the requirements that govern group/consortium applications.

Requirements concerning the content and form 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 evaluate your application. We recommend that you limit the application narrative to 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.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- 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.

Furthermore, applicants are strongly encouraged to include a table of contents that specifies where each required part of the application is located.

Note: The applicant should review the *Performance Measures* section of this notice for information on the requirements for developing project-specific performance measures and targets consistent with the objectives of the program.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Credit Enhancement program, your application may include business information that you consider proprietary. In 34 CFR 5.11, we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application,

under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. Submission Dates and Times

Applications Available: March 27, 2017.

Date of Pre-Application Meeting: April 12, 2017, 1:00 p.m. to 2:00 p.m., Washington, DC, time.

Deadline for Transmittal of Applications: May 11, 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 person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: July 10, 2017.

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

5. *Funding Restrictions:* (a) *Reserve accounts.* An eligible entity receiving a grant shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received, other than funds used for administrative costs, in a reserve account established and maintained by the eligible entity. Amounts deposited in such account shall be used by the eligible entity for one or more of the following purposes:

(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein.

(2) Guaranteeing and insuring leases of personal and real property.

(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

Funds received and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities. Any earnings on funds received shall be deposited in the reserve account and used in accordance with this program.

(b) *Charter school objectives.* An eligible entity receiving a grant must use the funds deposited in the reserve account to assist one or more charter schools to access private-sector capital to accomplish one or more of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

(3) The predevelopment costs required to assess sites and to commence or continue the operation of a charter school.

(c) *Other.* Grantees must ensure that all costs incurred using funds from the reserve account are reasonable. Under 20 U.S.C. 7221(c)(g), an eligible entity may use not more than 2.5 percent of the funds received under this grant for the administrative costs of carrying out its project responsibilities.

We specify unallowable costs in 34 CFR 225.21.

The full faith and credit of the United States are not pledged to the payment of funds under such obligation. In the event of a default on any debt or other obligation, the United States has no liability to cover the cost of the default.

Applicants that are selected to receive an award must enter into a written Performance Agreement with the Department prior to drawing down funds, unless the grantee receives written permission from the Department in the interim to draw down a specific limited amount of funds. Grantees must maintain and enforce standards of conduct governing the performance of their employees, officers, directors, trustees, and agents engaged in the selection, award, and administration of contracts or agreements related to this grant. The standards of conduct must mandate disinterested decision-making. The Secretary, in accordance with chapter 37 of title 31 of the United States Code, will collect all or a portion of the funds in the reserve account established with grant funds (including any earnings on those funds) if the Secretary determines that: (1) The grantee has permanently ceased to use such funds to accomplish the purposes described in the authorizing statute and the Performance Agreement; or (2) not earlier than two years after the date on which it first receives these funds, the grantee has failed to make substantial progress in undertaking the grant project.

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 Credit Enhancement program, CFDA number 84.354A, 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 Credit Enhancement program at *www.Grants.gov*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.354, not 84.354A).

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: The 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 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 person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with *Grants.gov*, along with the *Grants.gov* Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the *Grants.gov* system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. We will contact you after we determine whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the *Grants.gov* system. We will not grant you an extension if you failed to fully register to submit your application to *Grants.gov* before the application deadline date and time or if the technical problem you experienced is unrelated to the *Grants.gov* system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the *Grants.gov* system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the *Grants.gov* system; *and*

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Clifton Jones, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W244, Washington, DC 20202–5970. FAX: (202) 205–2204.

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 84.354A),
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 84.354A),
550 12th Street SW., Room 7039,
Potomac Center Plaza, Washington,
DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from program regulations at 34 CFR 225.11. The Secretary awards up to 100 points for addressing these criteria. The maximum possible score for addressing

each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider to determine how well an application meets the criterion. We encourage applicants to make explicit connections to the selection criteria and factors in their applications. The Secretary uses the following criteria to evaluate an application for a Credit Enhancement grant:

(a) Quality of Project Design and Significance (35 Points)

In determining the quality of project design and significance, the Secretary considers—

(1) The extent to which the grant proposal would provide financing to charter schools at better rates and terms than they can receive absent assistance through the program;

(2) The extent to which the project goals, objectives, and timeline are clearly specified, measurable, and appropriate for the purpose of the program;

(3) The extent to which the project implementation plan and activities, including the partnerships established, are likely to achieve measurable objectives that further the purposes of the program;

(4) The extent to which the project is likely to produce results that are replicable;

(5) The extent to which the project will use appropriate criteria for selecting charter schools for assistance and for determining the type and amount of assistance to be given;

(6) The extent to which the proposed activities will leverage private or public-sector funding and increase the number and variety of charter schools assisted in meeting their facilities needs more than would be accomplished absent the program;

(7) The extent to which the project will serve charter schools in States with strong charter laws, consistent with the criteria for such laws in section 4303(g)(2) of the ESEA; and

(8) The extent to which the requested grant amount and the project costs are reasonable in relation to the objectives, design, and potential significance of the project.

(b) Quality of Project Services (15 points)

In determining the quality of the project services, the Secretary considers—

(1) The extent to which the services to be provided by the project reflect the identified needs of the charter schools to be served;

(2) The extent to which charter schools and chartering agencies were involved in the design of, and demonstrate support for, the project;

(3) The extent to which the technical assistance and other services to be provided by the proposed grant project involve the use of cost-effective strategies for increasing charter schools' access to facilities financing, including the reasonableness of fees and lending terms; and

(4) The extent to which the services to be provided by the proposed grant project are focused on assisting charter schools with a likelihood of success and the greatest demonstrated need for assistance under the program.

(c) Capacity (35 points)

In determining an applicant's business and organizational capacity to carry out the project, the Secretary considers—

(1) The amount and quality of experience of the applicant in carrying out the activities it proposes to undertake in its application, such as enhancing the credit on debt issuances, guaranteeing leases, and facilitating financing;

(2) The applicant's financial stability;

(3) The ability of the applicant to protect against unwarranted risk in its loan underwriting, portfolio monitoring, and financial management;

(4) The applicant's expertise in education to evaluate the likelihood of success of a charter school;

(5) The ability of the applicant to prevent conflicts of interest, including conflicts of interest by employees and members of the board of directors in a decision-making role;

(6) If the applicant has co-applicants (consortium members), partners, or other grant project participants, the specific resources to be contributed by each co-applicant (consortium member), partner, or other grant project participant to the implementation and success of the grant project;

(7) For State governmental entities, the extent to which steps have been or will be taken to ensure that charter schools within the State receive the funding needed to obtain adequate facilities; and

(8) For previous grantees under the charter school facilities programs, their performance in implementing these grants.

(d) Quality of Project Personnel (15 points)

In determining the quality of project personnel, the Secretary considers—

(1) The qualifications of project personnel, including relevant training and experience, of the project manager and other members of the project team, including consultants or subcontractors; and

(2) The staffing plan for the grant project.

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).

3. 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.

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) If you receive a grant under this competition, you must submit an annual report that complies with the reporting requirements for Credit Enhancement grantees in section 4304(h)(2) of the ESEA and the performance and financial expenditure reporting requirements in 34 CFR 75.720. At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. 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.*

4. Performance Measures

(a) *Program Performance Measures* The performance measures for this program are: (1) The amount of funding grantees leverage for charter schools to acquire, construct, and renovate school facilities and (2) the number of charter schools served. Grantees must provide this information as part of their annual performance reports.

(b) *Project-Specific Performance Measures* Applicants must propose project-specific performance measures and performance targets consistent with the objectives of the project and program. Applicants must provide the following information as directed under 34 CFR 75.110(b):

(1) *Project Performance Measures.* How each proposed project-specific performance measure would accurately measure the performance of the project and how the proposed project-specific performance measure would be consistent with the performance measures established for the program funding the competition.

(2) *Project Performance Targets.* Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

Note: The Secretary encourages applicants to consider measures and targets tied to their grant activities (for instance, if an applicant is using eligibility for free and reduced-price lunch to measure the number of low-income families served by the project, the applicant could provide a percentage for students qualifying for free and reduced-price lunch), during the grant period. The measures should be sufficient to gauge the progress throughout the grant period, and show results by the end of the grant period.

(3) *Data Collection and Reporting.* (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and

(ii) The applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

Note: If applicants do not have experience with collection and reporting of performance data through other projects or research, they should provide other evidence of their capacity to successfully carry out data collection and reporting for their proposed project.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Clifton Jones, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W244, Washington, DC 20202–5970. Telephone: (202) 205–2204 or by email: *Clifton.Jones@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 compact disc) on request to the program contact person listed under *For Further Information Contact* in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* 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 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 22, 2017.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2017–06016 Filed 3–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0033]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the Fulbright-Hays Group Projects Abroad Program

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 26, 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–0033. 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 Gary Thomas, (202) 453–7199.

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 the Fulbright-Hays Group Projects Abroad Program.

OMB Control Number: 1840–0792.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 130.

Total Estimated Number of Annual Burden Hours: 14,000.

Abstract: The Fulbright-Hays, Group Projects Abroad program is authorized by section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Pub. L. 87–256), most commonly known as the Fulbright-Hays Act. The purpose of Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act) is to promote and develop modern foreign language training and area studies throughout the educational structure of the United States.

The Fulbright-Hays GPA program provides grants for overseas projects in training, research, and curriculum development in modern foreign languages and area studies for groups of teachers, students, and faculty.

Dated: March 22, 2017.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–05947 Filed 3–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0001]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; High School Equivalency Program (HEP) Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), 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 26, 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–0001. 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 Tara Ramsey, 202–260–2063.

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: High School Equivalency Program (HEP) Annual Performance Report.

OMB Control Number: 1810–0684.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 44.

Total Estimated Number of Annual Burden Hours: 1,408.

Abstract: The Office of Migrant Education is collecting information for the High School Equivalency Program

Annual Performance Report in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farm work), the Government Performance Results Act (GPRA) of 1993, Section 4 (1115), and the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.253. EDGAR states that recipients of multi-year discretionary grants must submit an Annual Performance Report demonstrating that substantial progress has been made towards meeting the approved objectives of the project. In addition, discretionary grantees are required to report on their progress toward meeting the performance measures established for the Department of Education grant program. The Office of Migrant Education requests an extension without change of a currently approved collection to continue the use of a customized Annual Performance Report that goes beyond the Department of Education generic form number 524B Annual Performance Report to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

The proposed changes to the 2017 HEP APR are changes to the HEP Instructions Form and Performance Report Data Form and OME made minor editorial language and formatting changes. OME aligned the directions to the performance report data form, and required grantees to disaggregate HSE attainers and HSE withdrawals into New and Returning participants.

Dated: March 22, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–05982 Filed 3–24–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 20, 2017; 9:00 a.m.–6:00 p.m., Friday, April 21, 2017; 8:30 a.m.–12:00 p.m.

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, Maryland 20878.

FOR FURTHER INFORMATION CONTACT: Dr. Tristram West, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC–23/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290. Phone 301–903–5155; fax (301) 903–5051 or email: *tristram.west@science.doe.gov.* The most current information concerning this meeting can be found on the Web site: *http://science.energy.gov/ber/berac/meetings/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Tentative Agenda Topics

- News from the Office of Science
- News from the Office of Biological and Environmental Research (BER)
- News from the Biological Systems Science and Climate and Environmental Sciences Divisions (CESD)
- Response to the CESD Committee of Visitors
- Discussion on the Grand Challenges Workshop
- Scientific Workshop Outbriefs
- Science Talk
- New Business
- Public Comment

Public Participation: The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Tristram West at *tristram.west@science.doe.gov* (email) or 301–903–5051 (fax). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will be limited to five minutes each.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days at the BERAC Web site: *http://science.energy.gov/ber/berac/meetings/berac-minutes/.*

Issued in Washington, DC, on March 21, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–05962 Filed 3–24–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1243–000]

Twin Buttes Wind II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Twin Buttes Wind II LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: March 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05942 Filed 3–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1217–000]

Total Gas & Power North America, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Total Gas & Power North America, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: March 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05939 Filed 3–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1241–000]

Deerfield Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Deerfield Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: March 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05940 Filed 3–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–1242–000]

Tule Wind LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Tule Wind LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal

Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: March 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05941 Filed 3–24–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications

Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket number	File date	Presenter or requester
Prohibited:		
1. CP15–554–000	3–9–2017	Steven Lash.
Exempt:		
1. CP16–22–000	3–6–2017	U.S. Senator Sherrod Brown.
2. CP14–497–000	3–15–2017	Town of Dryden, New York.
3. CP16–10–000	3–17–2017	FERC Staff.[1]
4. CP16–13–000		

Dated: March 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05943 Filed 3–24–17; 8:45 am]

BILLING CODE 6717–01–P

[1] Memorandum dated March 17, 2017 forwarding emails with Ginger Smithers.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER09–1256–004; *ER12–2708–006.*

Applicants: Potomac-Appalachian Transmission Highline, LLC PATH West Virginia Transmission Company, LLC, PATH Allegheny Transmission Company, LLC.

Description: Compliance filing of Potomac-Appalachian Transmission Highline, LLC, et al. to Opinion No. 554.

Filed Date: 3/20/17.

Accession Number: 20170320–5274.

Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER12–2708–005.

Applicants: Potomac-Appalachian Highline Transmission, LLC, PJM Interconnection, L.L.C.

Description: Compliance filing: PATH ROE Compliance Filing re Opinion 554 in ER09–1256 and ER12–2708 to be effective 1/19/2017.

Filed Date: 3/20/17.

Accession Number: 20170320–5155.

Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER11–4634–003.

Applicants: Hazleton Generation LLC.

Description: Compliance filing: Supplement to Notice of Change in Status to be effective 3/22/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5142.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER15–1456–002.

Applicants: Beaver Falls, L.L.C.

Description: Compliance filing: Supplement to Notice of Change in Status to be effective 3/22/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5139.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER15–1457–002.

Applicants: Syracuse, L.L.C.

Description: Compliance filing: Supplement to Notice of Change in Status to be effective 3/22/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5144.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–881–001.

Applicants: Duke Energy Florida, LLC.

Description: Compliance filing: City of Wauchula NITSA–NOA Compliance Filing to be effective 4/1/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5099.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1263–000.

Applicants: CWP Energy, Inc.

Description: Compliance filing: Baseline Refile to be effective 3/21/2017.

Filed Date: 3/20/17.

Accession Number: 20170320–5228.

Comments Due: 5 p.m. ET 4/10/17.

Docket Numbers: ER17–1266–000.

Applicants: The Dayton Power and Light Company, AEP Generation Resources Inc., Dynegy Killen, LLC, Dynegy Stuart, LLC.

Description: Petition of The Dayton Power and Light Company, et al. for Limited Waiver of PJM Tariff Deadlines and for Expedited Action.

Filed Date: 3/17/17.

Accession Number: 20170317–5216.

Comments Due: 5 p.m. ET 4/7/17.

Docket Numbers: ER17–1269–000.

Applicants: FirstEnergy Solutions Corp.

Description: Request for Authorization to Make Wholesale Power Sales to an Affiliate of FirstEnergy Solutions Corp.

Filed Date: 3/17/17.

Accession Number: 20170317–5220.

Comments Due: 5 p.m. ET 4/7/17.

Docket Numbers: ER17–1271–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 3159—Queue W2–073 to be effective 5/15/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5043.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1272–000.

Applicants: FirstEnergy Solutions Corp.

Description: Request for Authorization to Make Wholesale Power Sales to an Affiliated Utility of FirstEnergy Solutions Corp.

Filed Date: 3/17/17.

Accession Number: 20170317–5222.

Comments Due: 5 p.m. ET 4/7/17.

Docket Numbers: ER17–1274–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: PSCo—OATT Att T—Form of Bal Auth Ancil Svcs Agrmt to be effective 5/21/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5048.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1278–000.

Applicants: Indiana Michigan Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits 2nd Revised Service Agreement No. 1436 to be effective 3/21/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5097.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1279–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NYISO 205 filing re: enhancements to the DAMAP program rules to be effective 7/1/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5098.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1280–000.

Applicants: Repsol Energy North America Corporation.

Description: Tariff Cancellation: Notice of Cancellation to be effective 4/1/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5105.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1281–000.

Applicants: Westmoreland Partners.

Description: Petition for Limited Waiver of Tariff Deadlines and Request for Expedited Action of Westmoreland Partners.

Filed Date: 3/21/17.

Accession Number: 20170321–5125.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1282–000.

Applicants: CenterPoint Energy Houston Electric, LLC.

Description: § 205(d) Rate Filing: TFO Tariff Interim Rate Revision to Conform with PUCT-Approved ERCOT Rate to be effective 2/27/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5126.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1283–000.

Applicants: Indiana Michigan Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits 13th Revised Service Agreement No. 1262 to be effective 2/22/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5128.

Comments Due: 5 p.m. ET 4/11/17.

Docket Numbers: ER17–1284–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–03–21_SA 2983 Entery Louisiana-Entergy Louisiana—Amended GIA (J396 J482) to be effective 3/13/2017.

Filed Date: 3/21/17.

Accession Number: 20170321–5147.

Comments Due: 5 p.m. ET 4/11/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 21, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–05938 Filed 3–24–17; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 16–185; DA 17–246]

Third Meeting of the World Radiocommunication Conference Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the third meeting of the World Radiocommunication Conference Advisory Committee (Advisory Committee) will be held on April 18, 2017, at the Federal Communications Commission (FCC). The Advisory Committee will consider any recommendations introduced by the Advisory Committee's Informal Working Groups.

DATES: April 18, 2017; 11:00 a.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Mullinix, Designated Federal Official, World Radiocommunication Conference Advisory Committee, FCC International Bureau, Global Strategy and Negotiation Division, at (202) 418–0491.

SUPPLEMENTARY INFORMATION: The FCC established the Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2019 World Radiocommunication Conference (WRC–19).

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the third meeting of the Advisory Committee. Additional information regarding the Advisory Committee is available on the Advisory Committee's Web site, *www.fcc.gov/wrc-19.* The meeting is open to the public. The meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.* Comments may be presented at the Advisory Committee meeting or in advance of the meeting by email to: *WRC-19@fcc.gov.*

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fill the request. Please allow at least five days' advance notice; last minute requests will be accepted, but may not be possible to accommodate.

The proposed agenda for the third meeting is as follows:

Agenda

Third Meeting of the World Radiocommunication Conference Advisory Committee, Federal Communications Commission, 445 12th Street SW., Room TW–C305, Washington, DC 20554.

April 18, 2017; 11:00 a.m.

1. Opening Remarks
2. Approval of Agenda
3. Approval of the Minutes of the Second Meeting
4. NTIA Draft Preliminary Views and Proposals
5. IWG Reports and Documents Relating to Preliminary Views and Draft Proposals
6. Future Meetings
7. Other Business

Federal Communications Commission.

Troy F. Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2017–05953 Filed 3–24–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

FY 2016 Service Contract Inventory Analysis

AGENCY: Federal Maritime Commission.

ACTION: Notice of release of the Federal Maritime Commission's FY 2016 Service Contract Inventory Analysis.

SUMMARY: Acting in compliance with Sec. 743 of Division C of the Consolidated Appropriations Act 2010, the Federal Maritime Commission (Commission) is publishing this notice to advise the public of the availability of its FY 2016 Service Contract Inventory Analysis. The FY 2016 Service Contract Inventory Analysis includes Background, Methodology, Agency Analysis of Contracts, Contract Services and Agency Objectives, and Agency Findings.

This analysis was developed in accordance with guidance issued on October 17, 2016 by the Office of Management and Budget (OMB), Office of Procurement Policy (OFPP). The Federal Maritime Commission has posted its FY 2016 Service Contract Inventory Analysis at the following link: *http://www.fmc.gov/bureaus_offices/office_of_management_services.aspx.*

DATES: The inventory is available on the Commission's Web site as of March 17, 2017.

FOR FURTHER INFORMATION CONTACT: James A. Nussbaumer, Assistant Managing Director for Administration; (202) 523–5800, *OMD@fmc.gov.*

Dated: March 21, 2017.

Rachel Dickon,

Assistant Secretary.

[FR Doc. 2017–05917 Filed 3–24–17; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

[BAC 6735–01]

Sunshine Act Meeting

March 23, 2017.

TIME AND DATE: 10:00 a.m., Thursday, April 13, 2017.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Arnold Stone, Inc.,* Docket No. CENT 2016–95–M (Issues include whether the Judge erred in concluding that a violation involving a loader with a defective safety lockout did not result from an unwarrantable failure to comply.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD. Relay/1–800–877–8339 for toll free.

PHONE NUMBER FOR LISTENING TO ARGUMENT: 1–(866) 867–4769; Passcode: 129–339.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2017–06092 Filed 3–23–17; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Midwest Bancorp, Inc.,* Itasca, Illinois; to retain Premier Asset Management LLC, and thereby engage in financial and investment advisory activities, pursuant to section 225.28(b)(6) of Regulation Y.

Board of Governors of the Federal Reserve System, March 22, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–05961 Filed 3–24–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Multi-Agency Informational Meeting Concerning Compliance With the Federal Select Agent Program; Public Webcast

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of rescheduled public webcast.

SUMMARY: The HHS/CDC's Division of Select Agents and Toxins (DSAT) and the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, Agriculture Select Agent Services (AgSAS) are jointly charged with the regulation of the possession, use and transfer of biological agents and toxins that have the potential to pose a severe threat to public, animal or plant health or to animal or plant products (select agents and toxins). This joint effort constitutes the Federal Select Agent Program. The purpose of the webcast is to provide guidance and information related to the Federal Select Agent Program for interested individuals.

DATES: The webcast, which was initially scheduled for Wednesday, February 8, 2017, is rescheduled for Friday, April 28, 2017 from 12 p.m. to 4 p.m. Eastern Daylight Time. Participants who have already registered for the webcast will not need to re-submit registration requests for the new date. All others who wish to join the webcast should register by April 14, 2017. Registration instructions can be found on the Web site *http://www.selectagents.gov.*

ADDRESSES: The webcast will be broadcast from CDC, 1600 Clifton Road NE., Atlanta, GA 30329. This will only be produced as a webcast; therefore, no accommodations will be provided for in-person participation.

FOR FURTHER INFORMATION CONTACT: CDC: Ms. Diane Martin, DSAT, Office of Public Health Preparedness and Response, CDC, 1600 Clifton Road NE., MS A–46, Atlanta, GA 30329; phone: 404–718–2000; email: *lrsat@cdc.gov. APHIS:* Dr. Charles Divan, AgSAS, APHIS, 4700 River Road, Unit 2, Riverdale, MD 20737; phone: 301–851–3300 (option 3); email: *AgSAS@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The public webcast, initially scheduled for Wednesday, February 8, 2017, and rescheduled for Friday, April 28, 2017, is an opportunity for the affected community (*i.e.,* registered entity responsible officials, alternate responsible officials, and entity owners) and other interested individuals to obtain specific regulatory guidance and information concerning biosafety, security and incident response issues related to the Federal Select Agent Program.

Representatives from the Federal Select Agent Program will be present during the webcast to address questions and concerns from the web participants.

Participants who have already registered for the February date will not need to re-submit registration requests for the new date. Individuals that have not registered and want to participate in the webcast should complete their registration online by April 14, 2017. The registration instructions are located on this Web site: *http://www.selectagents.gov.*

Dated: March 15, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–05952 Filed 3–24–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 Day–17–16BFQ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and

instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Survey of Sexually Transmitted Disease (STD) Provider Practices in the United States—NEW—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Each year, 19.7 million sexually transmitted diseases (STDs) occur in the U.S., half of which strike youth 15–24 years of age. The public health burden of STDs is compounded by their economic impact. In 2010, an estimated $15.6 billion in direct medical costs were attributed to STDs. Undiagnosed and untreated STDs can lead to serious long-term health consequences, especially for adolescent girls and young adult women. For example, every year, about 24,000 young women become infertile as a result of undiagnosed and untreated STDs.

There is no national survey that collects detailed information on the STD practices of physicians. The STD Provider Survey will collect much needed data from U.S. health care providers in five specialties: Primary care (including internal medicine), general or family practice, obstetrics/gynecology, emergency medicine, and pediatrics. Knowledge of provider practices relative to guidelines and state-level laws and policies will provide information useful to stakeholders at all levels regarding the delivery of STD preventive services and treatment by health care providers in the U.S. As providers are one of the few professionals who have face-to-face contact with persons infected with STDs, they are also a potential intervention point for attempts to reduce re-infection and halt the further transmission of STDs.

The purpose of this survey is to conduct a nationally representative survey of physicians in five specialities: Primary care (including internal medicine), general or family practice, obstetrics/gynecology, emergency medicine, and pediatrics. Our sample size of physicians will allow for national estimates and comparisons among these five specialties. Additionally, the survey will provide national estimates for comparisons between providers in the public and private sectors. Information collected will also be used to determine STD prevention activities needed by type of providers (by specialty or public/private) based on findings related to screening and treatment practices for STDs including EPT.

The survey contains sections on the physician's specialty areas, primary practice setting, primacy practice policies, patient demographics, STD testing and diagnosis, STD care and treatment, and respondent demographics.

In an effort to better understand policies and practices for STD care delivery among medical providers, the surveys will be sent to a random sample of 5,000 U.S. physicians across several specialties using the American Medical Association Master file. Using a multimode design (mail and web), multiple reminders will be sent to non-responders in order to reach the target of 3,500 completed surveys. The total burden hours are 1,342. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Physicians responding via Mail	STD Provider Survey	2,625	1	20/60
Physicians responding via Web	STD Provider Survey	875	1	32/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–05932 Filed 3–24–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17WE; Docket No. CDC–2017–0025]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Knowledge, Attitudes, and Practices related to a Domestic Readiness Initiative on Zika Virus Disease.'' This project consists of telephone interviews with participants in Puerto Rico and the domestic U.S.

DATES: Written comments must be received on or before May 26, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0025 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Knowledge, Attitudes, and Practices related to a Domestic Readiness Initiative on Zika Virus Disease—New—Office of the Associate Director for Communication (OADC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Since late 2015, Zika has rapidly spread through Puerto Rico. As of November 2016, there have been 35,136 confirmed cases of Zika in Puerto Rico, with 2,797 cases among pregnant women and 67 cases of Guillain-Barré caused by Zika. In the continental United States, there have been 4,432 travel-associated cases of Zika and 185 locally-acquired Zika cases in Florida and Texas. Due to the urgent nature of this public health emergency, CDC is implementing a Zika prevention communication and education initiative in the continental United States and Puerto Rico.

CDC intends to request approval from the Office of Management and Budget (OMB) to conduct an assessment of a domestic U.S. and Puerto Rico-based communication and education initiative aimed at encouraging at-risk populations to prepare and protect themselves and their families from Zika virus infection. As part of the mission of CDC's Domestic Readiness Initiative on the Zika Virus Disease, CDC will assess the following communication and education objectives: (1) Determine the reach and saturation of the initiative's messages in Puerto Rico and the domestic U.S.; (2) measure the extent to which messages were communicated clearly across multiple channels to advance knowledge and counter misinformation; and (3) monitor individual and community-level awareness, attitudes and likelihood to follow recommended behaviors.

This data collection is related to Zika prevention efforts that have been and will be implemented in Puerto Rico and the domestic U.S. Specifically, CDC needs this assessment to ensure that Zika prevention campaigns effectively reach target audiences to educate individuals regarding Zika prevention behaviors. Ongoing evaluation is an important part of this program because it can inform awareness of campaign activities, how people perceive Zika as a health risk, and assess their uptake of recommended health behaviors after the campaign has been implemented.

These interviews can help articulate motivations for and against engaging in Zika prevention behaviors that are critical for preventing Zika-associated birth defects and morbidities. Implementing changes based on results from this assessment is expected to facilitate program improvement and ensure the most efficient allocation of resources for this public health emergency.

CDC will launch a new Zika Virus Disease Domestic Readiness Initiative in the continental U.S. and Puerto Rico. The goal of this project is to determine knowledge, attitudes, and practices related to this initiative. CDC will use the findings to improve planning, implementation, refinements, and demonstrate outcomes of a Zika Domestic Readiness Initiative communication and education effort. CDC will also use the information to make recommendations for improving communication and education regarding the prevention and spread of the Zika virus. CDC will develop presentations, reports, and manuscripts to document the communication effort and provide the lessons learned to inform future and similar communication efforts.

The plan is to conduct 2,400 interviews 12 months post-launch of the campaign to assess long term outcomes of the initiative. CDC will conduct telephone interviews with a mix of closed-ended and open-ended questions with individuals domestically in the U.S. and in Puerto Rico. The purpose of this assessment is to assess core components of CDC's Zika response in communicating prevention behaviors and risk messages to the public about vector control services.

The following factors will be assessed:

- Knowledge about Zika virus and related prevention behaviors
- Self-efficacy in engaging in Zika prevention behaviors
- Engagement in Zika prevention behaviors (*e.g.,* protective clothing use, condom use, and standing water removal)
- Risk perceptions of Zika

Researchers will analyze the data, and generate a report for leaders of the response to offer insights on the delivery of the communication campaign.

Results of this project will have limited generalizability. However, results of this evaluation should provide information that can be used to enhance and revise the existing program as well as offer lessons learned to inform infectious disease control programs that use education materials.

Authorizing legislation comes from Section 301 of the Public Health Service Act (42 U.S.C. 241). There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
U.S. Domestic Adults	Zika Readiness Initiative Survey	1,800	1	14/60	420
Puerto Rico Adults	Zika Readiness Initiative Survey	600	1	14/60	140
Total		2,400			560

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–05933 Filed 3–24–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10120]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by April 26, 2017.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at Web site address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* 1932(a) State Plan Amendment Template, State Plan Requirements and Supporting Regulations; *Use:* Section 1932(a)(1)(A) of the Social Security Act (the Act) grants states the authority to enroll Medicaid beneficiaries on a mandatory basis into managed care entities and primary care case managers. Under this authority, a state can amend its Medicaid state plan to require certain categories of Medicaid beneficiaries to enroll in managed care entities without being out of compliance with section 1902 of the Act on state-wideness (42 CFR 431.50), freedom of choice (42 CFR 431.51) or comparability (42 CFR 440.230). The template may be used by states to modify their state plans if they choose to implement the provisions of section 1932(a)(1)(A); *Form Number:* CMS–10120 (OMB control number: 0938–0933); *Frequency:* Once and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 12; *Total Annual Hours:* 70. (For policy questions regarding this collection contact Debbie Anderson at 410–786–5545.)

Dated: March 22, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–06013 Filed 3–24–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Application and Other Forms Used by the National Health Service Corps (NHSC) Scholarship Program (SP), the NHSC Students To Service Loan Repayment Program (S2S LRP), and the Native Hawaiian Health Scholarship Program (NHHSP), OMB No. 0915–0146—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than May 26, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail them to the HRSA Information Collection Clearance Officer, Room 14N–29, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Application and Other Forms Used by the National Health Service Corps (NHSC) Scholarship Program (SP), the NHSC Students to Service Loan Repayment Program (S2S LRP), and the Native Hawaiian Health Scholarship Program (NHHSP). OMB No. 0915–0146—Extension

Abstract: Administered by HRSA's Bureau of Health Workforce (BHW), the NHSC SP, NHSC S2S LRP, and the NHHSP provide scholarships or loan repayment to qualified students who are pursuing primary care health professions education and training. In return, students agree to provide primary health care services in medically underserved communities located in federally designated Health Professional Shortage Areas once they are fully trained and licensed health professionals. Awards are made to applicants who demonstrate the greatest potential for successful completion of their education and training as well as commitment to provide primary health care services to communities of greatest need. The information from program applications, forms, and supporting documentation is used to select the best qualified candidates for these competitive awards and to monitor program participants' enrollment in school, post graduate training, and compliance with program requirements.

Although some program forms vary from program to program (see program-specific burden charts below), required forms generally include: A program application, academic and non-academic letters of recommendation, the authorization to release information, and the acceptance/verification of good standing report. Additional forms for the NHSC SP include the data collection worksheet, which is completed by the educational institutions of program participants; the post graduate training verification form (applicable for NHSC S2S LRP participants), which is completed by program participants and their residency director; and the enrollment verification form, which is completed by program participants and the educational institution for each academic term.

Need and Proposed Use of the Information: The NHSC SP, S2S LRP, and NHHSP applications, forms, and supporting documentation are used to collect necessary information from applicants that enable BHW to make selection determinations for the competitive awards and monitor compliance with program requirements.

Likely Respondents: Qualified students who are pursuing education and training in primary care health professions and are interested in working in Health Professional Shortage Areas.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the tables below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

[NHSC Scholarship Program Application]

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC Scholarship Program Application	1,800	1	1,800	2.0	3,600
Letters of Recommendation	1,800	2	3,600	.50	1,800
Authorization to Release Information	1,800	1	1,800	.10	180
Acceptance/Verification of Good Standing Report	1,800	1	1,800	.25	450
Receipt of Exceptional Financial Need Scholarship	200	1	200	.25	50
Verification of Disadvantaged Background Status	300	1	300	.25	75
Total	* 1,800		9,500		6,155

* Certain documents are submitted by a subset of respondents consistent with program requirements.

NHSC AWARDEES/SCHOOLS/POST GRADUATE TRAINING PROGRAMS/SITES

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Data Collection Worksheet	400	1	400	1.0	400
Post Graduate Training Verification Form	100	1	100	.50	50
Enrollment Verification Form	600	2	1,200	.50	600
Total	*600		1,700		1,050

*Please note that the same group of respondents may complete each form as necessary.

NHSC STUDENTS TO SERVICE LOAN REPAYMENT PROGRAM APPLICATION

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC Students to Service Loan Repayment Program Application	100	1	100	2.0	200
Letters of Recommendation	100	2	200	.50	100
Authorization To Release Information	100	1	100	.10	10
Acceptance/Verification of Good Standing Report	100	1	100	.25	25
Verification of Disadvantaged Background Status	25	1	25	.25	6.25
Post Graduate Training Verification Form	150	1	150	.50	75
Total	*150		679		416.25

*Certain documents are submitted by a subset of respondents consistent with program requirements.

NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM APPLICATION

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Native Hawaiian Health Scholarship Program Application	250	1	250	1.0	250
Letters of Recommendation	250	2	500	.25	125
Authorization To Release Information	250	1	250	.25	62.50
Acceptance/Verification of Good Standing Report	30	12	360	.25	90
Total	*250		1,360		527.50

*Certain documents are submitted by a subset of respondents consistent with program requirements.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–05946 Filed 3–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Ryan White HIV/AIDS Program Client-Level Data Reporting System, OMB No. 0915–0323—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than May 26, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the

information request collection title for reference, pursuant to Section 3506(c)(2)(A), the Paperwork Reduction Act of 1995.

Information Collection Request Title: Client-Level Data Reporting System.

OMB No: 0915–0323—Extension.

Abstract: The Ryan White HIV/AIDS Program's (RWHAP) client-level data reporting system, entitled the RWHAP Services Report or the Ryan White Services Report (RSR), is designed to collect information from grant recipients, as well as their subcontracted service providers, funded under Parts A, B, C, and D of the Ryan White HIV/AIDS Treatment Extension Act of 2009. The RWHAP, authorized under Title XXVI of the Public Health Service Act, as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009, provides entities funded by the program with flexibility to respond effectively to the changing HIV epidemic, with an emphasis on providing life-saving and life-extending services for people living with HIV across this country, as well as targeting resources to areas that have the greatest needs.

Need and Proposed Use of the Information: All parts of RWHAP specify HRSA's responsibilities in administering grant funds, allocating funds, evaluating programs for the populations served, and improving quality of care. The RSR provides data on the characteristics of RWHAP-funded recipients, their contracted service providers, and the clients served with program funds. The RSR is intended to support clinical quality management, performance measurement, service delivery, and client monitoring at the service provider and client levels. The RSR reporting system consists of two online data forms, the Recipient Report and the Service Provider Report, as well as a data file containing the client-level data elements. Data are submitted annually. The statute specifies the importance of recipient accountability for the services delivered and the funding allocated and expended for those services as specified in their grant award and linking performance to budget. The RSR is used to ensure compliance with the law, including evaluating the progress of programs, monitoring recipient and provider performance, and informing annual reports to Congress. Information collected through the RSR is critical for HRSA, state and local recipients, and individual providers to assess the status of existing HIV-related service delivery systems, assess trends in service utilization, and identify areas of greatest need.

Likely Respondents: RWHAP Part A, Part B, Part C, and Part D recipients and their contracted service providers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Grantee Report	475	1	475	7	3,325
Provider Report	2,079	1	2,079	17	35,343
Client Report	1,607	1	1,607	67	107,669
Total	4,161		4,161		146,337

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–05944 Filed 3–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Information Collection Request Title: Ryan White HIV/AIDS Program: Allocation and Expenditure Forms, OMB No. 0915–0318—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than April 26, 2017.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting

information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Ryan White HIV/AIDS Program: Program Allocation and Expenditure Forms, OMB No. 0915–0318—Revision.

Abstract: HRSA's HIV/AIDS Bureau (HAB) administers the Ryan White HIV/AIDS Program authorized under Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009. The Ryan White HIV/AIDS Program Allocation and Expenditure Forms (A&E Reports), in conjunction with the Consolidated List of Contractors (CLC), enables HAB to monitor and track the use of grant funds for compliance with program and grants policies and requirements under the statute. By regulation, recipients are required to submit financial reports annually to HRSA, and the A&E Reports and the CLC are HAB's mechanism to implement that requirement. Recipients funded under Parts A, B, C, and D of the Ryan White HIV/AIDS Program (codified under Title XXVI of the Public Health Service Act) are required to report financial data to HRSA at the beginning (Allocations Form) and at the end (Expenditure Form) of their annual budget period. Recipients funded under Parts A and B are required to report information about their service provider contracts in the CLC.

The forms require recipients to report how funds are allocated and spent on core medical and support services for people living with HIV, and on various program components, such as administration, planning and evaluation, and clinical quality management. The A&E Reports are identical in the types of information they collect. However, the Allocations Report tracks the allocation of the award at the beginning of the annual budget period, and the Expenditures Report tracks actual expenditures (including carryover dollars) at the end of the annual budget period. The CLC form identifies a recipient's contracts with service providers for the current grant year, the contract amount, and the types of services being provided. This revision proposes minor changes to the list of allowable services, specifically by consolidating ''Legal Services'' and ''Permanency Planning'' into ''Other Professional Services'' under Part A and Part B; deleting a ''Treatment Adherence Counseling'' category from allowable services under Part A; adding ''Housing Services'' and ''Early Intervention Services'' under Part C program; and adding ''Substance Abuse Services—Residential'' under Part D program. As a result of these changes and improving the electronic submission of data through HRSA's Electronic Handbooks, the estimated total annual burden hours will decrease from 4,266 hours in 2014 to 2,692 in 2017.

Need and Proposed Use of the Information: Accurate allocation, expenditure, and service contract records of the recipients receiving Ryan White HIV/AIDS Program funding are critical to the implementation of the statute. The primary purposes of these forms are to provide information on the number of grant dollars spent on various services and program components and ensure program compliance.

Likely Respondents: Ryan White HIV/AIDS Program recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Part A Allocations Report	52	1	52	3	156
Part A Expenditures Report	52	1	52	3	156
Part A CLC	52	1	52	4	208
Part B Allocations Report	54	1	54	2	108
Part B Expenditures Report	54	1	54	2	108
Part B CLC	54	1	54	2	108
Part C Allocations Report	346	1	346	2	692
Part C Expenditures Report	346	1	346	2	692
Part D Allocations Report	116	1	116	2	232
Part D Expenditures Report	116	1	116	2	232
Total			1,294		2,692

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–05948 Filed 3–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Reconciliation Tool for the Teaching Health Center Graduate Medical Education Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received May 26, 2017.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, pursuant to Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Reconciliation Tool for the Teaching Health Center Graduate Medical Education Program, OMB No. 0915–0342—Extension.

Abstract: The Teaching Health Center Graduate Medical Education (THCGME) Program, as authorized by section 340H of the Public Health Service (PHS) Act, awards payment for both direct and indirect expenses to support training for primary care residents in community-based ambulatory patient care settings. Payments for direct medical expenses are designed to compensate eligible teaching health centers for those expenses directly associated with resident training, while payments for indirect medical expenses are intended to compensate for the additional expenses of training residents in such programs.

Need and Proposed Use of the Information: THCGME Program payments are prospective payments, and the statute provides for a reconciliation process through which overpayments may be recouped and underpayments may be adjusted at the end of the fiscal year. This data collection instrument gathers information relating to the number of full-time equivalents (FTEs) in THC training programs in order to reconcile payments for both direct and indirect expenses.

Likely Respondents: The likely respondents to the THCGME Reconciliation Tool are THCGME Program award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
THCGME Reconciliation Tool	59	1	59	2.0	118
Total	59		59		118

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2017–05960 Filed 3–24–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Clinical Trial Cooperative Agreement Grant Review Meeting.

Date: April 19, 2017.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy

Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John F. Connaughton, Ph.D., Chief, Scientific Review Branch, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7005, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 21, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05910 Filed 3–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Glaucoma, Macular degeneration, and Other Eyes Diseases.

Date: April 18, 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: Alessandra C Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm 5205, MSC7846, Bethesda, MD 20892, (301) 435–1021, *rovescaa@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Therapeutics.

Date: April 25, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@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 21, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–05909 Filed 3–24–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0004; OMB No. 1660–0046]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Emergency Management Institute (EMI) Independent Study Course Enrollment Application and Test Answer Sheet

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 26, 2017.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This information collection previously published in the **Federal Register** on January 19, 2017, 82 FR 6595, with a 60 day public comment period. FEMA received one public comment suggesting that the response time should be higher than .5 hours. The online course associated with this form uses a multiple choice format and varies in size from 10 to over 50 questions. Due to this difference, the time needed to complete a final exam varies greatly. Based on our most recent data, .5 hours is the mean time for a final exam completion, and FEMA believes that this is an accurate number for calculating the public burden associated with this form. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Emergency Management Institute (EMI) Independent Study Course Enrollment Application and Test Answer Sheet.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0046.

Form Titles and Numbers: FEMA Form 064–0–9, Emergency Management Institute (EMI) Independent Study Course Enrollment Application.

Abstract: The Independent Study program office collects data from FEMA Form 064–0–9 to create and update student records and provide students with credit for training completion. The system also allows FEMA to track completions and failures of course exams. The data on the electronic form will be encrypted and sent to the server to be parsed into the Independent Study database.

Affected Public: Individuals and households, business or other for-profit, not for profit institutions, Farms, Federal government, State, local or Tribal government.

Estimated Number of Respondents: 689,980.

Estimated Total Annual Burden Hours: 1,034,970 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden

is $25,211,869. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $260,893.

Dated: March 22, 2017.

Tammi Hines,

Records Management Program Chief (Acting), Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–05968 Filed 3–24–17; 8:45 am]

BILLING CODE 9111–72–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0003; OMB No. 1660–0005]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Flood Insurance Program Claims Forms

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 26, 2017.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on January 13, 2017 at 82 FR 4372 with a 60 day public comment period. FEMA received one comment from an individual requesting to review all forms associated with the collection. The Records Management Division provided the forms to the requester. The National Flood Insurance Program (NFIP) is codified as 42 U.S.C. 4001, *et sec.* and is authorized by Public Law 90–448 (1968) and expanded by Public Law 93–234 (1973). The National Flood Insurance Act of 1968 requires that FEMA provide flood insurance at full actuarial rates with limited exceptions for certain structures reflecting the complete flood risk to structures built or substantially improved on or after the effective date for the initial Flood Insurance Rate Map (FIRM) for the community, or after December 31, 1974, whichever is later, so that the risk associated with buildings in flood-prone areas are borne by those located in such areas and not by the taxpayers at large. In accordance with Public Law 93–234, the purchase of flood insurance is mandatory when Federal or federally related financial assistance is being provided for acquisition or construction of buildings located, or to be located, within FEMA-identified special flood hazard areas of communities that are participating in the NFIP. When flood damage occurs to insured property, information is collected to report, investigate, and negotiate in order to settle the claim.

The NFIP Appeals Process

Section 205 of The Bunning-Bereuter-Blumenauer Flood Insurance Reform Act (FIRA) of 2004, Public Law 108–264, requires FEMA to establish by regulation an additional process for the appeal of decisions of flood insurance claims issued through the NFIP. Consequently, FEMA published an interim final rule on May 26, 2006 (71 FR 30294) and a final rule on October 13, 2006 (71 FR 60435) codifying into regulation what was previously an existing informal process to handle appeals regarding decisions related to coverage, or claims under the NFIP.

Collection of Information

Title: National Flood Insurance Program Claims Forms.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0005.

FEMA Forms: FEMA Form 086–0–6; Worksheet-Contents-Personal Property; 086–0–7; Worksheet—Building; 086–0–8; Worksheet—Building (Continued); 086–0–9; Proof of Loss; 086–0–10; Increased Cost of Compliance Proof of Loss; 086–0–11; Notice of Loss; 086–0–12; Statement as to Full Cost of Repair or Replacement under the Replacement Cost Coverage, Subject to the Terms and Conditions of this Policy (proposed for removal); 086–0–13; National Flood Insurance Program Preliminary Report; 086–0–14; National Flood Insurance Program Final Report; 086–0–15; National Flood Insurance Program Narrative Report; 086–0–16; Cause of Loss and Subrogation Report; 086–0–17; Manufactured (Mobile) Home/Travel Trailer Worksheet; 086–0–18; Manufactured (Mobile) Home/Travel Trailer Worksheet (continued); 086–0–19; Increased Cost of Compliance (ICC) Adjusters Report; 086–0–20; Adjuster Preliminary Damage Assessment; 086–0–21; Adjuster Certification Application. NFIP Claims Appeals Process (Flood Claims Insurance Handbook).

Abstract: The NFIP appeal process establishes a formal mechanism to allow NFIP policyholders to appeal the decisions of any insurance agent, adjuster, insurance company, or any FEMA employee or contractor, in cases of unsatisfactory decisions on claims, proof of loss, and loss estimates.

Affected Public: Individuals, households, farms, businesses, and other for profit.

Number of Respondents: 49,373.

Estimated Total Annual Burden Hours: 31,737.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $1,432,419. There are no recordkeeping, capital, start-up or maintenance costs associated with this information collection. The cost to the Federal Government is $4,000,434.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through

the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: March 17, 2017.

William H. Holzerland,

Senior Director for Information Management, Office of the Chief Administrative Officer Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–05997 Filed 3–24–17; 8:45 am]

BILLING CODE 9110–52–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2016–0031; OMB No. 1660–0086]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Write Your Own (WYO) Company Participation Criteria; New Applicant

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency will submit the information collection abstracted below to the Office of Management and Budget for reinstatement and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The reinstatement submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before April 26, 2017.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on November 23, 2016 at 81 FR 84605 with a 60 day public comment period. No comments were received. This information collection expired on December 31, 2016. The purpose of this notice is to inform the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for reinstatement and clearance.

Collection of Information

Title: Write Your Own (WYO) Company Participation Criteria; New Applicant.

Type of Information Collection: Reinstatement, without change, of a previously approved information collection for which approval has expired.

OMB Number: 1660–0086.

FEMA Forms: There is no FEMA form number.

Abstract: Under the NFIP, WYO Program, FEMA may enter into arrangements with individual private sector insurance companies that are licensed to engage in the business of offering NFIP flood insurance coverage. The federal government acts as underwriter of this flood insurance. To ensure that a company seeking to return or participate in the WYO program is qualified, FEMA requires an initial submission of information to determine the company's qualifications, as set forth in 44 CFR 62.24.

Affected Public: Business or other for-profit.

Number of Respondents: 5.

Number of Responses: 5.

Estimated Total Annual Burden Hours: 35.

Estimated Cost: $1727.95.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: March 17, 2017.

William H. Holzerland,

Senior Director for Information Management, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–05963 Filed 3–24–17; 8:45 am]

BILLING CODE 9111–52–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2016–N212; FXES11140200000–178–FF02ENEH00]

Environmental Assessment and Habitat Conservation Plan; Heart of Texas Wind Project; McCulloch County, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; draft environmental assessment, draft habitat conservation plan, and permit application.

SUMMARY: Heart of Texas Wind, LLC (applicant), has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit under the Endangered Species Act of 1973, as amended. If granted, the permit would be in effect for 30 years and would authorize incidental take of the black-capped vireo (covered species), a bird listed as endangered under the Act. The applicant has completed a draft HCP (dHCP) as part of the application package. The Service also announces the availability of a draft Environmental Assessment (dEA) that has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act. We are making the permit application package, including the dHCP, and dEA, available for public review and comment.

DATES: To ensure consideration, written comments must be received or postmarked on or before April 26, 2017.

ADDRESSES:

Reviewing the Draft Environmental Assessment and Draft Environmental Assessment

You may obtain copies of the dEA and dHCP by going to the Service's Web site at *http://www.fws.gov/southwest/es/AustinTexas/.* Alternatively, you may

obtain CD–ROM copies of these documents by writing to the Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; by calling (512) 490–0057; or by faxing (512) 490–0974. A limited number of printed copies of the dEA and dHCP are also available, by request, from the Field Supervisor. Copies of the dEA and dHCP are also available for public inspection and review at the following locations (by appointment only at government offices):

- Department of the Interior, Natural Resources Library, 1849 C St. NW., Washington, DC 20240.
- U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 4012, Albuquerque, NM 87102.
- U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

Reviewing the Incidental Take Permit Application

Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4012, Albuquerque, NM 87103.

Submitting Comments or Information

To submit written comments, please use one of the following methods:

- *Email: FW2_AUES_Consult@fws.gov.* Please note that your request is in reference to the Heart of Texas Wind, LLC, HCP (TE–13632C).
- *Hard copy:* Send your comments via U.S. mail to Mr. Adam Zerrenner, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758–4460; or via fax to 512–490–0974. Please note that your request is in reference to the Heart of Texas Wind, LLC, HCP (TE–13632C).

FOR FURTHER INFORMATION CONTACT: Mr. Adam Zerrenner, via U.S. mail at U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758; or via phone at (512) 490–0057.

SUPPLEMENTARY INFORMATION: Heart of Texas Wind, LLC (HoT, applicant), has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit (ITP, TE–13632C) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act). The requested permit, which would be in effect for a period of 30 years, if granted, would authorize incidental take of the black-capped vireo (*Vireo atricapilla*) (BCVI, covered species), a bird species that is listed as endangered under the Act. Incidental take would be covered within 10,808 acres in McCulloch County, Texas, for construction of a wind energy facility. Covered activities include clearing for construction of turbine pads, access roads, underground medium voltage collection cables (MV collection cables), a substation, overhead high voltage transmission line, and other necessary infrastructure; installation of turbines and other infrastructure; ongoing operations and maintenance of the proposed project; and any activities necessary to manage habitat for the covered species that could temporarily result in incidental take. The applicant has completed a draft HCP (dHCP) as part of the application package. The Service also announces the availability of a draft Environmental Assessment (dEA) that has been prepared to evaluate the permit application in accordance with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA). We are making the permit application package, including the dHCP, and dEA available for public review and comment.

Proposed Action

The proposed action involves the issuance of an ITP by the Service for the covered activities in the permit area, pursuant to section 10(a)(1)(B) of the Act. The ITP would cover ''take'' of the covered species associated with construction of a wind energy facility within the permit area. The requested term of the ITP is 30 years. To meet the requirements of a section 10(a)(1)(B) ITP, the applicant developed and proposes to implement their dHCP, which describes the conservation measures the applicant has agreed to undertake to minimize and mitigate for the impacts of the proposed incidental take of the covered species to the maximum extent practicable, and ensure that incidental take will not appreciably reduce the likelihood of the survival and recovery of these species in the wild.

Alternatives

Two alternatives to the proposed action we are considering as part of this process are:

1. *No Action Alternative.* Under the No Action Alternative, HoT would not seek, and the Service would not issue, an ITP. HoT could elect either not to proceed with construction of the proposed project or to proceed with construction without an ITP or an HCP. If construction occurs, the Service assumes that HoT would construct the proposed project in a manner that complies with the Act and avoids take of BCVI. No permanent conservation of BCVI habitat would occur.

2. *Preferred Alternative:* Construction of the HoT wind energy facility under the HCP. This preferred alternative would involve issuance of the requested section 10(a)(1)(B) ITP contingent on the implementation of the Heart of Texas Wind Project HCP. The HCP includes the installation of up to 70 wind turbines, access roads, MV collection cables, substation, high-voltage transmission line, and other related infrastructure constructed within the project area. The covered activities will remove approximately 122.39 acres of occupied BCVI habitat within the plan area and indirectly affect an additional 602.62 acres of BCVI habitat. The applicant has proposed to allow 91.86 acres of BCVI habitat to regenerate within the plan area. The applicant has proposed to mitigate by securing up to 454.23 acres of permanently conserved BCVI habitat. The HoT HCP incorporates actions to minimize and mitigate unavoidable incidental take and includes micro-siting, seasonal clearing restrictions, post-construction habitat restoration, contractor training, and mechanisms to adapt management strategies and respond to emergencies.

Section 9 of the Act and its implementing regulations prohibit ''take'' of fish and wildlife species listed as threatened or endangered under section 4 of the Act. However, section 10(a) of the Act authorizes us to issue permits to take listed wildlife species where such take is incidental to, and not the purpose of, otherwise lawful activities and where the applicant meets certain statutory requirements.

Public Availability of Comments

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 section 10(c) of the Act and its implementing

regulations (50 CFR 17.22 and 17.32) and NEPA and its implementing regulations (40 CFR 1506.6).

Benjamin N. Tuggle,

Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2017–05969 Filed 3–24–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–22938; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Fish and Wildlife Service, Alaska Region, Anchorage, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service, Alaska Region, Anchorage, AK (Alaska Region USFWS), has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, including Alaska Native Tribes, 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, including Alaska Native Tribes, not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects, should submit a written request to the Alaska Region USFWS. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, Native Hawaiian, Alaska Native Tribes, or organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribes or Native Hawaiian organizations, including Alaska Native Tribes, 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 Alaska Region USFWS at the address in this notice by April 26, 2017.

ADDRESSES: Edward J. DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *Edward_decleva@fws.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d)(3), of the completion of an inventory of human remains under the control of the Alaska Region USFWS. The human remains and associated funerary objects were removed from Chirikof Island, Kodiak Island Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Alaska Region USFWS professional staff and U.S. Army Corps of Engineers (USACE St. Louis District) staff in consultation with representatives of the Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak).

History and Description of the Remains

In August 1962, human remains representing, at minimum, 109 individuals were removed from multiple sites in the Southwest Anchorage of Chirikof Island, in Kodiak Island Borough, AK. The human remains represent a minimum of 61 individuals, 48 adults and 13 juveniles, from blowout A (also referred to as Site 1); a minimum of 42 individuals 30 adults and 12 juveniles, from blowout B; two adult individuals from Site 2 (also listed as the Midden Site, a secondary site at blowout B); and four adult individuals from the additional locations on the island. No known individuals were identified. The 47 associated funerary objects include 4 vials of blue European trading beads, 2 vials white European trading beads, 34 amber beads, and 1 animal bone shaft all from burial 2 at Site 2; 3 labrets, 2 jet and 1 ivory were recovered from Site 1 on Chirikof Island.

Anthropologists collected exposed human remains from two areas designated blowout Area A and B. Area A was a deflating dune trending east-west 200 meters from the shoreline of the Southwest Anchorage, and Area B is described as an area approximately 200 by 100 meters located east of Area A across a river. At the time of the collection, most of the human remains from Area B were found stacked together in piles, while the skeletal material from Area A were scattered, disarticulated, and badly mixed. In addition to Areas A and B, approximately four individuals were removed from two other areas of the island; these were designated as sites 14 and 21.

In the early 1960s, these human remains were held at the University of Wisconsin-Madison. In the late 1960s, most of the collection was loaned to Dr. Neal Tappen at the University of Wisconsin-Milwaukie. In 1982, a doctoral student brought the remains to Indiana University in Bloomington, IN. In March 2016, the collection was transferred to the USACE St. Louis District for inventory and rehousing in anticipation of their return to Alaska.

The human remains are believed to be interments stemming from a continuous occupation of the island between 1798 and 1870 by administrators as well as conscript and paid laborers hunting ground squirrels for the Russian-American Company. The preponderance of records, including lists of residents for the period 1833–1870, point to the Chirikof population as being mainly Kodiak Island Alutiiq from the southwest portion of the island including those on Tugidak and Sitkinak islands. Therefore, the Chirikof Island human remains are likely Native American and most closely affiliated with the modern Kodiak Alutiiq people.

Determinations Made by the Alaska Region USFWS

Officials of the Alaska Region USFWS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 109 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 47 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak).

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 Edward J. DeCleva, Regional Historic Preservation Officer, U.S. Fish and Wildlife Service, Alaska Region, 1011 East Tudor Road, MS–235, Anchorage, AK 99503, telephone (907) 786–3399, email *Edward_decleva@fws.gov,* by April 26, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak) may proceed.

The Alaska Region USFWS is responsible for notifying the Sun'aq Tribe of Kodiak (previously listed as the Shoonaq' Tribe of Kodiak) that this notice has been published.

Dated: February 15, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–05981 Filed 3–24–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Thermoplastic-Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same, DN 3207;* 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 Intellectual Ventures II LLC on March 21, 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 thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same. The complaint names as respondents Aisin Seiki Co., Ltd. of Japan; Aisin Holdings of America, Inc. of Seymour, IN; Aisin Technical Center of America, Inc. of Northville, MI; Aisin World Corporation of America of Northville, MI; Bayerische Motoren Werke AG of Germany; BMW of North America, LLC of Woodcliff Lake, NJ; BMW Manufacturing Co., LLC of Greer, SC; Denso Corporation of Japan; Denso International America, Inc. of Southfield, MI; Honda Motor Co., Ltd. of Japan; Honda North America Inc. of Torrance, CA; American Honda Motor Co., Inc. of Torrance, CA; Honda of America Mfg., Inc. of Marysville, OH; Honda Manufacturing of Alabama, LLC of Lincoln, AL; Honda R & D Americas, Inc. of Torrance, CA; Mitsuba Corporation of Japan; American Mitsuba Corporation of Mount Pleasant, MI; Nidec Corporation of Japan; Nidec Automotive Motor Americas, LLC of Auburn Hills, MI; Toyota Motor Corporation of Japan; Toyota Motor North America, Inc. of New York, NY; Toyota Motor Sales, U.S.A., Inc. of Torrance, CA; Toyota Motor Engineering & Manufacturing of Erlanger, KY; Toyota Motor Manufacturing, Indiana, Inc. of Princeton, IN; and Toyota Motor Manufacturing, Kentucky, Inc. of Georgetown, KY. 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. 3207'') 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

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

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 21, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05936 Filed 3–24–17; 8:45 am]

BILLING CODE 7020–02–P

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1032]

Certain Single-Molecule Nucleic Acid Sequencing Systems and Reagents, Consumables, and Software for Use With Same Commission Determination Not To Review an Initial Determination Granting an Unopposed Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 6) granting an unopposed motion to add allegations of violation of section 337 through the sale for importation, importation, or sale after importation into the United States of articles that infringe certain claims of U.S. Patent No. 9,542,527.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–3438. 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 (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 8, 2016, based on a complaint filed by Pacific Biosciences of California, Inc. of Menlo Park, California (''PacBio''). 81 FR 88703–04 (Dec. 8, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 single-molecule nucleic acid sequencing systems and reagents, consumables, and software for use with same by reason of infringement of certain claims of U.S. Patent No. 9,404,146 (''the '146 patent''). *Id.* at 88704. The notice of investigation named as respondents Oxford Nanopore Technologies Ltd. of Oxford, United Kingdom; Oxford Nanopore Technologies, Inc. of Cambridge, Massachusetts; and Metrichor, Ltd. of Oxford, United Kingdom (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations (''OUII'') also was named as a party to the investigation. *Id.*

On February 3, 2017, PacBio filed a motion to amend the complaint and notice of investigation to add allegations of violation of section 337 through the sale for importation, importation, or sale after importation into the United States of articles that infringe claims 1 and 3–11 of U.S. Patent No. 9,542,527 (''the '527 patent''). Specifically, PacBio sought to add allegations that Respondents directly infringe, contributorily infringe, and/or induce the infringement of the asserted claims of the '527 patent. Respondents and OUII did not oppose the motion.

On February 21, 2017, the presiding administrative law judge (''ALJ'') issued an ID, Order No. 6, granting the motion to amend the complaint and notice of investigation. The ALJ found good cause for the amendment. The ALJ found that PacBio could not have asserted the '527 patent when it filed the original complaint because the '527 patent was issued after institution of the investigation, and that PacBio sought to add the allegations relating to the '527 patent soon after its issuance. The ALJ also found that the amendment would not prejudice the public interest or the parties. The ALJ found that (1) the '527 patent involves the same technology as the '146 patent; (2) the '527 and '146 patents are related, claim priority to the same provisional application, name the same inventors, and share a substantially identical specification; and (3) PacBio represents that the accused products and domestic industry products for the '527 and '146 patents are identical, obviating the need for excessive additional discovery. The ALJ also found that the amendment was in the public interest because litigating the '527 and '146 patents in separate investigations would waste judicial and public resources. No petitions for review of the ID were filed.

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 22, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05999 Filed 3–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1014]

Certain Composite Intermediate Bulk Containers; Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on the Withdrawal of the Complaint; Termination of the Investigation

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 a February 22, 2017, initial determination (''ID'') (Order No. 13) granting an unopposed motion to terminate the investigation based on the withdrawal of the complaint. This investigation is terminated.

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 (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System (''EDIS'') (*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 July 27, 2016, the Commission instituted this investigation based on a complaint filed by Schütz Container Systems Inc. (''Schütz'') of North Branch, New Jersey. 81 FR 49265. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337'') based upon the importation into the United States or sale of certain composite intermediate bulk containers by reason of infringement of certain trade dress, the threat or effect of which is to substantially destroy or injure a domestic industry. *Id.* The Commission's Notice of Investigation named as the sole respondent Zhenjiang Runzhou Jinshan Packaging Factory (''Zhenjiang'') of Hengshun Zhenjiang, China. *Id.* The Office of Unfair Import Investigations was also named as a party to this investigation. *Id.*

On February 22, 2017, the administrative law judge (''ALJ'') issued Order No. 13, the subject ID, which granted an unopposed motion filed by Schütz to terminate the investigation based on the withdrawal of the complaint. The ALJ found that the motion complied with the Commission's rules for the termination of investigations, that no extraordinary circumstances prevented the termination of the investigation, and that termination of the investigation is in the public interest. No party filed a petition seeking review of the subject ID.

The Commission has determined not to review the subject ID. This investigation is terminated.

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 22, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05955 Filed 3–24–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–560]

Generalized System of Preferences: Possible Modifications, 2016 Review

AGENCY: United States International Trade Commission.

ACTION: Change in scope of investigation following withdrawal of several requests for competitive need waivers.

SUMMARY: Following receipt of a letter on behalf of the Acting United States Trade Representative (USTR) dated February 17, 2017, advising that several petitioners have withdrawn requests for waivers of the competitive need limitation under the Generalized System of Preferences (GSP) program and that USTR accordingly was withdrawing its request for advice regarding such petitions, the U.S. International Trade Commission (Commission) has amended the scope of its investigation and will not provide advice regarding the withdrawn petitions.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Renee Berry, Project Leader, Office of Industries (202–205–3498 or *renee.berry@usitc.gov*), Sabina Neumann, Deputy Project Leader, Office of Industries (202–205–3000 or *sabina.neuman@usitc.gov*), or Marin Weaver, Technical Advisor, Office of Industries (202–205–3461 or *marin.weaver@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*http://www.usitc.gov*). 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.

SUPPLEMENTARY INFORMATION: *Background:* The February 17, 2017, letter from USTR advised the Commission that several petitioners have withdrawn requests for waivers of the competitive need limitation (CNL) under the GSP program, and that in view of the withdrawals, USTR was withdrawing its request for Commission advice as to whether any industry in the United States is likely to be adversely affected by the waiver of the CNLs, whether like or directly competitive products were being produced in the

United States on January 1, 1995, and what the probable economic effect would be on total U.S. imports, as well as on consumers, of the subject CNL waivers. The letter asked that the Commission continue with its analysis of all other petitions cited in the January 5, 2017 letter from the USTR. As a result, the Commission is terminating the portion of its investigation that concerns the waivers that are the subject of the withdrawn petitions and will not provide advice regarding them. The withdrawn petitions concern the following articles, HTS subheadings, countries, and petitioners:

HTS subheading	Brief description	Country	Petitioner
0410.00.00	Edible products of animal origin, nesi	Indonesia	Government of Indonesia.
0714.90.00	Fresh or chilled dasheens, whether or not sliced or in the form of pellets	Ecuador	Government of Ecuador.
4011.20.10	New pneumatic radial tires, of rubber, of a kind used on buses or trucks	Indonesia	Government of Indonesia.
6802.99.00	Monumental or building stone & arts thereof, nesoi, further worked than simply cut/sawn, nesoi.	Brazil	Government of Brazil and several stone exporters.
8525.80.30	Television cameras, nesi	Thailand	Government of Thailand.
9001.50.00	Spectacle lenses of materials other than glass, unmounted	Thailand	Government of Thailand and Thai Optical Group.

In response to the USTR's letter of January 5, 2017, the Commission published its notice of institution of this investigation and the scheduling of a public hearing in connection therewith in the **Federal Register** on January 23, 2017 (82 FR 7857). The public hearing in this investigation (concerning the remaining articles) was held on February 21, 2017.

As previously announced, the Commission expects to transmit its report in this investigation to the USTR by May 5, 2017.

By order of the Commission.

Issued: March 21, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–05935 Filed 3–24–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Members of Sgip 2.0, Inc.

Notice is hereby given that, on February 24, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Members of SGIP 2.0, Inc. (''MSGIP 2.0'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Twin Oaks Computing, Castle Rock, CO; Spirae, LLC, Fort Collins, CO; Siemens, Minnetonka, MN; and Intel, Hillsboro, OR, have been added as parties to this venture.

Also, Utility Integration Solutions Organization, Fort Washington, PA; NovaTech, LLC, Quakertown, PA; Portland General Electric Company, Portland, OR; Upperbay Systems, Franklin, MA; Aclara, Hazelwood, MO; Energy Alternative Solutions LLC, Bel Air, MD; Energy Surety Partners LLC, Phoenix, AZ; GridWise Alliance, Washington, DC; KALKITECH, Houston, TX; Reef Energy Systems, LLC, Danville, CA; and ViaSat, Inc., Carlsbad, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MSGIP 2.0 intends to file additional written notifications disclosing all changes in membership.

On February 5, 2013, MSGIP 2.0 filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 7, 2013 (78 FR 14836).

The last notification was filed with the Department on November 9, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 13, 2016 (81 FR 89991).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05923 Filed 3–24–17; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Hedge IV

Notice is hereby given that, on February 14, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on HEDGE IV (''HEDGE IV'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: FCA US LLC, Auburn Hills, MI; IHI Corporation, Yokohama, JAPAN; Borgwarner, Inc., Auburn Hills, MI; Eaton Corporation, Southfield, MI; Ford Motor Company, Dearborn, MI; GM Global Technology Operations, LLC, Detroit, MI; Hanon Systems USA, LLC, Van Buren Twp., MI; Peugeot Citroen Automobiles (PCA), Velizy-Villacoublay Cedex, FRANCE; Tenneco Automotive Operating Company, Inc., Grass Lake, MI; and Cummins, Inc., Columbus, IN. The general area of HEDGE IV's planned activity is to develop the most cost effective solutions for future gasoline engine applications. The emissions goals include the most stringent regulations in each of the three developed markets, Asia, Europe, and North America. HEDGE IV will target the LEV III emission standards, consider RDE requirements and monitor PM/PN emissions on a regular basis. The efficiency goals include both practical thermal efficiency and performance targets, in terms of BSFC goals and power densities on specific platforms, as well as overall thermal efficiency

goals to achieve a ''best in class'' efficiency level.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05924 Filed 3–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODPi, Inc.

Notice is hereby given that, on March 7, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODPi, Inc. (''ODPi'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Skytechnology sp. z o.o., Warsaw, POLAND; High Octane SPRL, Bierges, BELGIUM; and Innovyt LLC, Edison, NJ, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODPi intends to file additional written notifications disclosing all changes in membership.

On November 23, 2015, ODPi filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 23, 2015 (80 FR 79930).

The last notification was filed with the Department on December 14, 2016. A notice was published in the **Federal Register** pursuant to Section 6(h) of the Act on January 11, 2017 (82 FR 3361).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05928 Filed 3–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on February 24, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sonopress GmbH, Gütersloh, GERMANY, has been added as a party to this venture.

Also, Azend Group Corporation, Chino, CA; Datapulse Technology Limited, Singapore, SINGAPORE; DVS Korea Co., Ltd., Seongnam-si, Gyeonggi-do, REPUBLIC OF KOREA; ESS Technology, Inc., Fremont, CA; Kaleidescape, Inc., Mountain View, CA; and Quanta Storage Inc., Tao Yuan Shieh, TAIWAN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on November 29, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 4, 2017 (82 FR 870).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05930 Filed 3–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on CHEDE–VII

Notice is hereby given that, on February 13, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on CHEDE–VII (''CHEDE–VII'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, China Faw Group Import & Export Co., Ltd., Jilin Province, PEOPLE'S REPUBLIC OF CHINA, Eaton, Marshall, MI, and General Motors, Detroit, MI, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CHEDE–VII intends to file additional written notifications disclosing all changes in membership.

On January 6, 2016, CHEDE–VII filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2016 (81 FR 5484).

The last notification was filed with the Department on July 18, 2016. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on September 2, 2016 (81 FR 60747).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05926 Filed 3–24–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Node.js Foundation

Notice is hereby given that, on March 6, 2017, pursuant to Section 6(a) of the

National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Node.js Foundation has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, DigitalOcean, New York, NY; Apigee Corporation, San Jose, CA; AppDynamics, Inc., San Francisco, CA; New Relic, Inc., San Francisco, CA; and Opbeat, Inc., San Francisco, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Node.js Foundation intends to file additional written notifications disclosing all changes in membership.

On August 17, 2015, Node.js Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 28, 2015 (80 FR 58297).

The last notification was filed with the Department on September 29, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2016 (81 FR 76629).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05929 Filed 3–24–17; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Fd.Io Project, Inc.

Notice is hereby given that, on March 6, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), fd.io Project, Inc. (''fd.io'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NXP Semiconductor, Inc. (Freescale), Austin, TX; and Mesosphere, Inc., San Francisco, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and fd.io intends to file additional written notifications disclosing all changes in membership.

On May 4, 2016, fd.io filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2016 (81 FR 37211).

The last notification was filed with the Department on December 21, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2017 (82 FR 8857).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–05925 Filed 3–24–17; 8:45 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to seek approval for the Survey of Public Attitudes Toward and Understanding of Science and Technology, an existing collection in use without an OMB Control Number. In accordance with the requirement set forth in the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for three years.

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

DATES: Written comments on this notice must be received by May 26, 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: Suzanne H. Plimpton, NSF 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).

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey of Public Attitudes Toward and Understanding of Science and Technology.

OMB Approval Number: 3145—NEW.

Type of Request: Intent to seek approval for an existing collection in use without an OMB control number.

1. Abstract: Established within the NSF by the America COMPETES Reauthorization Act of 2010 § 505, codified in the National Science Foundation Act of 1950, as amended, the National Center for Science and Engineering Statistics (NCSES) serves as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development for use by practitioners, researchers, policymakers, and the public. The Survey of Public Attitudes Toward and Understanding of Science and Technology (henceforth ''S&T Attitudes Survey'') will be part of this data collection system, focused on public support for, understanding of, and attitudes toward science and technology.

The S&T Attitudes Survey has been collected as a module within the General Social Survey (GSS), an investigator-initiated grant survey conducted by the National Opinion Research Center (NORC) at the University of Chicago, since 2006. The module is funded by the National Center for Science and Engineering Statistics within NSF. NSF recognizes that this data collection is not currently cleared by the Office of Management and Budget, and seeks to bring it into compliance.

The S&T Attitudes Survey contains questions measuring a wide variety of topics, including following science in the media, attendance at informal science institutions such as museums, interest in science, knowledge of

science facts, understanding of the scientific process, support for spending for scientific research, confidence in scientists, and attitudes toward particular science and technology issues such as nanotechnology and genetically engineered foods.

Data collection is expected to begin in Spring 2018. In recent data collection cycles, the GSS has attained a response rate of approximately 70%. Data is collected primarily by face-to-face interviews, though there is an option for phone interviews. The survey will be collected in conformance with the Privacy Act of 1974 and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA). Responses from individuals are voluntary. All individually identifiable information collected will be kept strictly confidential and will be used for research or statistical purposes, analyzing data, and preparing scientific reports and articles.

2. Use of the Information: The S&T Attitudes Survey was established to gather high-quality data on public attitudes toward and understanding of science for the NCSES biennial publication, *Science and Engineering Indicators* (SEI). SEI is a congressionally mandated report on the status of the science and engineering enterprise in the United States, including comparisons with other countries. The ''Science and Technology: Public Attitudes and Understanding'' chapter of the report is dedicated to public understanding of and attitudes toward science and technology. These attitudes and understandings may influence students' decisions to pursue STEM careers, public support for funding scientific research, what technologies are adopted and how, and what public policies are put in place. Thus, public attitudes and understandings matter for the status of the science and engineering enterprise in the United States.

The NSF will publish statistics from the survey in NCSES' SEI report and possibly in InfoBriefs that focus on particular research topics. These reports will be made available in print and electronically on the NSF Web site. Public use data files will also be developed and made freely available via the Internet.

3. Expected Respondents: General Social Survey respondents are a probability sample of all noninstitutionalized English and Spanish speaking persons 18 years of age or older, living in the United States.

The sample is a multi-stage area probability sample to the block or segment level. The Primary Sampling Units employed are Standard Metropolitan Statistical Areas (SMSAs) or non-metropolitan counties. These are stratified by region, age, and race/ethnicity before selection. Smaller geographical units such as segments (which include, for example, city blocks) are further selected, stratified according to race/ethnicity and income. The average cluster size is about 6 to 7 respondents per segment. In a given segment, addresses are selected at random from a list of addresses, and one person is sought to participate from each address. There is, of course, the chance of sample biases due to not-at-homes. To reduce this potential bias, the interviewers are given instructions to canvass and interview usually after 3:00 p.m. on weekdays or during the weekend or holidays. The S&T Attitudes Survey forms a module on the GSS, and only a randomly-selected portion of GSS respondents take the module. To accomplish this, addresses are randomly assigned to take the module. The random assignment of addresses to the module is carried out within segments.

4. Estimate of Burden: In the 2014 GSS data collection cycle, respondents took an average of 20 minutes to respond to the S&T Attitudes Survey module. This is not expected to change. In addition, while the target number of participants is 1,250, this can vary depending on the execution of the GSS. No more than 1,313 participants are expected for the 2018 GSS. Thus, the total number of person-hours expected for the 2018 GSS is at most (20/60)*1,313 or 438 hours.

Dated: March 21, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–05937 Filed 3–24–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Meeting of the Advisory Committee on Reactor Safeguards (ACRS); Subcommittee on APR1400

The ACRS Subcommittee on APR1400 will hold a meeting on April 5, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, April 5, 2017—1:00 p.m. until 5:00 p.m.

The Subcommittee will review the APR1400 Design Control Document and Safety Evaluation Report with Open Items, Chapter 14, ''Verification Programs.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff and Korea Hydro & Nuclear Power Company regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 21, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–05965 Filed 3–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Joint Meeting of the ACRS Subcommittees on Thermal-Hydraulic Phenomena and Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittees on Thermal-Hydraulic Phenomena and Reliability and Probabilistic Risk Assessment will hold a joint meeting on April 5, 2017, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 5, 2017–8:30 a.m. until 12:00 p.m.

The Subcommittees will review the staff's Draft Safety Evaluation Report Regarding South Texas Project's GSI–191 risk-informed license amendment request. The Subcommittees will hear presentations by and hold discussions with the Licensee, NRC staff and other interested persons regarding this matter. The Subcommittees will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 301–415–5375 or Email *Derek.Widmayer@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: March 21, 2017.

Mark L. Banks,

Chief Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–05964 Filed 3–24–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0079]

Quality Assurance Program Criteria (Design and Construction)

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1326, ''Quality Assurance Program Criteria (Design and Construction).'' This proposed guide, Revision 5, updates the guidance to endorse, with clarification or exceptions, multiple revisions of the American Society of Mechanical Engineers standard NQA–1 titled ''Quality Assurance Requirements for Nuclear Facility Applications.'' The proposed revision describes methods that NRC considers acceptable for establishing and implementing a quality assurance (QA) program for the design and construction of nuclear power plants and fuel reprocessing plants.

DATES: Submit comments by May 26, 2017. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specified subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0079. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Ashley Thomas, Office of New Reactors, telephone: 301–415–6638, email: *Ashley.Ferguson@nrc.gov;* and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov.* Both are staff members of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0079 when contacting the NRC about the availability of information regarding this action. You may obtain publically-available information related to this action, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0079.
- *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 DG is available in ADAMS under Accession No. ML16180A264.

• *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–2017–0079 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 a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''Quality Assurance Program Criteria (Design and Construction),'' is a proposed revision temporarily identified by its task number, DG–1326. Draft Guide-1326 is proposed revision 5 of Regulatory Guide 1.28, ''Quality Assurance Program Criteria (Design and Construction).'' The guide describes methods that the NRC considers acceptable for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants as established within the provisions of part 50 of title 10 of the *Code of Federal Regulations,* ''Domestic Licensing of Production and Utilization Facilities,'' and part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' which refer to part 50, Appendix B, ''Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants.''

This revision of the guide (Revision 5) updates the guidance to endorse, with clarification or exceptions, multiple revisions of the American Society of Mechanical Engineers standard NQA–1 titled ''Quality Assurance Requirements for Nuclear Facility Applications.''

III. Backfitting and Issue Finality

Draft Guide-1326 describes methods that the NRC considers acceptable for establishing and implementing a QA program for the design and construction of nuclear power plants and fuel reprocessing plants. Issuance of this DG, if finalized, would not constitute backfitting as defined in § 50.109 (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in part 52. As discussed in the ''Implementation'' section of this DG, the NRC has no current intention to impose this guidance, if finalized, on holders of current operating licenses or combined licenses.

This DG may be applied to applications for operating licenses, combined licenses, early site permits, and certified design rules docketed by the NRC as of the date of issuance of the final regulatory guide, as well as future applications submitted after the issuance of the regulatory guide. Such action would not constitute backfitting as defined in the Backfit Rule or be otherwise inconsistent with the applicable issue finality provision in part 52, inasmuch as such applicants or potential applicants are not within the scope of entities protected by the Backfit Rule or the relevant issue finality provisions in part 52.

Dated at Rockville, Maryland, this 21st day of March 2017.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2017–05949 Filed 3–24–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Occupational Questionnaire, OPM Form 1203–FX

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and Request for Comments.

SUMMARY: The Automated Systems Management Group, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a new information collection request (ICR), Occupational Questionnaire, OPM Form 1203–FX. The Occupational Questionnaire is an optical scan form designed to collect applicant information and qualifications in a format suitable for automated processing and to create applicant records for an automated examining system.

DATES: Comments are encouraged and will be accepted until May 26, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Automated Systems Management Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Sara Kunkle or sent via electronic mail to *Sara.Kunkle@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Automated Systems Management Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20503, Attention: Sara Kunkle or sent via email to *Sara.Kunkle@opm.gov.*

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 (OMB No 3206–0040). 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.

The 1203 series was commonly referred to as the ''Qualifications and Availability Form C.'' OPM re-titled the series as ''Occupational Questionnaire'' to fit a more generic need. OPM uses this form to carry out its responsibility for open competitive examining for admission to the competitive service in accordance with Section 3304, Title 5, United States Code. One change has been made to the form under Section 14, *Veterans' Preference.* The addition of *Sole Survivorship Preference* was added to reflect the amended eligibility categories for veterans' preference per Public Law 110–317, the Hubbard Act. Subparagraph (H) established the new category for veterans released or discharged from a period of active duty from the armed forces, after August 29, 2008, by reason of a ''sole survivorship discharge.''

Analysis

Agency: Automated Systems Management Group, Office of Personnel Management.

Title: Occupational Questionnaire, OPM Form 1203–FX.

OMB Number: 3260–0040.

Frequency: On occasion.

Affected Public: Individuals and households.

Number of Respondents: approximately 11,400,000.

Estimated Time per Respondent: 40 minutes.

Total Burden Hours: 7,600,000 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–05957 Filed 3–24–17; 8:45 am]

BILLING CODE 6325–43–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Nanotechnology Initiative Workshops

ACTION: Notice of public meetings.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold one or more workshops to engage stakeholders and facilitate discussion on key nanotechnology matters. Topics covered may include nanosensor manufacturing; environmental, health, and safety issues; converging technologies; or other areas of potential interest to the nanotechnology community.

DATES: The NNCO will hold one or more workshops between the publication of this Notice and December 31, 2017.

ADDRESSES: For information about upcoming workshops, please visit *http://www.nano.gov/events/meetings-workshops.*

FOR FURTHER INFORMATION CONTACT: For information regarding this Notice, please contact Jewel Beamon at National Nanotechnology Coordination Office, by telephone (703–292–8626) or email (*jbeamon@nnco.nano.gov*). Additional information about each workshop will be posted on *www.nano.gov.*

SUPPLEMENTARY INFORMATION:

Registration: Due to space limitations, pre-registration for workshops is required. Registration is on a first-come, first-served basis, and will be available on *www.nano.gov.* Registration for the workshops will be capped as space limitations dictate. Individuals planning to attend a workshop can find registration information at *http://www.nano.gov/meetings-workshops.* Written notices of participation by email should be sent to *info@nnco.nano.gov* or mailed to Jewel Beamon, 4201 Wilson Blvd., Stafford II, Suite 405, Arlington, VA 22230.

Meeting Accomodations: Individuals requiring special accommodation to access any of these public events should contact Jewel Beamon (telephone 703–292–8626) at least ten business days prior to the meeting so that appropriate arrangements can be made.

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2017–05913 Filed 3–24–17; 8:45 am]

BILLING CODE 3270–F7–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80283; File No. SR–NYSEMKT–2017–14]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Organizational Documents, Company Guide, Price List, Fee Schedules, Independence Policy and Rules To Change the Name of the Exchange to NYSE American LLC

March 21, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 16, 2017 NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes, in connection with its name change to NYSE American LLC, to amend certain organizational documents, the NYSE MKT LLC Company Guide (''Company Guide''), the NYSE MKT Equities Price List (''Price List''), the NYSE Amex Options Fee Schedule (''Fee Schedule''), the NYSE MKT LLC Equities Proprietary Market Data Fees (''Market Data Fees''), the Independence Policy of the Board of Directors (''Independence Policy''), and rules of the Exchange to reflect that name change. The proposed change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE MKT proposes, in connection with its name change to NYSE American LLC (''NYSE American''), to amend certain organizational documents, the Company Guide, Price List, Fee Schedule, Market Data Fees, Independence Policy, and rules of the Exchange to reflect that name change.

Name Change of the Exchange

In 2008, NYSE Euronext acquired the American Stock Exchange LLC (''Amex''), as a result of which the Exchange, as the successor entity to Amex, became a wholly owned subsidiary of NYSE Group, Inc. At that time, the Exchange was named ''NYSE Alternext US LLC.'' [4] In 2009, the name of the Exchange was changed to ''NYSE Amex LLC'' [5] and in 2012 it was changed to ''NYSE MKT LLC.'' [6] The Exchange has now determined that for marketing purposes it would be desirable to change the name of the Exchange to ''NYSE American LLC.''

In connection with the name change, the Exchange proposes to amend the following documents as described below:

- *Certificate of Formation:* The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in number 1 of the certificate of formation and to make conforming changes to the title.
- *Tenth Amended and Restated Operating Agreement of NYSE MKT LLC:* The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in Article I, Section 1.01 (Name) and to replace ''NYSE MKT DCRC'' with ''NYSE American DCRC'' in Article II, Section 2.03 (Board). The Exchange also proposes to make conforming changes to the title, preamble, recitals, and signature line.
- *Company Guide:* The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in the title, Section 211(c) (Original Listing Application—General) and Section 350 (Cancellation Notice), and in the Appendix forms for an Initial Public Offering, Common Stock, and Listing Agreement.
- *Price List:* The Exchange proposes to replace ''NYSE MKT'' with ''NYSE American'' in the title and throughout the Price List. Under ''Co-Location Fees,'' the Exchange proposes to replace ''NYSE MKT Equities Price List'' with ''NYSE American Equities Price List'' and ''NYSE MKT Options Fee Schedule'' with ''NYSE American Options Fee Schedule.'' Under ''Listing Fees,'' the Exchange proposes to replace ''NYSE MKT Company Guide'' with ''NYSE American Company Guide.''
- *Fee Schedule:* The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in the title. Additionally, the Exchange proposes to replace all references to ''NYSE MKT'' with ''NYSE American'' in ''Section V. Technology & System Access Fees—Co-Location Fees.''
- *Market Data Fees:* The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in the title. Additionally, the Exchange proposes to replace all references to ''NYSE MKT'' with ''NYSE American'' in the product names and footnotes 1, 2, and 4.
- *Independence Policy:* The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' throughout the Independence Policy.[7] Additionally, the Exchange proposes to replace ''[Insert name of relevant NYSE U.S. Regulated Subsidiary]'' with ''NYSE American LLC.'' The text being replaced was used in prior filings because several entities used the same Independence Policy.[8]

In addition, the Exchange proposes to amend its rules as follows:

- The Exchange proposes to replace ''NYSE MKT LLC'' with ''NYSE American LLC'' in definitions 11 (''The Exchange'') and 37 (''Company Guide''); Rule 341, Commentary .02 and .08 (Approval of Registered Employees and Officers); Rule 1—Equities (The Exchange and Related Entities); Rule 37—Equities (Visitors); Rule 98—Equities (c)(6) (Operation of a DMM Unit); Rule 227—Equities Forms 6(a), 7(a), and 12(a) (Depository Eligibility); Rule 497—Equities (a)(3) (Additional Requirements for Listed Securities Issued by ICE or its Affiliates); and Rule 900.2NY(45) and (47) (Definitions).
- The Exchange proposes to replace ''NYSE MKT LLC'' with ''the Exchange'' in Rule 341, Commentary .08 (Approval of Registered Employees and Officers).
- The Exchange proposes to replace ''NYSE MKT Bonds'' with ''NYSE American Bonds'' in Rule 51—Equities (a), Supplementary Material .20 (Hours for Business); Rule 72—Equities, Supplementary Material .40 (Priority of Bids and Offers and Allocation of Executions); Rule 86—Equities (NYSE MKT Bonds); Rule 119—Equities (Change in Basis from ''And Interest'' to ''Flat''); and Rule 123B—Equities, Supplementary Material .30 (Exchange Automated Order Routing System).
- In Rule 86—Equities (b)(2) and (c), the Exchange proposes to replace ''NYSE MKT Bonds Limit Order'' with ''NYSE American Bonds Limit Order''; ''NYSE MKT Bonds Reserve Order'' with ''NYSE American Bonds Reserve Order''; ''NYSE MKT Bonds Good 'Til Cancelled Order'' with NYSE American Bonds Good 'Til Cancelled Order''; and ''NYSE MKT Bonds Day Order'' with ''NYSE American Bonds Day Order.''
- The Exchange proposes to replace ''NYSE MKT Company Guide'' with ''Company Guide'' in Rule 2210—Equities (c)(7)(N) (Communications with the Public).
- The Exchange proposes to replace ''NYSE MKT'' with ''NYSE American'' in Rule 3170—Equities (a)(3) (Tape Recording of Registered Persons by Certain Firms).
- In the Trading of Options Contracts portion of the rulebook, the Exchange proposes to replace ''NYSE MKT'' with ''Exchange'' in Section 15 (Flexible Exchange (''FLEX'') Options), Rule 900G(b) (Applicability and Definitions); Rule 903G(b)(4) and (5) (Terms of FLEX Options); and Rule 975NY(k)(3)(A) (Nullification and Adjustment of Options Transactions including Obvious Errors).

[4] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–Amex–2008–62).

[5] *See* Securities Exchange Act Release No. 59575 (March 13, 2009), 74 FR 11803 (March 19, 2009) (SR–NYSEALTR–2009–24).

[6] *See* Securities Exchange Act Release No. 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR–NYSEAmex–2012–32).

[7] In addition, the Exchange proposes to delete footnote 2 of the Independence Policy, which has an obsolete reference to NYSE Regulation, Inc. (''NYSE Regulation''). NYSE Regulation and NYSE Market (DE), Inc. (''NYSE Market (DE)'') were previously parties to a Delegation Agreement whereby the New York Stock Exchange LLC delegated certain regulatory functions to NYSE Regulation and certain market functions to NYSE Market (DE) (''Delegation Agreement''). The Delegation Agreement was terminated when the New York Stock Exchange LLC re-integrated its regulatory and market functions. As a result, the two entities ceased being regulated subsidiaries, and NYSE Regulation was merged out of existence. *See* Securities Exchange Act Release No. 75991 (September 28, 2015), 80 FR 59837 (October 10, 2015) (SR–NYSE–2015–27).

[8] Prior to the termination of the Delegation Agreement, the same Independence Policy applied to the Exchange, the New York Stock Exchange LLC, NYSE Market (DE), and NYSE Regulation. See Securities Exchange Act Release Nos. 72156 (May 13, 2014), 79 FR 28782 (May 19, 2014) (SR–NYSEMKT–2014–41); 67564 (August 1, 2012), 77 FR 47161 (August 7, 2012) (SR–NYSE–2012–17; SR–NYSEArca–2012–59; SR–NYSEMKT–2012–07).

None of the foregoing changes are substantive.[9] The name change and the above-listed changes would become operative upon the effectiveness of an amendment to the Exchange's Certificate of Formation, which is expected to be no later than June 30, 2017. The Exchange will announce the name change via Trader Update.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act [10] in general, and with Section 6(b)(1) [11] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange.

The proposed rule change is a non-substantive change and does not impact the governance or ownership of the Exchange. The Exchange believes that the proposed rule change would enable the Exchange to continue to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply and enforce compliance with the provisions of the Exchange Act by its members and persons associated with its members, because ensuring that the Exchange's governing documents, Company Guide, Price List, Fee Schedule, Market Data Fees, Independence Policy and rulebook accurately reflect the name of the Exchange would contribute to the orderly operation of the Exchange by adding clarity and transparency to such documents and rules.

For similar reasons, the Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system by ensuring that market participants can more easily navigate, understand and comply with the Exchange's governing documents, Company Guide, Price List, Fee Schedule, Market Data Fees, Independence Policy and rulebook. The Exchange believes that, by ensuring that such documents and rulebook accurately reflect the name of the Exchange, the proposed rule change would reduce potential investor or market participant confusion.

The Exchange believes that the proposed changes to replace ''[Insert name of relevant NYSE U.S. Regulated Subsidiary]'' with ''NYSE American LLC'' would contribute to the orderly operation of the Exchange by adding clarity and transparency to such document.

Further, the Exchange believes that the proposed deletion of footnote two of the Independence Policy would remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest because the change would eliminate an obsolete reference to NYSE Regulation, thereby reducing potential confusion. Market participants and investors would not be harmed and in fact could benefit from the increased clarity and transparency in the Independence Policy, ensuring that market participants could more easily understand the Independence Policy.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with updating the Exchange's organizational documents, Company guide, Price List, Fee Schedule, Market Data Fees, Independence Policy and rules to reflect its name change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(3) [14] thereunder in that the proposed rule change is concerned solely with the administration of the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2017–14 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEMKT–2017–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[9] The Exchange will submit subsequent rule filings as necessary to make any technical corrections to proposed rule changes that are pending as of the date of submission of this filing and approved by the Commission thereafter.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(1).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(3).

[15] 15 U.S.C. 78s(b)(2)(B).

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–NYSEMKT–2017–14 and should be submitted on or before April 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05920 Filed 3–24–17; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80286; File No. SR–CBOE–2017–022]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MDX Fees Schedule

March 21, 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 March 14, 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, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') proposes to amend user fees for the Complex Order Book (''COB'') Data Feed. 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 proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a number of changes to the Fees Schedule of the Exchange's affiliate Market Data Express, LLC (''MDX'').[3] The purpose of the proposed rule change is to amend user fees for the Best Bid and Offer (''BBO'') data feed. This data feed is made available by MDX.

BBO Data Feed

The BBO Data Feed is a real-time data feed that includes the following information: (i) Outstanding quotes and standing orders at the best available price level on each side of the market; (ii) executed trades time, size, and price; (iii) totals of customer versus non-customer contracts at the BBO; (iv) all-or-none contingency orders priced better than or equal to the BBO; (v) expected opening price and expected opening size; (vi) end-of-day summaries by product, including open, high, low, and closing price during the trading session; (vi) recap messages any time there is a change in the open, high, low or last sale price of a listed option, (vii) Complex Order Book (''COB'') information; and (viii) product IDs and codes for all listed options contracts. The quote and last sale data contained in the BBO data feed is identical to the data sent to the Options Price Reporting Authority for redistribution to the public.

Background

The Floor Broker Workstation (''FBW'') is an order management tool used by CBOE Floor Brokers to handle orders on the trading floor of the Exchange. Through February 28, 2017, FBW was a third-party facility of the Exchange. CBOE made the BBO data feed available to Floor Brokers that used FBW at no cost, apart from the applicable FBW login fees ($450 per login ID). Floor Brokers used the BBO Data Feed via FBW primarily to comply with customer priority obligations, such as those outlined in CBOE Rule 6.45 (as mentioned above, the BBO data includes customer contracts at the BBO). Floor Brokers who receive the BBO data feed via FBW (as a facility of CBOE) are not considered ''Customers'' of MDX to whom the BBO Data Fee applies (unless the Floor Broker has a separate market data agreement in place with MDX) and accordingly are not charged the BBO Data Fee.[4]

Fees

Prior to the beginning of trading on March 1, 2017, the Exchange will no longer offer FBWs to its Trading Permit Holders (''TPHs'') and will deactivate FBW logins on the trading floor.[5] As of March 1, 2017, Floor Brokers will need another mechanism through which they may access the BBO Data Feed. The Exchange proposes to provide a reduced cost version of the BBO Data Feed if [sic] to Floor Brokers that elect to receive the feed through a third-party provided device so that they can meet their customer priority obligations.

The Exchange is proposing a fee of $100 per month, per Approved Third-Party Device, for Floor Broker Users accessing the BBO data feed on the Exchange floor. Floor Broker User fees are payable only for CBOE Floor Brokers accessing the BBO data feed via Approved Third-Party Devices for managing and executing orders on the CBOE trading floor. An ''Approved Third-Party Device'' means any computer, workstation or other item of equipment, fixed or portable, that receives, accesses and/or displays data

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes on March 1, 2017 (SR–CBOE–2017–020). On March 14, 2017, the Exchange withdrew that filing and submitted this filing.

[4] A Customer is any person, company or other entity that, pursuant to a market data agreement with MDX, is entitled to receive data, either directly from MDX or through an authorized redistributor (*i.e.,* a Customer or an extranet service provider), whether that data is distributed externally or used internally. Floor Brokers receiving the BBO Data Feed from CBOE via FBW do not receive the feed via an approved redistributor. The MDX fee schedule for CBOE data is located at *https://www.cboe.org/MDX/CSM/OBOOKMain.aspx.*

[5] *See* CBOE Regulatory Circular RG16–195.

in visual, audible or other form that has been provided by a third-party and that has been approved, by CBOE, for use on the CBOE trading floor. A ''Floor Broker User'' is a person or entity registered with CBOE as a floor broker pursuant to CBOE Rules. Floor Broker Users may directly interact with the CBOE Hybrid Order Handling System and view and manipulate data using their Approved Third-Party Devices, but not save, copy, export or transfer the data or any results of a manipulation to any other computer hardware, software or media, except for printing it to paper or other non-magnetic media.

In addition, the Exchange proposes to clarify the definition of Customer in the BBO section of the MDX Fee Schedule does not include a third-party vendor of an Approved Third-Party Device, as defined below, unless it has a market data agreement in place with MDX.

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.[6] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The Exchange also believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed Floor Broker User Fee is equitable and not unfairly discriminatory because it would apply equally to all Floor Brokers using Approved Third-Party Devices on the Exchange trading floor. Furthermore, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to charge Floor Brokers more than ''external'' Display Only Service users, because, unlike those users, Floor Brokers use the BBO Data on the Exchange trading floor to manage and execute orders and directly interact with the Order Handling System. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to charge Floor Brokers accessing the BBO data feed via Approved Third-Party Devices a fee of $100 per month as opposed to the $7000 per month fee for BBO Data Feed Customers because: (1) Unlike BBO Data Feed Customers, Floor Broker Users may not save, copy, export or transfer the BBO data and; (2) unlike BBO Data Feed Customers, Floor Broker Users generally use the data for the limited purpose of meeting their order priority obligations (as opposed to using the data for proprietary trading activity). The Exchange believes the Floor Broker User Fees are reasonable because it will no longer collect a $450 monthly fee for FBW, based on conversations with vendors of currently Approved Third-Party Devices, the Exchange believes the $100 Floor Broker user fee plus the amount a Floor Broker pays the third party for use of an Approved Third-Party Device will be comparable to the previously assessed monthly FBW fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not have an impact on intramarket competition as the fee for BBO Data Feed via an Approved Third-Party Device will apply to all Floor Brokers equally who use Approved Third-Party Devices. Further, the proposed rule will have not have an impact on intramarket competition because the amount a Floor Broker previously paid for FBW, which included the BBO Data Feed, is comparable to the amount it will pay for access to the BBO Data Feed through an Approved Third-Party Device plus the separate payment to the third-party vendor for use of the device.

The Exchange does not believe that the proposed change will cause any unnecessary burden on intermarket competition because the proposed change only affects trading on the Exchange's trading floor. To the extent that the proposed changes make the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CBOE–2017–022 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR–CBOE–2017–022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

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 No. SR–CBOE–2017–022, and should be submitted on or before April 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05922 Filed 3–24–17; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80285; File No. SR–NYSEArca–2017–27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services

March 21, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 10, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (''Fee Schedule''). The Exchange proposes to implement the fee changes effective March 10, 2017.[4] The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule, as described below, and implement the fee changes on March 10, 2017.

Mid-Point Liquidity Order—Securities $1.00 and Greater

A Mid-Point Liquidity Order is defined in Rule 7.31(d)(3) as a Limit Order that is not displayed and does not route, with a working price at the midpoint of the Protected Best Bid and Offer (''PBBO'').[5]

The Exchange currently does not charge a fee for MPL Orders in Tape A, Tape B and Tape C securities that remove liquidity from the Exchange that are designated as ''Retail Orders.''[6] The Exchange proposes to charge a fee of $0.0010 per share in each of Tier 1, Tier 2 and Basic Rates sections of the Fee Schedule for MPL Orders that remove liquidity from the Exchange and that are designated as Retail Orders.

Tape B Orders

The Fee Schedule currently provides that a fee of $0.00285 per share is charged for orders that take liquidity from the Book in Tape B securities in each of Tier 1, Tier 2, Tier 3, and Cross-Asset Tier 2 sections of the Fee Schedule, and for Limit Non-Displayed Orders[7] that take liquidity from the Book in Tape B securities in each of Tier 1, Tier 2 and Tier 3 of the Fee Schedule. The Exchange proposes to increase this fee to $0.0029 per share.

Lead Market Maker (''LMM'')[8] Transaction Fees

The Exchange currently charges a fee of $0.00285 per share to LMMs for orders in primary listed securities that remove liquidity from the NYSE Arca Book. The Exchange proposes to increase this fee to $0.0029 per share.

Tape C Tier 2

The Exchange proposes a new pricing tier—Tape C Tier 2—for securities with a per share price at or above $1.00.

As proposed, the Tape C Tier 2 would apply to ETP Holders and Market Makers that, on a daily basis, measured monthly, directly execute providing volume in Tape C Securities during the billing month (''Tape C Adding ADV'') that is equal to at least 0.20% of the US Tape C CADV for the billing month over the ETP Holder's or Market Maker's Q4 2016 Tape C Adding ADV taken as a percentage of Tape C CADV. Such ETP Holders and Market Makers would be charged a fee of $0.0029 per share for orders that take liquidity from the Book in Tape C Securities. For example, if an ETP Holder's Tape C Baseline % CADV during fourth quarter 2016 was 0.500%, the ETP Holder would need a Tape C Adding ADV of at least 0.700% to meet the requirements for Tape C Tier 2. For all other fees and credits, Tiered or Basic Rates apply based on a firm's qualifying levels.

The Exchange recently adopted a Tape C Tier credit of $0.0002 per share for orders that provide liquidity to the Book.[9] That credit is applied in addition to the ETP Holder's or Market Maker's Tiered or Basic Rate credit(s) except that

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Fee Schedule on February 28, 2017 (SR–NYSEArca–2017–21) and withdrew such filing on March 10, 2017.

[5] *See* Rule 7.31(d)(3).

[6] Retail Orders are defined in the Fee Schedule as orders designated as retail orders and that meet the requirements of Rule 7.44(a)(3), but that are not executed in the Retail Liquidity Program. The Retail Liquidity Program is a pilot program designed to attract additional retail order flow to the Exchange for NYSE Arca-listed securities and securities traded pursuant to unlisted trading privileges while also providing the potential for price improvement to such order flow. *See* Rule 7.44. *See also* Securities Exchange Act Release No. 71176 (December 23, 2013), 78 FR 79524 (December 30, 2013) (SR–NYSEArca–2013–107).

[7] A Limit Non-Displayed Order is a Limit Order that is not displayed and does not route. *See* Rule 7.31(d)(2).

[8] The term ''Lead Market Maker'' is defined in Rule 1.1(ccc) to mean a registered Market Maker that is the exclusive Designated Market Maker in listings for which the Exchange is the primary market.

[9] *See* Securities Exchange Act Release No. 80032 (February 13, 2017), 82 FR 11076 (February 17, 2017) (SR–NYSEArca–2017–10).

such combined credit cannot exceed $0.0031 per share. For ETP Holders and Market Makers that would be subject to the proposed Tape C Tier 2 fee, the combined credit shall not exceed $0.0033 per share.

The Exchange also proposes to rename the current Tape C Tier to Tape C Tier 1 to distinguish this pricing tier from the proposed new pricing tier, Tape C Tier 2.

Cross Asset Tier 3

The Exchange proposes a new pricing tier—Cross Asset Tier 3—for securities with a per share price at or above $1.00.

As proposed the Cross Asset Tier 3 would apply to ETP Holders and Market Makers that (a) provide liquidity of 0.30% or more of the US CADV per month and (b) are affiliated with an OTP Holder or OTP Firm that provides an ADV of electronic posted Customer and Professional Customer executions in all issues on NYSE Arca Options (excluding mini options) of at least 0.80% of total Customer equity and ETF option ADV as reported by OCC, of which at least 0.20% of total Customer equity and ETF option ADV as reported by OCC is from Customer and Professional Customer executions in non-Penny Pilot issues on NYSE Arca Options. Such ETP Holders and Market Makers would receive a credit of $0.0030 per share for orders that provide liquidity to the order book in Tape A, Tape B and Tape C Securities. For all other fees and credits, Tiered or Basic Rates apply based on a firm's qualifying levels.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

Mid-Point Liquidity Order

The Exchange believes that the proposed increase to the fee for executions of MPL Orders that remove liquidity and that are designated as Retail Orders is reasonable. MPL Orders provide opportunities for market participants to interact with orders priced at the midpoint of the PBBO, thus providing price improving liquidity to market participants and increasing the quality of order execution on the Exchange's market, which benefits all market participants.

Specifically, the Exchange believes that charging a fee for MPL Orders that remove liquidity from the Exchange and that are designated as Retail Orders is reasonable because the fee is substantially lower than the $0.0030 per share (fee) for MPL orders removing liquidity from the Book that are not designated as ''Retail Orders.''

Tape B Orders

The Exchange believes that the proposal to increase the fee charged for orders in Tape B Securities in Tier 1, Tier 2, Tier 3 and Cross-Asset Tier 2 that take liquidity from the Book, and for Limit Non-Displayed Orders that take liquidity from the Book in Tape B securities in each of Tier 1, Tier 2 and Tier 3, is reasonable because the proposed rate will continue to be lower than the fee charged by other exchanges. For example, Bats EDGX Exchange (''EDGX'') currently charges a fee of $0.0030 per share for orders that remove liquidity in Tape B securities on that exchange.[12] The Exchange further believes that the proposed fee increase is equitable and not unfairly discriminatory because it would apply to all orders in Tape B Securities in Tier 1, Tier 2, Tier 3 and Cross-Asset Tier 2 that take liquidity from the Book.

LMM Transaction Fees

The Exchange believes that it is reasonable to increase the fee charged to LMMs for orders in primary listed securities that remove liquidity from the NYSE Arca Book as this fee would be the same as the fee increase proposed by the Exchange to Tier 1, Tier 2, Tier 3 and Cross-Asset Tier 2 ETP Holders and Market Makers that take liquidity in Tape B securities. In addition, the proposed fee change is equitable and not unfairly discriminatory because it would apply uniformly to all similarly situated LMMs.

Tape C Tier 2

The Exchange believes that the proposal to adopt a lower fee of $0.0029 per share for orders that take liquidity from the Book in Tape C Securities for firms that qualify for Tape C Tier 2 is reasonable because the proposed rate is lower than fees charged by other exchanges for taking liquidity in Tape C Securities, and would create an added incentive for ETP Holders and Market Makers to execute additional orders on the Exchange. For example, EDGX currently charges a fee of $0.0030 per share fee for orders that take liquidity from that exchange in Tape C Securities. The Exchange further believes that the proposed fee decrease is equitable and not unfairly discriminatory because it would apply to all orders in Tape C Securities with a per share price of $1.00 and greater that take liquidity from the Book. The Exchange believes that the proposal to raise the cap on the combined credit from $0.0031 per share to $0.0033 per share for ETP Holders and Market Makers that meet the requirement for proposed new Tape C Tier 2 is reasonable because it would create an added incentive for ETP Holders and Market Makers to add liquidity on the Exchange for the benefit of all market participants.

Cross Asset Tier 3

The Exchange believes the proposed Cross Asset Tier 3 is reasonable and equitably allocated because it would apply to ETP Holders and Market Makers that provide liquidity to the Exchange and is designed to incentivize these market participants to increase the orders sent directly to the Exchange and therefore provide liquidity that supports the quality of price discovery and promotes market transparency. The Exchange believes the new Cross Asset Tier 3 is equitable because it would be available to all similarly situated ETP Holders and Market Makers on an equal basis and would provide credits that are reasonably related to the value of an exchange's market quality associated with higher volumes. The Exchange further believes that the proposed Cross Asset Tier 3 is reasonable, equitable and not unfairly discriminatory because the Exchange has previously implemented cross asset tiers, including the current Cross Asset Tier 1 and Cross Asset Tier 2.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For these reasons, the Exchange believes that the proposal is consistent with the Act.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* EDGX Fee Schedule at *http://www.bats.com/us/equities/membership/fee_schedule/edgx/*.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[13] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders. The Exchange believes that this could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of ETP Holders or competing order execution venues to maintain their competitive standing in the financial markets. Finally, the Exchange believes the proposed fee changes do not impose any burden on competition as the fee changes are consistent with the fees charged by other exchanges.[14]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[13] 15 U.S.C. 78f(b)(8).

[14] *See supra,* note 12.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[15] of the Act and subparagraph (f)(2) of Rule 19b–4[16] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[17] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–27 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2017–27. 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–NYSEArca–2017–27 and should be submitted on or before April 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05918 Filed 3–24–17; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(2).

[17] 15 U.S.C. 78s(b)(2)(B).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80284; File No. SR–MIAX–2017–13]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 521, Nullification and Adjustment of Options Transactions Including Obvious Errors

March 21, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 17, 2017, Miami International Securities Exchange, LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 521 (the ''Current Rule''), Nullification and Adjustment of Options Transactions Including Obvious Errors, by adding new Interpretation and Policy .03 to Rule 521 (the ''Proposed Rule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 521, Nullification and Adjustment of Options Transactions Including Obvious Errors, to add Interpretation and Policy .03. This filing is based on a proposal recently submitted by Chicago Board Options Exchange, Incorporated (''CBOE'') and approved by the Commission.[3]

Last year, the Exchange and other options exchanges adopted a new, harmonized rule related to the adjustment and nullification of erroneous options transactions, including a specific provision related to coordination in connection with large-scale events involving erroneous options transactions.[4] The Exchange believes that the changes the options exchanges implemented with the new, harmonized rule have led to increased transparency and finality with respect to the adjustment and nullification of erroneous options transactions. However, as part of the initial initiative, the Exchange and other options exchanges deferred a few specific matters for further discussion.

Specifically, the options exchanges have been working together to identify ways to improve the process related to the adjustment and nullification of erroneous options transactions as it relates to complex orders and stock-option orders.[5] The goal of the process that the options exchanges have undertaken is to further harmonize rules related to the adjustment and nullification of erroneous options transactions. As described below, the Exchange believes that the changes the options exchanges and the Exchange have agreed to propose will provide transparency and finality with respect to the adjustment and nullification of erroneous complex order and stock-option order transactions. Particularly, the proposed changes seek to achieve consistent results for participants across U.S. options exchanges while maintaining a fair and orderly market, protecting investors and protecting the public interest.

The Proposed Rule is the culmination of this coordinated effort and reflects discussions by the options exchanges whereby the exchanges that offer complex orders and/or stock-option orders will universally adopt new provisions that the options exchanges collectively believe will improve the handling of erroneous options transactions that result from the execution of complex orders and stock-option orders.[6]

The Exchange believes that the Proposed Rule supports an approach consistent with long-standing principles in the options industry under which the general policy is to adjust rather than nullify transactions. The Exchange acknowledges that adjustment of transactions is contrary to the operation of analogous rules applicable to the equities markets, where erroneous transactions are typically nullified rather than adjusted and where there is no distinction between the types of market participants involved in a transaction. For the reasons set forth below, the Exchange believes that the distinctions in market structure between equities and options markets continue to support these distinctions between the rules for handling obvious errors in the equities and options markets.

Various general structural differences between the options and equities markets point toward the need for a different balancing of risks for options market participants and are reflected in this proposal. Option pricing is formulaic and is tied to the price of the underlying stock, the volatility of the underlying security and other factors. Because options market participants can generally create new open interest in response to trading demand, as new open interest is created, correlated trades in the underlying or related series are generally also executed to hedge a market participant's risk. This pairing of open interest with hedging interest differentiates the options market specifically (and the derivatives markets broadly) from the cash equities markets. In turn, the Exchange believes that the hedging transactions engaged in by market participants necessitate protection of transactions through adjustments rather than nullifications when possible and otherwise appropriate.

The options markets are also quote driven markets dependent on liquidity providers to an even greater extent than equities markets. In contrast to the approximately 7,000 different securities traded in the U.S. equities markets each day, there are more than 500,000 unique, regularly quoted option series. Given this breadth in options series the options markets are more dependent on liquidity providers than equities markets; such liquidity is provided most commonly by registered market makers but also by other professional traders. With the number of instruments in which registered market makers must quote and the risk attendant with quoting so many products simultaneously, the Exchange believes that those liquidity providers should be afforded a greater level of protection. In particular, the Exchange believes that liquidity providers should be allowed protection of their trades given the fact that they typically engage in hedging activity to protect them from significant financial risk to encourage continued liquidity provision and maintenance of the quote-driven options markets.

In addition to the factors described above, there are other fundamental differences between options and equities markets which lend themselves to different treatment of different classes of participants that are reflected in this proposal. For example, there is no trade reporting facility in the options markets. Thus, all transactions must occur on an options exchange. This leads to significantly greater retail customer

[3] *See* Securities Exchange Act Release No. 80040 (February 14, 2017), 82 FR 11248 (February 21, 2017) (Order Approving SR–CBOE–2016–088).

[4] *See* Securities Exchange Act Release No. 74918 (May 8, 2015), 80 FR 27781 (May 14, 2015) (SR–MIAX–2015–35) (the ''Initial Filing'').

[5] *See* Exchange Rule 518(a)(5) (defining complex orders and stock-option orders).

[6] An exchange that does not offer complex orders and/or stock-option orders will not adopt these new provisions until such time as the exchange offers complex orders and/or stock-option orders. Exchange Rule 518 currently permits the trading of complex orders and stock-option orders.

participation directly on exchanges than in the equities markets, where a significant amount of retail customer participation never reaches the Exchange but is instead executed in off-exchange venues such as alternative trading systems, broker-dealer market making desks and internalizers. In turn, because of such direct retail customer participation, the exchanges have taken steps to afford those retail customers—generally Priority Customers—more favorable treatment in some circumstances.

Complex Orders and Stock-Option Orders

As more fully described below, the Proposed Rule applies much of the Current Rule to complex orders and stock-option orders.[7] The Proposed Rule deviates from the Current Rule only to account for the unique qualities of complex orders and stock-option orders. The Proposed Rule reflects the fact that complex orders can execute against other complex orders or can execute against individual simple orders in the leg markets. When a complex order executes against the leg markets there may be different counterparties on each leg of the complex order, and not every leg will necessarily be executed at an erroneous price. With regards to stock-option orders, the Proposed Rule reflects the fact that stock-option orders contain a stock component that is executed on a stock trading venue, and the Exchange may not be able to ensure that the stock trading venue will adjust or nullify the stock execution in the event of an obvious or catastrophic error. In order to apply the Current Rule and account for the unique characteristics of complex orders and stock-option orders, proposed Interpretation and Policy .03 is split into three parts—paragraphs (a), (b), and (c).

First, proposed Interpretation and Policy .03(a) governs the review of complex orders that are executed against individual legs (as opposed to a complex order that executes against another complex order).[8] Proposed Rule 521 Interpretation and Policy .03(a) provides:

> If a complex order executes against individual legs and at least one of the legs qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the leg(s) that is an Obvious or Catastrophic Error will be adjusted in accordance with paragraphs (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. However, any Customer order subject to this paragraph (a) will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). If any leg of a complex order is nullified, the entire transaction is nullified.

As previously noted, at least one of the legs of the complex order must qualify as an obvious or catastrophic error under the Current Rule in order for the complex order to receive obvious or catastrophic error relief. Thus, when the Exchange is notified (within the timeframes set forth in paragraph (c)(2) or (d)(2)) of a complex order that is a possible obvious error or catastrophic error, the Exchange will first review the individual legs of the complex order to determine if one or more legs qualify as an obvious or catastrophic error.[9] If no leg qualifies as an obvious or catastrophic error, the transaction stands—no adjustment and no nullification. Reviewing the legs to determine whether one or more legs qualify as an obvious or catastrophic error requires the Exchange to follow the Current Rule. In accordance with paragraphs (c)(1) and (d)(1) of the Current Rule, the Exchange compares the execution price of each individual leg to the Theoretical Price of each leg (as determined by paragraph (b) of the Current Rule). If the execution price of an individual leg is higher or lower than the Theoretical Price for the series by an amount equal to at least the amount shown in the obvious error table in paragraph (c)(1) of the Current Rule or the catastrophic error table in paragraph (d)(1) of the Current Rule, the individual leg qualifies as an obvious or catastrophic error, and the Exchange will take steps to adjust or nullify the transaction.[10]

To illustrate, assume a Customer submits a complex order to the Exchange consisting of Leg 1 and Leg 2—Leg 1 is to buy 100 ABC calls and Leg 2 is to sell 100 ABC puts. Also, assume that Market-Maker 1 is quoting the ABC calls $1.00–1.20 and Market-Maker 2 is quoting the ABC puts $2.00–2.20. If the complex order executes against the quotes of Market-Makers 1 and 2, the Customer buys the ABC calls for $1.20 and sells the ABC puts for $2.00. As with the obvious/catastrophic error reviews for simple orders, the execution price of Leg 1 is compared to the Theoretical Price[11] of Leg 1 in order to determine if Leg 1 is an obvious error under paragraph (c)(1) of the Current Rule or a catastrophic error under paragraph (d)(1) of the Current Rule. The same goes for Leg 2. The execution price of Leg 2 is compared to the Theoretical Price of Leg 2. If it is determined that one or both of the legs are an obvious or catastrophic error, then the leg (or legs) that is an obvious or catastrophic error will be adjusted in accordance with paragraphs (c)(4)(A) or (d)(3) of the Current Rule, regardless of whether one of the parties is a Customer.[12] Although a single-legged execution that is deemed to be an obvious error under the Current Rule is nullified whenever a Customer is involved in the transaction, the Exchange believes adjusting execution prices is generally better for the marketplace than nullifying executions because liquidity providers often execute hedging transactions to offset options positions. When an options transaction is nullified the hedging position can adversely affect the liquidity provider. With regards to complex orders that execute against individual legs, the additional rationale for adjusting erroneous execution prices when possible is the fact that the counterparty on a leg that is not executed at an obvious or catastrophic error price cannot look at the execution price to determine whether the execution may later be nullified (as opposed to the counterparty on single-legged order that is executed at an

[7] In order for a complex order or stock-option order to qualify as an obvious or catastrophic error at least one of the legs must itself qualify as an obvious or catastrophic error under the Current Rule. *See* Proposed Rule 521 Interpretation and Policy .03(a)–(c).

[8] The leg market consists of quotes and/or orders in single options series. A complex order may be received by the Exchange electronically, and the legs of the complex order may have different counterparties. For example, Market-Maker 1 may be quoting in ABC calls and Market-Maker 2 may be quoting in ABC puts. A complex order to buy the ABC calls and puts may execute against the quotes of Market-Maker 1 and Market-Maker 2.

[9] Because a complex order can execute against the leg market, the Exchange may also be notified of a possible obvious or catastrophic error by a counterparty that received an execution in an individual options series. If upon review of a potential obvious error the Exchange determines an individual options series was executed against the leg of a complex order or stock-option order, Proposed Rule 521 Interpretation and Policy .03 will govern.

[10] Only the execution price on the leg (or legs) that qualifies as an obvious or catastrophic error pursuant to any portion of Proposed Rule 521 Interpretation and Policy .03 will be adjusted. The execution price of a leg (or legs) that does not qualify as an obvious or catastrophic error will not be adjusted.

[11] *See* Exchange Rule 521(b) (defining the manner in which Theoretical Price is determined).

[12] *See* Exchange Rule 521(a)(1) (defining Customer for purposes of Rule 521 to mean a Priority Customer, which is a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Exchange Rule 100.)

obvious error or catastrophic error price).

Paragraph (c)(4)(A) of the Current Rule mandates that if it is determined that an obvious error has occurred, the execution price of the transaction will be adjusted pursuant to the table set forth in (c)(4)(A). Although for simple orders paragraph (c)(4)(A) is only applicable when no party to the transaction is a Customer, for the purposes of complex orders paragraph (a) of Interpretation and Policy .03 will supersede that limitation; therefore, if it is determined that a leg (or legs) of a complex order is an obvious error, the leg (or legs) will be adjusted pursuant to (c)(4)(A), regardless of whether a party to the transaction is a Customer. The Size Adjustment Modifier defined in subparagraph (a)(4) of the Current Rule will similarly apply (regardless of whether a Customer is on the transaction) by virtue of the application of paragraph (c)(4)(A).[13] The Exchange notes that adjusting all market participants is not unique or novel. When the Exchange determines that a simple order execution is a Catastrophic Error pursuant to the Current Rule, paragraph (d)(3) already provides for adjusting the execution price for all market participants, including Customers.

Furthermore, as with the Current Rule, Proposed Rule 521 Interpretation and Policy .03(a) provides protection for Customer orders, stating that where at least one party to a complex order transaction is a Customer, the transaction will be nullified if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). For example, assume Customer enters a complex order to buy Leg 1 and Leg 2.

- Assume the NBBO for Leg 1 is $0.20–1.00 and the NBBO for Leg 2 is $0.50–1.00 and that these have been the NBBOs since the market opened.
- A split-second prior to the execution of the complex order a Customer enters a simple order to sell the Leg 1 options series at $1.30, and the simple order enters the Exchange's book so that the BBO is $.20–$1.30. The limit price on the simple order is $1.30.
- The complex order executes Leg 1 against the Exchange's best offer of $1.30 and Leg 2 at $1.00 for a net execution price of $2.30.
- However, Leg 1 executed on a wide quote (the NBBO for Leg 1 was $0.20–1.00 at the time of execution, which is wider than $0.75).[14] Leg 2 was not executed on a wide quote (the market for Leg 2 was $0.50–1.00); thus, Leg 2 execution price stands.
- The Exchange determines that the Theoretical Price for Leg 1 is $1.00, which was the best offer prior to the execution. Leg 1 qualifies as an obvious error because the difference between the Theoretical Price ($1.00) and the execution price ($1.30) is larger than $0.25.[15]
- According to Proposed Rule 521 Interpretation and Policy .03(a), Customers will also be adjusted in accordance with Rule 521(c)(4)(A), which for a buy transaction under $3.00 calls for the Theoretical Price to by adjusted by adding $0.15 [16] to the Theoretical Price of $1.00. Thus, adjust execution price for Leg 1 would be $1.15.
- However, adjusting the execution price of Leg 1 to $1.15 violates the limit price of the Customer's sell order on the simple order book for Leg 1, which was $1.30.
- Thus, the entire complex order transaction will be nullified [17] because the limit price of a Customer's sell order would be violated by the adjustment.[18]

As the above example demonstrates, incoming complex orders may execute against resting simple orders in the leg market. If a complex order leg is deemed to be an obvious error, adjusting the execution price of the leg may violate the limit price of the resting order, which will result in nullification if the resting order is for a Customer. In contrast, Interpretation and Policy .02 to Rule 521 provides that if an adjustment would result in an execution price that is higher than an erroneous buy transaction or lower than an erroneous sell transaction the execution will not be adjusted or nullified.[19] If the adjustment of a complex order would violate the complex order Customer's limit price, the transaction will be nullified.

As previously noted, paragraph (d)(3) of the Current Rule already mandates that if it is determined that a catastrophic error has occurred, the execution price of the transaction will be adjusted pursuant to the table set forth in paragraph (d)(3). For purposes of complex orders under Proposed Rule 521 Interpretation and Policy .03(a), if one of the legs of a complex order is determined to be a Catastrophic Error under paragraph (d)(3), all market participants will be adjusted in accordance with the table set forth in (d)(3). Again, however, where at least one party to a complex order transaction is a Customer, the transaction will be nullified if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). Again, if any leg of a complex order is nullified, the entire transaction is nullified. Additionally, as is the case today, a Member that submits an appeal seeking the review of an Official ruling will be assessed a fee of $500.00 for each Official ruling to be reviewed that is sustained and not overturned or modified by the Chief Regulatory Officer or his/her designee. In addition, in instances where the Exchange, on behalf of a Member, requests a determination by another market center that a transaction is clearly erroneous, the Exchange will pass any resulting charges through to the relevant Member.[20]

Other than honoring the limit prices established for Customer orders, the Exchange has proposed to treat Customers and non-Customers the same in the context of the complex orders that trade against the leg market. When complex orders trade against the leg market, it is possible that at least some of the legs will execute at prices that would not be deemed obvious or catastrophic errors, which gives the counterparty in such situations no indication that the execution will later by adjusted or nullified. The Exchange believes that treating Customers and non-Customers the same in this context will provide additional certainty to non-Customers (especially Market-Makers) with respect to their potential exposure and hedging activities, including comfort that even if a transaction is later adjusted, such transaction will not be fully nullified. However, as noted above, under the Proposed Rule where at least one party to the transaction is a Customer, the trade will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit

[13] *See* Exchange Rule 521(c)(4)(A) (stating that any non-Customer Obvious Error exceeding 50 contracts will be subject to the Size Adjustment Modifier defined in sub-paragraph (a)(4)). The Size Adjustment Modifier may also apply to the option leg of a stock-option order that is adjusted pursuant to Proposed Rule 521 Interpretation and Policy .03(c).

[14] *See* Exchange Rule 521(b)(3).

[15] *See* Exchange Rule 521(c)(1).

[16] *See* Exchange Rule 521(c)(4)(A).

[17] If any leg of a complex order is nullified, the entire transaction is nullified. *See* Proposed Rule 521 Interpretation and Policy .03(a).

[18] The simple order in this example is not an erroneous sell transaction because the execution price was not erroneously low. *See* Exchange Rule 521(a)(2).

[19] *See* Exchange Rule 521 Interpretation and Policy .02.

[20] *See* Exchange Rule 521(l)(2).

price on the complex order or individual leg(s). The Exchange has retained the protection of a Customer's limit price in order to avoid a situation where the adjustment could be to a price that a Customer would not have expected, and market professionals such as non-Customers would be better prepared to recover in such situations. Therefore, adjustment for non-Customers is more appropriate.

Second, proposed Interpretation and Policy .03(b) governs the review of complex orders that are executed against other complex orders. Proposed Rule 521 Interpretation and Policy .03(b) provides:

> If a complex order executes against another complex order and at least one of the legs qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the leg(s) that is an Obvious or Catastrophic Error will be adjusted or busted in accordance with paragraph (c)(4) or (d)(3), respectively, so long as either: (i) The width of the National Spread Market for the complex order strategy just prior to the erroneous transaction was equal to or greater than the amount set forth in the wide quote table of paragraph (b)(3), or (ii) the net execution price of the complex order is higher (lower) than the offer (bid) of the National Spread Market for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount shown in the table in paragraph (c)(1). If any leg of a complex order is nullified, the entire transaction is nullified. For purposes of this Rule 521, the National Spread Market for a complex order strategy is determined by the National Best Bid/Offer of the individual legs of the strategy.

As described above in relation to Proposed Rule 521 Interpretation and Policy .03(a), the first step is for the Exchange to review (upon receipt of a timely notification in accordance with paragraphs (c)(2) or (d)(2) of the Current Rule) the individual legs to determine whether a leg or legs qualifies as an obvious or catastrophic error. If no leg qualifies as an obvious or catastrophic error, the transaction stands—no adjustment and no nullification.

Unlike Proposed Rule 521 Interpretation and Policy .03(a), the Exchange is also proposing to compare the net execution price of the entire complex order package to the National Spread Market (''NSM'') for the complex order strategy.[21] Complex orders are exempt from the order protection rules of the options exchanges.[22] Thus, depending on the manner in which the systems of an options exchange are calibrated, a complex order can execute without regard to the prices offered in the complex order books or the leg markets of other options exchanges. In certain situations, reviewing the execution prices of the legs in a vacuum would make the leg appear to be an obvious or catastrophic error, even though the net execution price on the complex order is not an erroneous price. For example, assume the Exchange receives a complex order to buy ABC calls and sell ABC puts.

- If the BBO for the ABC calls is $5.50–7.50 and the BBO for ABC puts is $3.00–4.50, then the Exchange's spread market is $1.00–4.50.[23]
- If the NBBO for the ABC calls is $6.00–6.50 and the NBBO for the ABC puts is $3.50–4.00, then the NSM is $2.00–3.00.
- If the Customer buys the calls at $7.50 and sells the puts at $4.00, the complex order Customer receives a net execution price of $3.00 (debit), which is the expected net execution price as indicated by the NSM offer of $3.00.

If the exchange were to solely focus on the $7.50 execution price of the ABC calls or the $4.00 execution price of the ABC puts, the execution would qualify as an obvious or catastrophic error because the execution price on the legs was outside the NBBO, even though the net execution price is accurate. Thus, the additional review of the NSM to determine if the complex order was executed at a truly erroneous price is necessary. The same concern is not present when a complex order executes against the leg market under Proposed Rule 521 Interpretation and Policy .03(a) because the execution price of each component is not executed at a price that is outside of the NBBO.[24]

In order to incorporate NSM, Proposed Rule 521 Interpretation and Policy .03(b) provides that if a complex order executes against another complex order and at least one of the legs qualifies as an obvious or catastrophic error, the leg or legs that is an obvious or catastrophic error will be adjusted or busted in accordance with paragraph (c)(4) or (d)(3) of the Current Rule, so long as either: (i) The width of the NSM for the complex order strategy just prior to the erroneous transaction was equal to or greater than the amount set forth in the wide quote table of paragraph (b)(3) of the Current Rule or (ii) the net execution price of the complex order is higher (lower) than the offer (bid) of the NSM for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount shown in the table in paragraph (c)(1) of the Current Rule.

For example, assume an individual leg or legs qualifies as an obvious or catastrophic error and the width of the NSM of the complex order strategy just prior to the erroneous transaction is $6.00–9.00. The complex order will qualify to be adjusted or busted in accordance with paragraph (c)(4) of the Current Rule because the wide quote table of paragraph (b)(3) of the Current Rule indicates that the minimum amount is $1.50 for a bid price between $5.00 to $10.00. If the NSM were instead $6.00–7.00 the complex order strategy would not qualify to be adjusted or busted pursuant to Proposed Rule 521 Interpretation and Policy .03(b)(i) because the width of the NSM is $1.00, which is less than the required $1.50. However, the execution may still qualify to be adjusted or busted in accordance with paragraph (c)(4) or (d)(3) of the Current Rule pursuant to Proposed Rule 521 Interpretation and Policy .03(b)(ii). Focusing on the NSM in this manner will ensure that the obvious/catastrophic error review process focuses on the net execution price instead of the execution prices of the individual legs, which may have execution prices outside of the NBBO of the leg markets.

Again, assume an individual leg or legs qualifies as an obvious or catastrophic error as described above. If the NSM is $6.00–7.00 (not a wide quote pursuant to the wide quote table in paragraph (b)(3) of the Current Rule) but the execution price of the entire complex order package (*i.e.,* the net execution price) is higher (lower) than the offer (bid) of the NSM for the complex order strategy just prior to the erroneous transaction by an amount equal to at least the amount in the table in paragraph (c)(1) of the Current Rule, then the complex order qualifies to be adjusted or busted in accordance with paragraph (c)(4) or (d)(3) of the Current Rule. For example, if the NSM for the complex order strategy just prior to the erroneous transaction is $6.00–7.00 and the net execution price of the complex order transaction is $7.75, the complex order qualifies to be adjusted or busted in accordance with paragraph (c)(4) of the Current Rule because the execution price of $7.75 is more than $0.50 (*i.e.,*

[21] NSM is the derived net market for a complex order package. For example, if the NBBO of Leg 1 is $1.00–2.00 and the NBBO of Leg 2 is $5.00–7.00, then the NSM for a complex order to buy Leg 1 and buy Leg 2 is $6.00–9.00.

[22] *See* Exchange Rule 1401(b)(7). All options exchanges have the same order protection rule.

[23] The complex order is to buy ABC calls and sell ABC puts. The Exchange's best offer for ABC puts is $7.50 and Exchange's best bid for is $3.00. If the Customer were to buy the complex order strategy, the Customer would receive a debit of $4.50 (buy ABC calls for $7.50 minus selling ABC puts for $3.00). If the Customer were to sell the complex order strategy the Customer would receive a credit of $1.00 (selling the ABC calls for $5.50 minus buying the ABC puts for $4.50). Thus, the Exchange's spread market is $1.00–4.50.

[24] *See* Exchange Rule 518(c)(2)(iii).

the minimum amount according to the table in paragraph (c)(1) when the price is above $5.00 but less than $10.01) from the NSM offer of $7.00. Focusing on the NSM in this manner will ensure that the obvious/catastrophic error review process focuses on the net execution price instead of the execution prices of the individual legs, which may have execution prices outside of the NBBO of the leg markets.

Although the Exchange believes adjusting execution prices is generally better for the marketplace than nullifying executions because liquidity providers often execute hedging transactions to offset options positions, the Exchange recognizes that complex orders executing against other complex orders is similar to simple orders executing against other simple orders because both parties are able to review the execution price to determine whether the transaction may have been executed at an erroneous price. Thus, for purposes of complex orders that meet the requirements of Proposed Rule 521 Interpretation and Policy .03(b), the Exchange proposes to apply the Current Rule and adjust or bust obvious errors in accordance with paragraph (c)(4) (as opposed to applying paragraph (c)(4)(A) as is the case under Proposed Rule 521 Interpretation and Policy .03(a)) and catastrophic errors in accordance with (d)(3).

Therefore, for purposes of complex orders under Proposed Rule 521 Interpretation and Policy .03(b), if one of the legs is determined to be an obvious error under paragraph (c)(1), all Customer transactions will be nullified, unless a Member submits 200 or more Customer transactions for review in accordance with (c)(4)(C).[25] For purposes of complex orders under Proposed Rule 521 Interpretation and Policy .03(b), if one of the legs is determined to be a catastrophic error under paragraph (d)(3) and all of the other requirements of Rule 521 Interpretation and Policy .03(b) are met, all market participants will be adjusted in accordance with the table set forth in (d)(3). Again, however, pursuant to paragraph (d)(3) where at least one party to a complex order transaction is a Customer, the transaction will be nullified if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s). Also, if any leg of a complex order is nullified, the entire transaction is nullified.

Third, proposed Interpretation and Policy .03(c) governs stock-option orders. Proposed Rule 521 Interpretation and Policy .03(c) provides:

> If the option leg of a stock-option order qualifies as an Obvious Error under paragraph (c)(1) or a Catastrophic Error under paragraph (d)(1), then the option leg that is an Obvious or Catastrophic Error will be adjusted in accordance with paragraph (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. However, the option leg of any Customer order subject to this paragraph (c) will be nullified if the adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the stock-option order, and the Exchange will attempt to nullify the stock leg. Whenever a stock trading venue nullifies the stock leg of a stock-option order or whenever the stock leg cannot be executed, the Exchange will nullify the option leg upon request of one of the parties to the transaction or in accordance with paragraph (c)(3).

Similar to proposed Interpretation and Policy .03(a), an options leg (or legs) of a stock-option order must qualify as an obvious or catastrophic error under the Current Rule in order for the stock-option order to qualify as an obvious or catastrophic error. Also similar to Proposed Rule 521 Interpretation and Policy .03(a), if an options leg (or legs) does qualify as an obvious or catastrophic error, the option leg (or legs) will be adjusted in accordance with paragraph (c)(4)(A) or (d)(3), respectively, regardless of whether one of the parties is a Customer. Again, as with Proposed Rule 521 Interpretation and Policy .03(a), where at least one party to a complex order transaction is a Customer, the Exchange will nullify the option leg and attempt to nullify the stock leg if adjustment would result in an execution price higher (for buy transactions) or lower (for sell transactions) than the Customer's limit price on the complex order or individual leg(s).

The stock leg of a stock-option order is not executed on the Exchange; rather, the stock leg is sent to a stock trading venue for execution. The Exchange is unaware of a mechanism by which the Exchange can guarantee that the stock leg will be nullified by the stock trading venue in the event of an obvious or catastrophic error on the Exchange. Thus, in the event of the nullification of the option leg pursuant to Proposed Rule 521 Interpretation and Policy .03(c), the Exchange will attempt to have the stock leg nullified by the stock trading venue by either contacting the stock trading venue or notifying the parties to the transaction that the option leg is being nullified. The party or parties to the transaction may ultimately need to contact the stock trading venue to have the stock portion nullified.

Finally, the Exchange proposes to provide guidance that whenever the stock trading venue nullifies the stock leg of a stock-option order, the option will be nullified upon request of one of the parties to the transaction or by an Official acting on their own motion in accordance with paragraph (c)(3). There are situations in which buyer and seller agree to trade a stock-option order, but the stock leg cannot be executed. The Exchange proposes to provide guidance that whenever the stock portion of a stock-option order cannot be executed, the Exchange will nullify the option leg upon request of one of the parties to the transaction or on an Official's own motion.

Implementation Date

In order to ensure that the other options exchanges are able to adopt rules consistent with this proposal and to coordinate effectiveness of such harmonized rules, the Exchange proposes to delay the operative date of this proposal to April 17, 2017.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act [26] in general, and furthers the objectives of Section 6(b)(5) of the Act [27] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. .[sic] As described above, the Exchange and other options exchanges are seeking to adopt harmonized rules related to the adjustment and nullification of erroneous options transactions. The Exchange believes that the Proposed Rule will provide greater transparency and clarity with respect to the adjustment and nullification of erroneous options transactions. Particularly, the proposed changes seek to achieve consistent results for participants across U.S. options exchanges while maintaining a fair and orderly market, protecting investors and protecting the public interest. Based on

[25] Rule 521(c)(4)(C) also requires the orders resulting in 200 or more Customer transactions to have been submitted during the course of 2 minutes or less.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

the foregoing, the Exchange believes that the proposal is consistent with Section 6(b)(5) of the Act [28] in that the Proposed Rule will foster cooperation and coordination with persons engaged in regulating and facilitating transactions. The Exchange believes the various provisions allowing or dictating adjustment rather than nullification of a trade are necessary given the benefits of adjusting a trade price rather than nullifying the trade completely. Because options trades are used to hedge, or are hedged by, transactions in other markets, including securities and futures, many Members, and their customers, would rather adjust prices of executions rather than nullify the transactions and, thus, lose a hedge altogether. As such, the Exchange believes it is in the best interest of investors to allow for price adjustments as well as nullifications.

The Exchange does not believe that the proposal is unfairly discriminatory, even though it differentiates in many places between Customers and non-Customers. As with the Current Rule, Customers are treated differently, often affording them preferential treatment. This treatment is appropriate in light of the fact that Customers are not necessarily immersed in the day-to-day trading of the markets, are less likely to be watching trading activity in a particular option throughout the day, and may have limited funds in their trading accounts. At the same time, the Exchange reiterates that in the U.S. options markets generally there is significant retail customer participation that occurs directly on (and only on) options exchanges such as the Exchange. Accordingly, differentiating among market participants with respect to the adjustment and nullification of erroneous options transactions is not unfairly discriminatory because it is reasonable and fair to provide Customers with additional protections as compared to non-Customers.

The Exchange believes that its proposal to adopt the ability to adjust a Customer's execution price when a complex order is deemed to be an Obvious or Catastrophic Error is consistent with the Act. A complex order that executes against individual leg markets may receive an execution price on an individual leg that is not an Obvious or Catastrophic error but another leg of the transaction is an Obvious or Catastrophic Error. In such situations where the complex order is executing against at least one individual or firm that is not aware of the fact that they have executed against a complex order or that the complex order has been executed at an erroneous price, the Exchange believes it is more appropriate to adjust execution prices if possible because the derivative transactions are often hedged with other securities. Allowing adjustments instead of nullifying transactions in these limited situations will help to ensure that market participants are not left with a hedge that has no position to hedge against.

The Exchange also believes its proposal related to stock-option orders is consistent with the Act. Stock-option orders consist of an option component and a stock component. Due to the fact that the Exchange has no control over the venues on which the stock is executed the proposal focuses on the option component of the stock-option order by adjusting or nullifying the option in accordance with paragraph (c)(4)(A) or (d)(3). Also, nullifying the option component if the stock component cannot be executed ensures that market participants receive the execution for which they bargained. Stock-option orders are negotiated and agreed to as a package; thus, if for any reason the stock portion of a stock-option order cannot ultimately be executed, the parties should not be saddled with an options position sans stock.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the proposed rule change is substantially similar to a filing submitted by CBOE that was recently approved by the Commission.[29]

The Exchange believes the proposal will not impose a burden on intermarket competition but will rather alleviate any burden on competition because it is the result of a collaborative effort by all options exchanges to harmonize and improve the process related to the adjustment and nullification of erroneous options transactions. The Exchange does not believe that the rules applicable to such process is an area where options exchanges should compete, but rather, that all options exchanges should have consistent rules to the extent possible. Particularly where a market participant trades on several different exchanges and an erroneous trade may occur on multiple markets nearly simultaneously, the Exchange believes that a participant should have a consistent experience with respect to the nullification or adjustment of transactions. The Exchange understands that all other options exchanges that trade complex orders and/or stock-option orders intend to file proposals that are substantially similar to this proposal. The Exchange does not believe that the proposed rule change imposes a burden on intramarket competition because the provisions apply to all market participants equally within each participant category (*i.e.,* Customers and non-Customers). With respect to competition between Customer and non-Customer market participants, the Exchange believes that the Proposed Rule acknowledges competing concerns and tries to strike the appropriate balance between such concerns. For instance, the Exchange believes that protection of Customers is important due to their direct participation in the options markets as well as the fact that they are not, by definition, market professionals. At the same time, the Exchange believes due to the quote-driven nature of the options markets, the importance of liquidity provision in such markets and the risk that liquidity providers bear when quoting a large breadth of products that are derivative of underlying securities, that the protection of liquidity providers and the practice of adjusting transactions rather than nullifying them is of critical importance. As described above, the Exchange will apply specific and objective criteria to determine whether an erroneous transaction has occurred and, if so, how to adjust or nullify a transaction.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [30] and

[28] *Id.*

[29] *See supra,* note 3.

[30] 15 U.S.C. 78s(b)(3)(A)(iii).

subparagraph (f)(6) of Rule 19b–4 thereunder.[31]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[32] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[33] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to implement the proposed rule change by April 17, 2017 in coordination with the other options exchanges. Accordingly, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[34]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2017–13 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–MIAX–2017–13. 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–MIAX–2017–13, and should be submitted on or before April 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05921 Filed 3–24–17; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[32] 17 CFR 240.19b–4(f)(6).

[33] 17 CFR 240.19b–4(f)(6)(iii).

[34] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80282; File No. SR–BX–2017–013]

Self-Regulatory Organizations; NASDAQ BX, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Shorten the Settlement Cycle From T+3 to T+2

March 21, 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 March 9, 2017, NASDAQ BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. On March 13, 2017, the Exchange filed Amendment No. 1.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX Rules 11140 (Transactions in Securities ''Ex-Dividend,'' ''Ex-Rights'' or ''Ex-Warrants''), 11150 (Transactions ''Ex-Interest'' in Bonds Which Are Dealt in ''Flat''), 11210 (Sent by Each Party), 11320 (Dates of Delivery), 11620 (Computation of Interest), and IM–11810 (Sample Buy-In Forms), to conform to the Commission's proposed amendment to SEA Rule 15c6–1(a) to shorten the standard settlement cycle for most broker-dealer transactions from three business days after the trade date (''T+3'') to two business days after the trade date (''T+2'') and the industry-led initiative to shorten the settlement cycle from T+3 to T+2.[4]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange proposes to capitalize the letter ''d'' in the word ''department'' in the proposed revisions to Rule 11140(b)(1), as set forth in Exhibit 5 to the filing, to conform to the Exchange's current rule text.

[4] *See* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 (October 5, 2016) (Amendment to Securities Transaction Settlement Cycle) (File No. S7–22–16) (''SEC Proposing Release'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

SEC Proposing Release

On September 28, 2016, the Commission proposed amending SEA Rule 15c6–1(a) to shorten the standard settlement cycle for most broker-dealer transactions from T+3 to T+2 on the basis that the shorter settlement cycle would reduce the risks that arise from the value and number of unsettled securities transactions prior to the completion of settlement, including credit, market, and liquidity risk directly faced by U.S. market participants.[5] The proposed rule amendment was published for comment in the **Federal Register** on October 5, 2016.[6]

Background

In 1995, the standard U.S. trade settlement cycle for equities, municipal and corporate bonds, and unit investment trusts, and financial instruments composed of these products was shortened from five business days after the trade date (''T+5'') to T+3.[7] Accordingly, BX and other self-regulatory organizations (''SROs'') amended their respective rules to conform to the T+3 settlement cycle.[8] Since that time, the SEC and the financial services industry have continued to explore the idea of shortening the settlement cycle even further.[9]

In April 2014, the Depository Trust & Clearing Corporation (''DTCC'') published its formal recommendation to shorten the standard U.S. trade settlement cycle to T+2 and announced that it would partner with market participants and industry organizations to devise the necessary approach and timelines to achieve T+2.[10]

In an effort to improve the overall efficiency of the U.S. settlement system by reducing the attendant risks in T+3 settlement of securities transactions, and to align U.S. markets with other major global markets that have already moved to T+2, DTCC, in collaboration with the financial services industry, formed an Industry Steering Committee (''ISC'') and an industry working group and sub-working groups to facilitate the move to T+2.[11] In June 2015, the ISC published a White Paper outlining the activities and proposed time frames that would be required to move to T+2 in the U.S.[12] Concurrently, the Securities Industry and Financial Markets Association (''SIFMA'') and the Investment Company Institute (''ICI'') jointly submitted a letter to SEC Chair White, expressing support of the financial services industry's efforts to shorten the settlement cycle and identifying SEA Rule 15c6–1(a) and several SRO rules that they believed would require amendments for an effective transition to T+2.[13] In March 2016, the ISC announced the industry target date of September 5, 2017 for the transition to a T+2 settlement cycle to occur.[14]

Proposed Rule Change

In light of the SEC Proposing Release that would amend SEA Rule 15c6–1(a) to require standard settlement no later than T+2 and similar proposals from other SROs,[15] BX is proposing changes to its rules pertaining to securities settlement by, among other things, amending the definition of ''standard'' settlement as occurring on T+2. SEA Rule 15c6–1(a) currently establishes ''standard'' settlement as occurring no later than T+3 for all securities, other than an exempt security, government security, municipal security, commercial paper, bankers' acceptances, or commercial bills.[16] BX is proposing changes to rules pertaining to securities settlement to support the industry-led initiative to shorten the standard settlement cycle to two business days. Most of the rules that BX has identified for these changes are successors to provisions under the legacy NASD Rules of Fair Practice and NASD Uniform Practice Code (''UPC'') that were amended when the Commission adopted SEA Rule 15c6–1(a), which established T+3 as the standard settlement cycle.[17] As such, BX is proposing to amend BX Rules 11140 (Transactions in Securities ''Ex-

[5] *See* Securities and Exchange Commission Press Release 2016–200: ''SEC Proposes Rule Amendment to Expedite Process for Settling Securities Transactions'' (September 28, 2016).

[6] *See supra* note 4.

[7] In 1993, the Commission adopted SEA Rule 15c6–1 which became effective in 1995. *See* Securities Exchange Act Release Nos. 33023 (October 6, 1993), 58 FR 52891 (October 13, 1993) and 34952 (November 9, 1994), 59 FR 59137 (November 16, 1994). SEA Rule 15c6–1(a) provides, in relevant part, that ''a broker or dealer shall not effect or enter into a contract for the purchase or sale of a security (other than an exempted security, government security, municipal security, commercial paper, bankers' acceptances, or commercial bills) that provides for payment of funds and delivery of securities later than the third business day after the date of the contract unless otherwise expressly agreed to by the parties at the time of the transaction.'' 17 CFR 240.15c6–1(a). Although not covered by SEA Rule 15c6–1, in 1995, the Commission approved the Municipal Securities Rulemaking Board's rule change requiring transactions in municipal securities to settle by T+3. *See* Securities Exchange Act Release No. 35427 (February 28, 1995), 60 FR 12798 (March 8, 1995) (Order Approving File No. SR–MSRB–94–10).

[8] *See, e.g.,* Securities Exchange Act Release No. 35507 (March 17, 1995), 60 FR15616 (March 24, 1995) (Order Approving File No. SR–NASD–94–56); Securities Exchange Act Release No. 35506 (March 17, 1995), 60 FR 15618 (March 24, 1995) (Order Approving File No. SR–NYSE–94–40); and Securities Exchange Act Release No. 35553 (March 31, 1995), 60 FR 18161 (April 10, 1995) (Order Approving File No. SR–Amex–94–57).

[9] *See, e.g.,* Securities Industry Association (''SIA''), ''SIA T+1 Business Case Final Report'' (July 2000); Concept Release: Securities Transactions Settlement, Securities Exchange Act Release No. 49405 (March 11, 2004), 69 FR 12922 (March 18, 2004); and Depository Trust & Clearing Corporation, ''Proposal to Launch a New Cost-Benefit Analysis on Shortening the Settlement Cycle'' (December 2011).

[10] *See* DTCC, ''DTCC Recommends Shortening the U.S. Trade Settlement Cycle'' (April 2014).

[11] The ISC includes, among other participants, DTCC, the Securities Industry and Financial Markets Association and the Investment Company Institute.

[12] *See* ''Shortening the Settlement Cycle: The Move to T+2'' (June 18, 2015).

[13] *See* Letter from ICI and SIFMA to Mary Jo White, Chair, SEC, dated June 18, 2015. *See also* Letter from Mary Jo White, Chair to Kenneth E. Bentsen, Jr., President and CEO, SIFMA, and Paul Schott Stevens, President and CEO, ICI, dated September 16, 2015 (expressing her strong support for industry efforts to shorten the trade settlement cycle to T+2 and commitment to developing a proposal to amend SEA Rule 15c6–1(a) to require standard settlement no later than T+2).

[14] *See* ISC Media Alert: ''US T+2 ISC Recommends Move to Shorter Settlement Cycle On September 5, 2017'' (March 7, 2016).

[15] *See, e.g.,* Securities Exchange Act Release No. 77744 (April 29, 2016), 81 FR 26851 (May 4, 2016) (Order Approving File No. SR–MSRB–2016–04).

[16] *See supra* note 7.

[17] The legacy NASD rules that were changed to conform to the move from T+5 to T+3 included Section 26 (Investment Companies) of the Rules of Fair Practice, and Section 5 (Transactions in Securities ''Ex-Dividend,'' ''Ex-Rights'' or ''Ex-Warrants''), Section 6 (Transactions ''Ex-Interest'' in Bonds Which Are Dealt in ''Flat''), Section 12 (Dates of Delivery), Section 46 (Computation of Interest) and Section 64 (Acceptance and Settlement of COD Orders) of the UPC. *See* Securities Exchange Act Release No. 35507 (March 17, 1995), 60 FR 15616 (March 24, 1995) (Order Approving File No. SR–NASD–94–56). *See also* Notice to Members 95–36 (May 1995) (enumerating the various sections under the NASD Rules of Fair Practice and UPC that were amended to implement T+3 settlement for securities transactions).

Dividend,'' ''Ex-Rights'' or ''Ex-Warrants''), 11150 (Transactions ''Ex-Interest'' in Bonds Which Are Dealt in ''Flat''), 11320 (Dates of Delivery), and 11620 (Computation of Interest). In addition, BX is proposing to amend BX Rules 11210 (Sent by Each Party) and IM–11810 (Sample Buy-In Forms) to conform provisions, where appropriate, to the T+2 settlement cycle.[18]

The details of the proposed rule change are described below.

(1) BX Rule 11140 (Transactions in Securities ''Ex-Dividend,'' ''Ex- Rights'' or ''Ex-Warrants'')

Rule 11140(b)(1) provides that for dividends or distributions, and the issuance or distribution of warrants, that are less than 25 percent of the value of the subject security, if definitive information is received sufficiently in advance of the record date, the date designated as the ''ex-dividend date'' shall be the second business day preceding the record date if the record date falls on a business day, or the third business day preceding the record date if the record date falls on a day designated by Exchange's Regulation Department [19] as a non-delivery date. BX is proposing to shorten the time frames in Rule 11140(b)(1) by one business day.

(2) BX Rule 11150 (''Ex-Interest'' in Bonds Which Are Dealt in ''Flat'')

Rule 11150(a) prescribes the manner for establishing ''ex-interest dates'' for transactions in bonds or other similar evidences of indebtedness which are traded ''flat.'' Such transactions are ''ex-interest'' on the second business day preceding the record date if the record date falls on a business day, on the third business day preceding the record date if the record date falls on a day other than a business day, or on the third business day preceding the date on which an interest payment is to be made if no record date has been fixed. BX is proposing to shorten the time frames in Rule 11150(a) by one business day.

(3) BX Rule 11210 (Sent by Each Party)

Paragraphs (c) and (d) of Rule 11210 set forth the ''Don't Know'' (''DK'') voluntary procedures for using ''DK Notices'' or other forms of notices, respectively. Depending upon the notice used, a confirming member may follow the ''DK'' procedures when it sends a comparison or confirmation of a trade (other than one that clears through the National Securities Clearing Corporation (''NSCC'') or other registered clearing agency), but does not receive a comparison or confirmation or a signed ''DK'' from the contra-member by the close of four business days following the trade date of the transaction (''T+4''). The procedures generally provide that after T+4, the confirming member shall send a ''DK Notice'' (or similar notice) to the contra-member. The contra-member then has four business days after receipt of the confirming member's notice to either confirm or ''DK'' the transaction.

BX is proposing to amend paragraphs (c) and (d) of Rule 11210 to provide that the ''DK'' procedures may be used by the confirming member if it does not receive a comparison or confirmation or signed ''DK'' from the contra-member by the close of one business day following the trade date of the transaction, rather than the current T+4.[20] In addition, BX is proposing amendments to paragraphs (c)(2)(A), (c)(3), and (d)(5) of Rule 11210 to adjust the time in which a contra-member has to respond to a ''DK Notice'' (or similar notice) from four business days after the contra-member's receipt of the notice to two business days.

(4) BX Rule 11320 (Dates of Delivery)

Rule 11320 prescribes delivery dates for various transactions. Paragraph (b) states that for a ''regular way'' transaction, delivery must be made on, but not before, the third business day after the date of the transaction. BX is proposing to amend Rule 11320(b) to change the reference to third business day to second business day. Paragraph (c) provides that in a ''seller's option'' transaction, delivery may be made by the seller on any business day after the third business day following the date of the transaction. BX is proposing to amend Rule 11320(c) to change the reference to third business day to second business day.

(5) BX Rule 11620 (Computation of Interest)

In the settlement of contracts in interest-paying securities other than for cash, Rule 11620(a) requires the calculation of interest at the rate specified in the security up to, but not including, the third business day after the date of the transaction. The proposed amendment would shorten the time frame to the second business day. In addition, the proposed amendment would make non-substantive technical changes to the title of paragraph (a).

(6) BX Rule IM–11810 (Sample Buy-In Forms)

Rule IM–11810(i)(1)(A) sets forth the fail-to-deliver and liability notice procedures where a securities contract is for warrants, rights, convertible securities or other securities which have been called for redemption; are due to expire by their terms; are the subject of a tender or exchange offer; or are subject to other expiring events such as a record date for the underlying security and the last day on which the securities must be delivered or surrendered is the settlement date of the contract or later.[21]

Under Rule IM–11810(i)(1)(A), the receiving member delivers a liability notice to the owing counterparty. The liability notice sets a cutoff date for the delivery of the securities by the counterparty and provides notice to the counterparty of the liability attendant to its failure to deliver the securities in time. If the owing counterparty, or delivering member, delivers the securities in response to the liability notice, it has met its delivery obligation. If the delivering member fails to deliver the securities on the expiration date, it will be liable for any damages that may accrue thereby.

Rule IM–11810(i)(1)(A) further provides that when both parties to a contract are participants in a registered clearing agency that has an automated liability notification service, transmission of the liability notice must be accomplished through such system.[22] When the parties to a contract are not

[18] BX Rules 11210 and IM–11810 are successors to legacy NASD UPC Section 9 (Sent by Each Party) and 59 (''Buying-in''), respectively, which remained unchanged during the transition from T+5 to T+3. *See supra* note 17.

[19] *See supra* note 3.

[20] As stated above, the time frames in Rule 11210 remained unchanged during the transition from T+5 to T+3. In light of the industry-led initiative to shorten the standard settlement cycle and the SEC Proposing Release to amend SEA Rule 15c6–1(a) to establish T+2 as the standard settlement for most broker dealer transactions, the Exchange believes that the current time frames in Rule 11210 are more protracted than necessary even in a T+3 environment and as such, the Exchange is proposing to amend these time frames to reflect more current industry practices.

[21] Rule IM–11810(i) is the successor to legacy NASD UPC Section 59(i) (Failure to Deliver and Liability Notice Procedures). When this provision was added to NASD's existing close-out procedures in 1984, it was drafted to be similar to the liability notice provisions adopted by the NSCC so that members that were also participants in NSCC could use the same procedures for both ex-clearing and NSCC cleared transactions, thereby simplifying members' back office procedures.

[22] In 2007, NYSE Rule 180 was amended to require that when the parties to a failed contract were both participants in a registered clearing agency that had an automated service for notifying a failing party of the liability that will be attendant to a failure to deliver and the contract was to be settled through the facilities of that registered clearing agency, the transmission of the liability notification must be accomplished through the use of the registered clearing agency's automated liability notification system. *See* Securities Exchange Act Release No. 55132 (January 19, 2007), 72 FR 3896 (January 26, 2007) (Order Approving File No. SR–NYSE–2006–57).

both participants in a registered clearing agency that has an automated liability notification service, such notice must be issued using written or comparable electronic media having immediate receipt capabilities not later than one business day prior to the latest time and the date of the offer or other event in order to obtain the protection provided by the Rule.[23]

Given the proposed shortened settlement cycle, BX is proposing to amend Rule IM–11810(i)(1)(A) in situations where both parties to a contract are not participants of a registered clearing agency with an automated notification service, by extending the time frame for delivery of the liability notice. Rule IM–11810(i)(1)(A) would be amended to provide that in such cases, the receiving member must send the liability notice to the delivering member as soon as practicable but not later than two hours prior to the cutoff time set forth in the instructions on a specific offer or other event to obtain the protection provided by the Rule. BX believes that extending the time given to the receiving member to transmit liability notifications will maintain the efficiency of the notification process while mitigating the possible overuse of such notifications.

Currently, BX understands that the identity of the counterparty, or delivering member, becomes known to the receiving member by mid-day on the business day after trade date (''T+1''), and by that time, the receiving member will generally also know which transactions are subject to an event identified in Rule IM–11810(i)(1)(A) that would prompt the receiving member to issue a liability notice to the delivering member. BX believes that the receiving member regularly issues liability notices to the seller or other parties from which the securities involved are due when the security is subject to an event identified in Rule IM–11810(i)(1)(A) during the settlement cycle as a way to mitigate the risk of a potential fail-to-deliver. In the current T+3 settlement environment, the one business day time frame gives the receiving member the requisite time needed to identify the parties involved and undertake the liability notification process.

However, BX believes that the move to a T+2 settlement environment will create inefficiencies in the liability notification process under Rule IM–11810(i)(1)(A) when both parties to a contract are not participants in a registered clearing agency with an automated notification service. The shorter settlement cycle, with the loss of one business day, would not afford the receiving member sufficient time to: (1) Ascertain that the securities are subject to an event listed in Rule IM–11810(i)(1)(A) during the settlement cycle; (2) identify the delivering member and other parties from which the securities involved are due; and (3) determine the likelihood that such parties may fail to deliver. Where the receiving member has sufficient time (*e.g.,* one business day after), it can transmit liability notices as needed to the right parties. However, as a consequence of the shortened settlement cycle, the receiving member would be compelled to issue liability notices proactively to all potentially failing parties as a matter of course to preserve its rights against such parties without the benefit of knowing which transactions would actually necessitate the delivery of such notice. This would create a significant increase in the volume of liability notices members send and receive, many of which may be unnecessary. Members would then have to manage this overabundance of liability notices, increasing the possibility of errors, which would adversely impact the efficiency of the process. Therefore, BX believes its proposal to extend the time for the receiving member to deliver a liability notice when the parties to a contract are not both participants in a registered clearing agency with an automated notification service would help alleviate the potential burden on the liability notification process in a T+2 settlement environment.

Implementation

BX will announce the operative date of the proposed rule change in an Equity Regulatory Alert, which date would correspond with the industry-led transition to a T+2 standard settlement, and the compliance date of the proposed amendment to SEA Rule 15c6–1(a) that the Commission may adopt, to require standard settlement no later than T+2.[24]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[25] in general, and furthers the objectives of Section 6(b)(5) of the Act,[26] in particular, in that it is designed 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, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change supports the supports the industry-led initiative to shorten the settlement cycle to two business days. Moreover, the proposed rule change is consistent with the SEC's proposed amendment to SEA Rule 15c6–1(a) to require standard settlement no later than T+2. BX believes that the proposed rule change will provide the regulatory certainty to facilitate the industry-led move to a T+2 settlement cycle. As noted herein, upon approval, BX will announce the operative date of the proposed rule change in an Equity Regulatory Alert, which date would correspond with the industry-led transition to a T+2 standard settlement, and the compliance date of the Commission's proposed amendment to SEA Rule 15c6–1(a) to require standard settlement no later than T+2.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change makes changes to rules pertaining to securities settlement and is intended to facilitate the implementation of the industry-led transition to a T+2 settlement cycle. Moreover, the proposed rule changes are consistent with the SEC's proposed amendment to SEA Rule 15c6–1(a) to require standard settlement no later than T+2. Accordingly, BX believes that the proposed changes do not impose any burdens on the industry in addition to those necessary to implement amendments to SEA Rule 15c6–1(a) as described and enumerated in the SEC Proposing Release.[27]

These conforming changes include changes to rules that specifically establish the settlement cycle as well as rules that establish time frames based on settlement dates, including for certain post-settlement rights and obligations. BX believes that the proposed changes set forth in the filing are necessary to

[23] While Rule IM–11810 has undergone amendments over the years, the one-day time frame in paragraph (j) has remained unchanged. The one-day time frame also appears in comparable provisions of other SROs. *See, e.g.,* NSCC Rules & Procedures, Procedure X (Execution of Buy-Ins) (Effective August 10, 2016); NYSE Rule 282.65 (Fail to Deliver and Liability Notice Procedures). *See also infra* note 31 and accompanying text.

[24] *See supra* note 4.

[25] 15 U.S.C. 78f(b).

[26] 15 U.S.C. 78f(b)(5).

[27] *See supra* note 4.

support a standard settlement cycle across the U.S. for secondary market transactions in equities, corporate and municipal bonds, unit investment trusts, and financial instruments composed of these products, among other things.[28] A standard U.S. settlement cycle for such products is critical for the operation of fair and orderly markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

A previous version of the proposed rule change was published for comment in Equity Regulatory Alert 2016–4 on May 18, 2016. Two comments were received in response to the Regulatory Alert.[29] A copy of the Regulatory Alert is attached as Exhibit 2a.[30] Copies of the comment letters received in response to the Regulatory Notice are attached as Exhibits 2d and a list of comments is attached as Exhibit 2c.

Both of the letters received expressed support for the industry led move to T+2 stating, among other benefits, that the move will align U.S. markets with international markets that already work in the T+2 environment, improve the overall efficiency and liquidity of the securities markets, and the stability of the financial system by reducing counterparty risk and pro-cyclical and liquidity demands, and decreasing clearing capital requirements. SIFMA also provided their view on the proposed amendments to two rules under the BX Rule 11800 Series (Buying In).

BX Rule IM–11810(i)—Sample Buy-In Forms

In its comment letter, SIFMA raised a concern with the one-day time frame in Rule IM–11810(i)(1)(A), asserting that the requirement for the delivering member to deliver a liability notice to the receiving member no later than one business day prior to the latest time and the date of the offer or other event in order to obtain the protection provided by the Rule may no longer be appropriate in a T+2 environment in some situations such as where the delivery obligation is transferred to another party as a result of continuous net settlement, settlements outside of the NSCC, and settlements involving a third party that is not a BX member firm. SIFMA noted that NYSE Rule 180 (Failure to Deliver) includes a similar requirement for NYSE member firms that are participants in a registered clearing agency to transmit liability notification through an automated notification service and proposed amending Rule IM–11810(i)(1)(A) to omit the reference to a notification time frame, which would align with NYSE Rule 180.[31] In the alternative, SIFMA proposed amending Rule IM–11810(i)(1)(A) to require that the liability notice be delivered in a ''reasonable amount of time'' ahead of the settlement obligation in light of facts and circumstances. SIFMA maintained that under either proposed amendment to paragraph (j), the delivering member would be liable for any damages caused by its failure to deliver in a timely fashion.

While BX did not initially propose amendments to Rule IM–11810 for the T+2 initiative,[32] in light of SIFMA's concern regarding Rule IM–11810(i)(1)(A), BX is proposing to amend the Rule to provide that, where both parties to a contract are not participants of a registered clearing agency with an automated notification service, the receiving member must send the liability notice to the delivering member as soon as practicable but not later than two hours prior to the cutoff time set forth in the instructions on a specific offer or other event to obtain the protection provided by the Rule.[33]

[28] *See supra* note 4.

[29] *See* Letter from Martin A. Burns, Chief Industry Operations Officer, Investment Company Institute to John Zecca, Senior Vice President, Marketwatch dated June 8, 2016 (''ICI''); letter from Thomas F. Price, Managing Director, Operations, Securities Industry and Financial Markets Association, to John Zecca, Senior Vice President Market Watch dated June 8, 2016 (''SIFMA'').

[30] The Commission notes that the exhibits referred to are attached to the filing and not to this Notice.

[31] *See* NYSE Rule 180 (Failure to Deliver) providing in part that ''[w]hen the parties to a contract are both participants in a registered clearing agency which has an automated service for notifying a failing party of the liability that will be attendant to a failure to deliver and that contract was to be settled through the facilities of said registered clearing agency, the transmission of the liability notification must be accomplished through use of said automated notification service.'' BX notes that NYSE Rule 180 does not address the transmission of the liability notification for parties to a contract that are not both participants in a registered clearing agency (or non-participants). The transmission of the liability notification for non-participants is addressed under NYSE Rule 282.65 (Failure to Deliver and Liability Notice Procedures). *See supra* note 23.

[32] *See* Equity Regulatory Alert 2016–4.

[33] BX expects similar amendments to other comparable SRO provisions in NYSE Rule 282.65 (Fail to Deliver and Liability Notice Procedures) and FINRA Rule 11810 (Buying-in), and NSCC Rules & Procedures, Procedure X (Execution of Buy-Ins) to address SIFMA's concern about the one-day notification time frame.

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 (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2017–013 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BX–2017–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for

inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2017–013, and should be submitted on or before April 17, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–05919 Filed 3–24–17; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2012–0035]

Rescission of Social Security Rulings 96–2p, 96–5p, and 06–3p

AGENCY: Social Security Administration.

ACTION: Notice of rescission of Social Security Rulings.

SUMMARY: In accordance with 20 CFR 402.35(b)(1), the Acting Commissioner of Social Security gives notice of the rescission of Social Security Rulings (SSR) 96–2p, 96–5p, and 06–03p.

DATES: *Effective Date:* This rescission will be effective for claims filed on or after March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Joshua Silverman, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 594–2128. For information on eligibility or filing for benefits, call our national toll-free number 1–800–772, 1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this notice, we are doing so in accordance with 20 CFR 402.35(b)(1).

Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and special veterans benefits programs. We may base SSRs on determinations or decisions made at all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

We are rescinding the following SSRs:

- *SSR 96–2p:* Titles II and XVI: Giving Controlling Weight to Treating Source Medical Opinions.
- *SSR 96–5p:* Titles II and XVI: Medical Source Opinions on Issues Reserved to the Commissioner.
- *SSR 06–03p:* Titles II and XVI: Considering Opinions and Other Evidence from Sources Who Are Not ''Acceptable Medical Sources'' in Disability Claims; Considering Decisions on Disability by Other Governmental and Nongovernmental Agencies.

These three SSRs are inconsistent or unnecessarily duplicative with our recent final rules, *Revisions to Rules Regarding the Evaluation of Medical Evidence,* published in the **Federal Register** on January 18, 2017 (82 FR 5844).

SSR 96–2p explained how adjudicators should evaluate medical opinions from treating sources, including when it is appropriate to give controlling weight to medical opinions from treating sources. The final rules revised these policies for claims filed on or after March 27, 2017, in several ways. For example, adjudicators will not assign a weight, including controlling weight, to any medical opinion for claims filed on or after March 27, 2017. Therefore, this SSR is inconsistent with the final rules.

SSR 96–5p explained how adjudicators should consider and articulate their consideration of medical source opinions on issues reserved to the Commissioner in the notice of the determination or decision. The final rules revised these policies for claims filed on or after March 27, 2017, in several ways. For example, in claims filed on or after March 27, 2017, adjudicators will not provide any articulation about their consideration of this evidence because it is inherently neither valuable nor persuasive to us. Therefore, this SSR is inconsistent with the final rules.

SSR 06–03p explained how we consider opinions and other evidence from sources who are not acceptable medical sources and how we consider decisions by other governmental and nongovernmental agencies on the issue of disability or blindness. The final rules revised these policies for claims filed on or after March 27, 2017, in several ways. For example, in claims filed on or after March 27, 2017, the final rules state that all medical sources, not just acceptable medical sources, can make evidence that we categorize and consider as medical opinions. Also, in claims filed on or after March 27, 2017, the final rules state that adjudicators will not provide any articulation about their consideration of decisions from other governmental agencies and nongovernmental entities because this evidence is inherently neither valuable nor persuasive to us. Therefore, this SSR is inconsistent with the final rules.

(Catalog of Federal Domestic Assistance, Programs Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

Nancy A. Berryhill,

Acting Commissioner of Social Security.

[FR Doc. 2017–05958 Filed 3–24–17; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2012–0035]

Social Security Ruling (SSR) 17–2p: Titles II and XVI: Evidence Needed by Adjudicators at the Hearings and Appeals Council Levels of the Administrative Review Process To Make Findings About Medical Equivalence

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling (SSR).

SUMMARY: We are providing notice of SSR 17–2p. This SSR provides guidance about how adjudicators at the hearings and Appeals Council (AC) levels of the administrative review process make findings about medical equivalence in disability claims under titles II and XVI of the Social Security Act.

DATES: *Effective Date:* March 27, 2017.

FOR FURTHER INFORMATION CONTACT: Joshua Silverman, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 594–2128. For information on eligibility or filing for benefits, call our national toll-free number 1–800–772, 1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: Although 5 U.S.C. 552(a)(1) and (a)(2) do not require us to publish this SSR, we are doing so in accordance with 20 CFR 402.35(b)(1).

Through SSRs, we make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and special veterans benefits programs. We may base SSRs on determinations or decisions made at

[34] 17 CFR 200.30–3(a)(12).

all levels of administrative adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, or other interpretations of the law and regulations.

Although SSRs do not have the same force and effect as statutes or regulations, they are binding on all components of the Social Security Administration. 20 CFR 402.35(b)(1).

This SSR will remain in effect until we publish a notice in the **Federal Register** that rescinds it, or we publish a new SSR that replaces or modifies it.

(Catalog of Federal Domestic Assistance, Programs Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006—Supplemental Security Income.)

Nancy A. Berryhill,

Acting Commissioner of Social Security.

POLICY INTERPRETATION RULING

Social Security Ruling, SSR 17–2p: Titles II and XVI: Evidence Needed by Adjudicators at the Hearings and Appeals Council Levels of the Administrative Review Process to Make Findings about Medical Equivalence.

This Social Security Ruling (SSR) rescinds and replaces SSR 96–6p: ''Titles II and XVI: Consideration of Administrative Findings of Fact by State Agency Medical and Psychological Consultants and Other Program Physicians and Psychologists at the Administrative Law Judge and Appeals Council Levels of Administrative Review; Medical Equivalence.''

PURPOSE: This SSR provides guidance on how adjudicators at the hearings and Appeals Council (AC) levels of our administrative review process make findings about medical equivalence in disability claims under titles II and XVI of the Social Security Act (Act).

CITATIONS: Sections 216(i), 223(d), and 1614(a) of the Act, as amended; 20 CFR 404.1526 and 416.926.

BACKGROUND:

The Sequential Evaluation Process

We use a five-step sequential evaluation process to determine whether an adult is disabled under titles II or XVI of the Act.[1] We use a different process to decide whether a child is disabled under title XVI of the Act.[2] In both situations, if we can find an individual is disabled at a step, we make a determination or decision at that step and do not go on to the next step.[3]

At step 3 of the sequential evaluation process for determining disability in adult and child claims, we make a medical assessment to determine whether an individual's impairment(s) meets a listing in the Listing of Impairments (listings).[4] If an individual's impairment(s) meets all the criteria of any listed impairment in the listings, we will find that the individual is disabled. If an individual has an impairment(s) that does not meet all of the requirements of a listing, we then determine whether the individual's impairment(s) medically equals a listed impairment. An impairment is medically equivalent to a listed impairment if it is at least equal in severity and duration to the criteria of any listed impairment. We can find medical equivalence in three ways:

1. If an individual has an impairment that is described in the listings, but either:

a. the individual does not exhibit one or more of the findings specified in the particular listing, or

b. the individual exhibits all of the findings, but one or more of the findings is not as severe as specified in the particular listing,

then we will find that his or her impairment is medically equivalent to that listing if there are other findings related to the impairment that are at least of equal medical significance to the required criteria.

2. If an individual has an impairment(s) that is not described in the listings, we will compare the findings with those for closely analogous listed impairments. If the findings related to the impairment(s) are at least of equal medical significance to those of a listed impairment, we will find that the impairment(s) is medically equivalent to the analogous listing.

3. If an individual has a combination of impairments, no one of which meets a listing, we will compare the findings with those for closely analogous listed impairments. If the findings related to the impairments are at least of equal medical significance to those of a listed impairment, we will find that the combination of impairments is medically equivalent to that listing.[5]

If we determine an individual's impairment(s) does not meet or medically equal a listed impairment, we continue evaluating the claim using the sequential evaluation process.[6]

Who decides whether an individual's impairment medically equals a listing?

At the initial and reconsideration levels of the administrative review process, Federal or State agency Medical Consultants (MC) or Psychological Consultants (PC) consider the evidence and make administrative medical findings about medical issues, including whether an individual's impairment(s) meets or medically equals a listing.[7] MCs and PCs are highly qualified medical sources who are also experts in the evaluation of medical issues in disability claims under the Act. In most situations,[8] we require adjudicators at the initial and reconsideration levels to obtain MC or PC administrative medical findings about medical equivalence.

At the hearings level of the administrative review process, administrative law judges (ALJ) and some attorney advisors[9] determine whether an individual's impairment(s) meets or medically equals a listing at step 3 of the sequential evaluation process. To assist in evaluating this issue, adjudicators at the hearings level may ask for and consider evidence from medical experts (ME) about the individual's impairment(s), such as the nature and severity of the impairment(s).

At the AC level of the administrative review process, when the AC exercises its authority to issue a decision,[10] it

[1] See 20 CFR 404.1520 and 416.920.

[2] See 20 CFR 416.924.

[3] See 20 CFR 404.1520(a)(4) and 416.920(a)(4).

[4] 20 CFR part 404, subpart P, Appendix 1.

[5] See 20 CFR 404.1526 and 416.926.

[6] In adult claims, we will determine the individual's residual functional capacity and then go to step 4 of the sequential evaluation process. See 20 CFR 404.1520 and 416.920. In a child's claim under Title XVI, we will determine whether the child's impairment(s) functionally equals the Listings at step 3. See 20 CFR 416.926a.

[7] In some States, we are testing modifications to the disability determination procedures that allow disability examiners to decide whether an individual's impairment(s) medically equals a listing without requiring consultation with an MC or PC, although such consultation is permissible. One modification authorizes specialized State agency disability examiners called ''single decisionmakers'' (SDM) to make initial and reconsideration determinations without consulting an MC or PC in some types of claims. See 20 CFR 404.906(b)(2) and 416.1406(b)(2). The other modification being tested allows disability examiners to make fully favorable determinations in quick disability determinations (QDD) and compassionate allowance (CAL) claims without requiring consultation with an MC or PC because those types of claims involve the most obviously disabling impairments. See 20 CFR 404.1615(c)(3) and 416.1015(c)(3). In those States using the testing modifications, there may not be an MC or PC medical assessment in the file. Both of these testing modifications are scheduled to end by the end of calendar year 2018. See 81 FR 73027 (2016) and 81 FR 58544 (2016).

[8] As stated in the prior footnote, disability examiners are not required to obtain MC or PC input about medical equivalence in certain SDM claims and in QDD and CAL claims. In those States using the testing modifications, there may not be a MC or PC medical assessment in the file.

[9] See 20 CFR 404.942 and 416.1442.

[10] The Appeals Council issues decisions in cases after it grants a request for review or takes own motion review of a hearing decision. See 20 CFR 404.969–970 and 416.1469–1470. The Appeals

determines whether an individual's impairment(s) meets or medically equals a listing. The AC may ask its medical support staff to help decide whether an individual's impairment(s) medically equals a listing.

POLICY INTERPRETATION

Evidentiary requirements

At the hearings level or at the AC level when the AC issues its own decision, the adjudicator is responsible for the finding of medical equivalence. The adjudicator must base his or her decision about whether the individual's impairment(s) medically equals a listing on the preponderance of the evidence in the record. To demonstrate the required support of a finding that an individual is disabled based on medical equivalence at step 3, the record must contain one of the following:

1. A prior administrative medical finding from an MC or PC from the initial or reconsideration adjudication levels supporting the medical equivalence finding, or
2. ME evidence, which may include testimony or written responses to interrogatories, obtained at the hearings level supporting the medical equivalence finding, or
3. A report from the AC's medical support staff supporting the medical equivalence finding.

When an MC or PC makes administrative medical findings at the initial or reconsideration levels, the findings are part of the Commissioner's determination; therefore, they are not evidence at that level of adjudication.[11] At subsequent levels of the administrative review process, the MCs' or PCs' administrative medical findings made at the initial or reconsideration levels are prior administrative medical findings, which are evidence.[12] Although adjudicators at the hearings and AC levels are not required to adopt prior administrative medical findings when issuing decisions, adjudicators must consider them and articulate how they considered them in the decision.[13]

When an adjudicator at the hearings level obtains ME testimony or written responses to interrogatories about whether an individual's impairment(s) medically equals a listing, the adjudicator cannot rely on an ME's conclusory statement that an individual's impairment(s) medically equals a listed impairment(s). Whether an impairment(s) medically equals the requirements of a listed impairment is an issue reserved to the Commissioner. If the ME states that the individual's impairment(s) medically equals a listed impairment, the adjudicator must ask the ME to identify medical evidence in the record that supports the ME's statements. Adjudicators will consider ME testimony and interrogatories using our rules for considering evidence. The adjudicator will then consider whether an individual's impairment(s) medically equals a listing using one of the three methods specified in 20 CFR 404.1526 and 416.926.

Similarly, when the AC obtains a report from its medical support staff to evaluate medical equivalence, the AC retains final responsibility for determining whether an individual's impairment(s) medically equals a listed impairment. The AC will consider the medical support staff's report and all other supporting medical evidence using our rules for considering evidence. The AC will then consider whether an individual's impairment(s) medically equals a listing using one of the three methods specified in 20 CFR 404.1526 and 416.926.

If an adjudicator at the hearings or AC level believes that the evidence does not reasonably support a finding that the individual's impairment(s) medically equals a listed impairment, we do not require the adjudicator to obtain ME evidence or medical support staff input prior to making a step 3 finding that the individual's impairment(s) does not medically equal a listed impairment.

Articulation requirements

An adjudicator at the hearings or AC level must consider all evidence in making a finding that an individual's impairment(s) medically equals a listing. To make a finding of medical equivalence, the adjudicator must articulate how the record establishes medical equivalency using one of the three methods specified in 20 CFR 404.1526 and 416.926. An adjudicator must provide a rationale for a finding of medical equivalence in a decision that is sufficient for a subsequent reviewer or court to understand the decision. Generally, this will entail the adjudicator identifying the specific listing section involved, articulating how the record does not meet the requirements of the listed impairment(s), and how the record, including ME or medical support staff evidence, establishes an impairment of equivalent severity.

Similarly, an adjudicator at the hearings or AC level must consider all evidence in making a finding that an individual's impairment(s) does not medically equal a listing. If an adjudicator at the hearings or AC level believes that the evidence already received in the record does not reasonably support a finding that the individual's impairment(s) medically equals a listed impairment, the adjudicator is not required to articulate specific evidence supporting his or her finding that the individual's impairment(s) does not medically equal a listed impairment. Generally, a statement that the individual's impairment(s) does not medically equal a listed impairment constitutes sufficient articulation for this finding. An adjudicator's articulation of the reason(s) why the individual is or is not disabled at a later step in the sequential evaluation process will provide rationale that is sufficient for a subsequent reviewer or court to determine the basis for the finding about medical equivalence at step 3.

EFFECTIVE DATE: This SSR is effective on March 27, 2017.

CROSS-REFERENCES: 20 CFR 404.1526 and 416.926.

[FR Doc. 2017–05959 Filed 3–24–17; 8:45 am]

BILLING CODE 4191–02–P

Council may also make a decision after a Federal court remands a case. See 20 CFR 404.983 and 416.1483.

[11] See 20 CFR 404.1513a(a)(1) and 416.913a(a)(1).

[12] See 20 CFR 404.1513a(b)–(c) and 416.913a(b)–(c). It is possible for an MC or PC to have found that an individual's impairment(s) medically equal(s) the requirements of a listed impairment(s), but we would still not make a favorable determination. For example, we could find that the individual does not meet nonmedical requirements for eligibility.

[13] See 20 CFR 404.1513a(b)–(c), 404.1520c, 416.913a(b)–(c), and 416.920c. In States using the two testing modifications discussed in footnote 7, the record may not contain any MC or PC prior administrative medical finding about medical equivalence that an adjudicator is able to consider. In these situations, the adjudicator may find that an individual's impairment(s) medically equals a listed impairment using the second or third method, but not the first method. In these situations, the adjudicator is not required to obtain ME evidence or medical support staff input before making a finding that the claimant's impairment(s) do not medically equal a listing.

DEPARTMENT OF STATE

[Public Notice: 9929]

Notice of Stakeholder Consultations on Responsible Conflict Mineral Sourcing

AGENCY: Department of State.

ACTION: Notice; solicitation of comments.

SUMMARY: The United States announces that the United States remains committed to working with our partners to break the links between armed groups and the minerals trade in the Democratic Republic of Congo and other

countries in the Great Lakes Region of Africa. The United States has played a leading role encouraging responsible sourcing and supply chain management in the minerals sector in this region as part of broader U.S. efforts to support peace and security, and to ensure that the region's resource wealth helps advance broad, inclusive, and sustainable socio-economic development. The U.S. Department of State (Department), along with other agencies and departments is seeking input from stakeholders to inform recommendations of how best to support responsible sourcing of tin, tantalum, tungsten and gold.

DATES: The Department will consider requests and comments received or postmarked by April 28, 2017.

ADDRESSES: Parties may submit input or request stakeholder consultations to: *ConflictMineral@state.gov.* If sent by mail, written comments should be addressed to: Ms. Elizabeth Orlando, U.S. Department of State, 2201 C Street NW., Room 3843, Washington, DC 20520. All comments should include a contact person.

All comments received during this comment period will be part of the official record and may become public, no matter how initially submitted.

FOR FURTHER INFORMATION CONTACT: Details on the SEC Final Rule on Section 1502 of the Dodd-Frank Act are available on the following Web site: *https://www.sec.gov/rules/final/2012/34-67716.pdf.* Information on the Department's commitment to international responsible sourcing standards is available on the following Web sites: *https://www.state.gov/documents/organization/168851.pdf*, *http://www.oecd.org/corporate/mne/mining.htm*.

Please refer to this Web site or contact Ms. Elizabeth Orlando at the address listed in the Addresses section of this notice.

SUPPLEMENTARY INFORMATION: Determined to break the link between armed groups and minerals in the Africa Great Lakes Region, in 2010 Congress enacted Section 1502 of the Wall Street Consumer Reform and Protection Act of 2010. That law requires the Securities and Exchange Commission to promulgate regulations requiring approximately 6,000 companies listed on U.S. exchanges to annually disclose to the SEC whether any ''conflict minerals'' (tin, tantalum, tungsten and gold) necessary to the functionality or production of a product are from the DRC or nine adjacent countries.

Andrew Weinschenk,

Director, Office of Threat Finance Countermeasures, Department of State.

[FR Doc. 2017–05972 Filed 3–24–17; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF STATE

[Public Notice 9927]

Advisory Committee on Historical Diplomatic Documentation—Notice of Closed and Open Meeting for 2017

SUMMARY: The Advisory Committee on Historical Diplomatic Documentation will meet on May 15, 2017, in open session to discuss unclassified matters concerning declassification and transfer of Department of State records to the National Archives and Records Administration and the status of the *Foreign Relations* series.

The Committee will meet in open session from 9:30 a.m. until 10:30 a.m. in SA–4D Conference Room, Department of State, 2300 E Street NW., Washington DC, 20372 (Potomac Navy Hill Annex). RSVP should be sent not later than May 8, 2017. Requests for reasonable accommodation should be made by May 1, 2017. Requests made after that date will be considered, but might not be possible to fulfill.

Closed Session. The Committee's session in the afternoon of Monday, May 15, 2017 will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (Public Law 92–463). The agenda calls for review of classified documentation concerning the *Foreign Relations* series and other declassification issues. These are matters properly classified and not subject to public disclosure under 5 U.S.C. 552b(c)(1) and the public interest requires that such activities be withheld from disclosure.

RSVP Instructions. Prior notification and a valid government-issued photo ID (such as driver's license, passport, U.S. Government or military ID) are required for entrance into the Department of State building. Members of the public planning to attend the open meetings should RSVP, by the dates indicated above, to Julie Fort, Office of the Historian (202–955–0214). When responding, please provide date of birth, valid government-issued photo identification number and type (such as driver's license number/state, passport number/country, or U.S. Government ID number/agency or military ID number/branch), and relevant telephone numbers. If you cannot provide one of the specified forms of ID, please consult with Julie Fort for acceptable alternative forms of picture identification.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *https://foia.state.gov/_docs/SORN/State-36.pdf,* for additional information.

Questions concerning the meeting should be directed to Dr. Stephen P. Randolph, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20372, telephone (202) 955–0214, (email *history@state.gov*).

Note that requests for reasonable accommodation received after the date indicated in this notice will be considered, but might not be possible to fulfill.

Stephen P. Randolph,

Executive Secretary, Advisory Committee on Historical, Diplomatic Documentation.

[FR Doc. 2017–05906 Filed 3–24–17; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice: 9780]

60-Day Notice of Proposed Information Collection: Medical History and Examination for Foreign Service

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to May 26, 2017.

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

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov*. You can

search for the document by entering ''Docket Number: DOS–2016–0073'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.

• *Email: GrewJF@state.gov.*

• *Regular Mail:* Send written comments to: Office of Medical Clearances, SA–15 Room 400, 1800 North Kent St., Rosslyn, VA. 22209.

• *Fax:* 703–875–4850.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Joan F. Grew who may be reached on 703–875–5412 or at *GrewJF@state.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Medical History and Examination for Foreign Service.

• *OMB Control Number:* 1405–0068.

• *Type of Request:* Revision of a Currently Approved Collection.

• *Originating Office:* Bureau of Medical Services—Medical Clearances Department.

• *Form Numbers:* DS–1843 and DS–1622.

• *Respondents:* Foreign Service applicants or employees or eligible family members.

• *Estimated Number of Respondents:* 7,814.

• *Estimated Number of Responses:* 7,814.

• *Average Time per Response:* 1 hour.

• *Total Estimated Burden Time:* 7,814 hours.

• *Frequency:* Upon Entry to Foreign Service and then intermittent, as needed.

• *Obligation To Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Forms DS–1843 and DS–1622 collect medical history, lab tests and physical examination for employees and family members for the Foreign Affairs agencies, to include State, USAID, Foreign Commercial Service, Foreign Agricultural Service and Broadcasting Board of Governors. Forms DS–1843 and DS–1622 are designed to collect sufficient and current medical information on the individual in order for a medical provider to make a medical clearance determination for initial appointment to the Foreign Service. They are also used to determine whether a Foreign Service applicant, employee, or eligible family member will have appropriate medical and/or educational resources at a diplomatic mission/host country abroad to maintain the health and safety of the individual or family member.

Methodology

The information will be collected through the use of an electronic forms engine or by hand written submission using a pre-printed form.

Behzad Shahbazian,

Director of Clinical Services, Bureau of Medical Services, Department of State.

[FR Doc. 2017–05950 Filed 3–24–17; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF STATE

[Public Notice: 9786]

60-Day Notice of Proposed Information Collection: Overseas Pre-Assignment Medical History and Examination, Non-Foreign Service Personnel and Their Family Members

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to May 26, 2017.

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

• *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2016–0074'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.

• *Email: GrewJF@state.gov.*

• *Regular Mail:* Send written comments to: Department of State, Office of Medical Clearances, SA–15 Room 400, 1800 North Kent St., Rosslyn, VA 22209.

• *Fax:* 703–875–4850.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Joan F. Grew, who may be reached on 703–875–5412 or at *GrewJF@State.gov.*

SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Overseas Pre-Assignment Medical History and Examination, Non-Foreign Service Personnel and Their Family Members.

• *OMB Control Number:* 1405–0194.

• *Type of Request:* Revision of a Currently Approved Collection.

• *Originating Office:* Bureau of Medical Services—Medical Clearances.

• *Form Number:* DS–6561.

• *Respondents:* Non-foreign service employees or family members.

• *Estimated Number of Respondents:* 9,890.

• *Estimated Number of Responses:* 9,890.

• *Average Time per Response:* 1 hour.

• *Total Estimated Burden Time:* 9,890 hours.

• *Frequency:* As needed.

• *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection: Form DS–6561 is designed to succinctly collect appropriate and current medical information about an individual in order for a medical provider to make a determination as to whether a federal employee or contractor or eligible family member will have sufficient medical and educational resources at a diplomatic mission abroad to maintain the health and safety of the individual or family member. It is designed for all non-Foreign Affairs Agency employees, or their eligible family members.

Methodology: The information collected will be collected through the use of an electronic forms engine or by hand written submission using a pre-printed form.

Behzad Shahbazian,

Director of Clinical Services, Bureau of Medical Services, Department of State.

[FR Doc. 2017–05951 Filed 3–24–17; 8:45 am]

BILLING CODE 4710–36–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 9, 2017, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 9, 2017, in Scranton, Pennsylvania, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; and (2) took additional actions, as set forth in the **SUPPLEMENTARY INFORMATION** below.

DATES: March 9, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pa.17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Adoption of a budget for the 2018 fiscal year; (2) approval/ratification of two grant agreements; (3) adoption of a resolution setting a five-year docket term for withdrawals related to unconventional natural gas under the discretion provided in 18 CFR 806.31(a); and (4) a report on delegated settlements with the following project sponsors, pursuant to SRBC Resolution 2014–15: Talen Energy Corp./Susquehanna Nuclear, in the amount of $9,000; Sugar Hollow Trout Park and Hatchery, in the amount of $2,000; Mount Nittany Medical Center, in the amount of $8,993.75; Toggenburg Mountain Winter Sports Center, in the amount of $3,500; and Moxie Freedom LLC, in the amount of $8,500.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Anadarko E&P Onshore LLC (West Branch Susquehanna River), Nippenose Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20130301).

2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 0.500 mgd (peak day) (Docket No. 20121202).

3. Project Sponsor and Facility: Crossgates Golf Course, Manor Township and Millersville Borough, Lancaster County, Pa. Renewal of consumptive water use of up to 0.300 mgd (peak day) (Docket No. 19910515).

4. Project Sponsor and Facility: Crossgates Golf Course (Conestoga River), Manor Township and Millersville Borough, Lancaster County, Pa. Renewal of surface water withdrawal of up to 0.300 mgd (peak day) (Docket No. 19910515).

5. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.020 mgd (peak day) and emergency or backup groundwater withdrawal of up to 0.173 mgd (peak day) from Hollander Well.

6. Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (First Fork Sinnemahoning Creek), Wharton Township, Potter County, Pa. Renewal of surface water withdrawal of up to 0.231 mgd (peak day) (Docket No. 20121222).

7. Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, Pa. Consumptive water use of up to 0.087 mgd (peak day).

8. Project Sponsor and Facility: Silver Springs Ranch, LLC, Monroe Township, Wyoming County, Pa. Groundwater withdrawal of up to 0.088 mgd (30-day average) from Borehole 1 (BH–1).

9. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Dallas Operation, Dallas Township, Luzerne County, Pa. Modification to remove pumping restriction for March and April for previously approved groundwater withdrawal (Docket No. 20050301).

10. Project Sponsor and Facility: SWEPI LP (Pine Creek), Pike Township, Potter County, Pa. Renewal of surface water withdrawal of up to 0.936 mgd (peak day) (Docket No. 20130313).

11. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (formerly Talisman Energy USA Inc.) (Sugar Creek), West Burlington Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130310).

12. Project Sponsor and Facility: West Manchester Township Authority, West Manchester Township, York County, Pa. Reactivation of a previously approved groundwater withdrawal at a reduced rate of up to 0.183 mgd (30-day average) from Well 7.

13. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Manchester Township, York County, Pa. Renewal of consumptive water use of up to 0.999 mgd (peak day) and addition of collected stormwater as an approved source for consumptive use (Docket No. 19860902).

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.028 mgd (30-day average) from existing Well 4.

2. Project Sponsor and Facility: DS Services of America, Inc., Clay Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.042 mgd (30-day average) from existing Well 5.

3. Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course (Boiling Springs Run), Kimmel Township, Bedford County, Pa. Application for surface water

withdrawal of up to 0.090 mgd (peak day).

4. Project Sponsor: King Valley Golf Club, Inc. Project Facility: King Valley Golf Course, Kimmel Township, Bedford County, Pa. Application for consumptive water use of up to 0.090 mgd (peak day).

5. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, Pa. Application for modification to request a reduction of the maximum instantaneous rate for Well 3 from the previously approved rate of 1,403 gpm to 778 gpm and to revise the passby to be consistent with current Commission policy (Docket No. 20070607). The previously approved withdrawal rate of 1.020 mgd (30-day average) will remain unchanged.

6. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Minor modification to add new sources (Wells PW–1 and PW–6) to existing consumptive use approval (Docket No. 20060604). The previously approved consumptive use quantity of 0.360 mgd (peak day) will remain unchanged.

7. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Application for groundwater withdrawal of up to 0.145 mgd (30-day average) from Well PW–1.

8. Project Sponsor: Talen Energy Corporation. Project Facility: Royal Manchester Golf Links, East Manchester Township, York County, Pa. Application for groundwater withdrawal of up to 0.298 mgd (30-day average) from Well PW–6.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 21, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–05911 Filed 3–24–17; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES.**

DATES: February 1–28, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa.17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, LLC, Pad ID: Maple Ln Farms, ABR–201202021.R1, Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 6, 2017.

2. SWEPI, LP, Pad ID: My TB INV LLC 6076, ABR–201702001, Deerfield Township, Tioga County, Pa. Consumptive Use of Up to 4.0000 mgd; Approval Date: February 6, 2017.

3. Range Resources—Appalachia, LLC, Pad ID: Bobst Mtn Hunting Club 30H–33H, ABR–201202017.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: February 8, 2017.

4. Range Resources—Appalachia, LLC, Pad ID: Bobst A Unit 25H–27H, ABR–201202018.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 1.0000 mgd; Approval Date: February 8, 2017.

5. SWN Production Company, LLC, Pad ID: HEBDA–VANDEMARK, ABR–201201025.R1, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 10, 2017.

6. Cabot Oil & Gas Corporation, Pad ID: Jeffers Farms P2, ABR–201702002, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: February 14, 2017.

7. Cabot Oil & Gas Corporation, Pad ID: FoltzJ P2, ABR–201702003, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.2500 mgd; Approval Date: February 14, 2017.

8. Carrizo (Marcellus), LLC, Pad ID: EP Bender B (CC–03) Pad (2), ABR–201201030.R1, Reade Township, Cambria County, Pa.; Consumptive Use of Up to 2.1000 mgd; Approval Date: February 14, 2017.

9. EXCO Resources (PA), LLC, Pad ID: Warner North Unit Pad, ABR–201202001.R1, Penn Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: February 14, 2017.

10. Inflection Energy, (PA), LLC, Pad ID: Eichenlaub B Pad, ABR–201206013.R1, Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 16, 2017.

11. Chief Oil & Gas, LLC, Pad ID: Boy Scouts Drilling Pad, ABR–201207023.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: February 17, 2017.

12. Cabot Oil & Gas Corporation, Pad ID: ManzerA P1, ABR–201203013.R1, Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: February 20, 2017.

13. Cabot Oil & Gas Corporation, Pad ID: MackeyR P1, ABR–201203015.R1, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: February 20, 2017.

14. Cabot Oil & Gas Corporation, Pad ID: TeddickM P1, ABR–201203016.R1, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.5750 mgd; Approval Date: February 20, 2017.

15. SWN Production Company, LLC, Pad ID: Conklin South Pad, ABR–201204018.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 20, 2017.

16. EXCO Resources (PA), LLC, Pad ID: Budman Well Pad, ABR–201201015.R1, Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: February 23, 2017.

17. Chesapeake Appalachia, LLC, Pad ID: SGL289C, ABR–201201034.R1, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 24, 2017.

18. Chief Oil & Gas, LLC, Pad ID: SGL 12 K UNIT PAD, ABR–201702004, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.5000 mgd; Approval Date: February 24, 2017.

19. Inflection Energy (PA) LLC, Pad ID: Nature Boy, ABR–201111035.R1, Upper Fairfield Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 24, 2017.

20. SWN Production Company, LLC, Pad ID: Conigliaro Pad, ABR–201204016.R1, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 24, 2017.

21. Chesapeake Appalachia, LLC, Pad ID: Nina, ABR–201208003.R1, Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

22. Chesapeake Appalachia, LLC, Pad ID: Stethers, ABR–201208004.R1, Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

23. Chesapeake Appalachia, LLC, Pad ID: Harlan, ABR–201208005.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

24. Chesapeake Appalachia, LLC, Pad ID: BKT, ABR–201208012.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

25. Chesapeake Appalachia, LLC, Pad ID: Ronmary, ABR–201208013.R1, Elkland Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

26. Chesapeake Appalachia, LLC, Pad ID: Tufano, ABR–201208020.R1, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 27, 2017.

27. Repsol Oil & Gas USA, LLC, Pad ID: ALDERFER (03 109) H, ABR–201203007.R1, Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 27, 2017.

28. SWEPI, LP, Pad ID: Barner 709, ABR–201201013.R1, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 27, 2017.

29. SWEPI, LP, Pad ID: Tolbert 263, ABR–201201022.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 27, 2017.

30. SWN Production Company, LLC, Pad ID: GOOD, ABR–201201027.R1, Jackson and Cogan House Townships, Lycoming County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 28, 2017.

31. SWN Production Company, LLC, Pad ID: McNamara Well Pad, ABR–201203011.R1, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2017.

32. SWEPI, LP, Pad ID: Jones 276, ABR–201201021.R1, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 10, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–05912 Filed 3–24–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2016–0334]

Agency Information Collection Activities; Extension of a Currently-Approved Collection: Training Certification for Drivers of Longer Combination Vehicles

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval. This ICR relates to the qualification of drivers to operate longer combination vehicles (LCVs). On October 14, 2016, FMCSA published a **Federal Register** notice announcing an increase in the Agency's estimate of the total information-collection (IC) burden of these driver training certifications and asked for public comment. One comment was received. The Agency's regulations have not changed, but the population of CMV drivers operating LCVs has increased since OMB approved this ICR on May 14, 2014.

DATES: Please send your comments by April 26, 2017. OMB must receive your comments by this date to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2016–0334. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the OMB Desk Officer, DOT/FMCSA, and sent via electronic mail to *oira_submission@omb.eop.gov,* faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, FMCSA Driver and Carrier Operations Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Training Certification for Drivers of Longer Combination Vehicles.

OMB Control Number: 2126–0026.

Type of Request: Extension of a currently-approved information collection.

Respondents: Drivers who complete LCV training each year, current LCV drivers who submit their LCV Driver Training Certificate to prospective employers, and employers (motor carriers) receiving and maintaining copies of the LCV Driver-Training certificates of their drivers.

Estimated Number of Respondents: 59,684 consisting of 2,360 newly-certified LCV drivers plus 28,662 currently-certified LCV drivers plus 28,662 motor carriers employing LCV drivers.

Estimated Time per Response: 10 minutes for preparation of LCV Driver-Training Certificates for drivers who successfully complete the LCV training, and 10 minutes for activities associated with the LCV Driver-Training Certificate during the hiring process.

Expiration Date: May 31, 2017.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 5,565 hours. The total number of drivers who will be subjected to these requirements each year is 31,022, consisting of 2,360 Newly-certified LCV drivers, and 28,662 currently-certified LCV drivers obtaining new employment. The total annual information collection burden is approximately 5,565 hours, consisting of 394 hours for preparation of LCV Driver-Training Certificates [2,360 drivers successfully completing LCV driver training × 10 minutes ÷ 60 minutes/hour] and 5,171 hours for requirements related to the hiring of LCV drivers [31,022 LCV drivers obtaining new employment × 10 minutes ÷ 60 minutes/hour].

Background

LCV is any combination of a truck-tractor and two or more semi-trailers or trailers that operates on the National System of Interstate and Defense Highways and has a gross vehicle weight greater than 80,000 pounds (49 CFR 380.105). To enhance the safety of LCV operations on our nation's highways, Section 4007(b) of the Motor Carrier Act of 1991 directed the Secretary of Transportation to establish Federal minimum training requirements

for drivers of LCVs [Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102–240, 105 Stat. 1914, 2152, 49 USCA § 2302 NOTE]. The Secretary of Transportation delegated responsibility for establishing these requirements to FMCSA (49 CFR 1.87), and on March 30, 2004, after appropriate notice and solicitation of public comment, FMCSA established the current training requirements for operators of LCVs (69 FR 16722). The regulations bar motor carriers from permitting their drivers to operate an LCV if they have not been properly trained in accordance with the requirements of 49 CFR 380.113. Drivers receive an LCV Driver-Training Certificate upon successful completion of these training requirements. Motor carriers employing an LCV driver must verify the driver's qualifications to operate an LCV, and must maintain a copy of the LCV Driver-Training Certificate and present it to authorized Federal, State or local officials upon request.

The LCV regulations have not changed, but the Agency is increasing its estimate of the IC burden to 5,565 hours because the population of CMV drivers receiving LCV training and the number of drivers being certified to operate LCVs have both increased based upon U.S. Department of Labor data.

The Agency received one comment to the 60-day **Federal Register** notice of October 14, 2016. The comment did not address the paperwork burden; instead, it lamented the existence of the requirement that operators of LCVs receive specialized training. As explained above, the Motor Carrier Act of 1991 directed the Secretary of Transportation to establish these LCV training requirements.

Public Comments Invited

FMCSA requests that you comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions, (2) the accuracy of the estimated burden, (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information, and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: March 20, 2017.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2017–05975 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0030]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 40 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before April 26, 2017.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2017–0030 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–113, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 40 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Felix M. Alicea

Mr. Alicea, 58, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Alicea understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alicea meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Ryan T. Anderson

Mr. Anderson, 21, has had ITDM since 2001. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Anderson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Montana.

Vladimir Azbel

Mr. Azbel, 61, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Azbel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Azbel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from New York.

Darren E. Barrett

Mr. Barrett, 47, has had ITDM since 2007. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Barrett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barrett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arizona.

Douglas D. Bartley

Mr. Bartley, 71, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bartley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bartley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Haydee G. Bast

Ms. Bast, 54, has had ITDM since 2015. Her endocrinologist examined her in 2016 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. Her endocrinologist certifies that Ms. Bast understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Bast meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2016 and certified that she does not have diabetic retinopathy. She holds a Class C CDL from New York.

Robert D. Bravo

Mr. Bravo, 34, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bravo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bravo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

John E. Carter

Mr. Carter, 51, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Carter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Christopher A. Cleaves

Mr. Cleaves, 49, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cleaves understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cleaves meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Maine.

Jacob M. Cox

Mr. Cox, 22, has had ITDM since 2008. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in

the last 5 years. His endocrinologist certifies that Mr. Cox understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cox meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Larry S. Crosby

Mr. Crosby, 44, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Crosby understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crosby meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Dean G. Franck

Mr. Franck, 42, has had ITDM since 1996. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Franck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Franck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Irving Gandy 3rd

Mr. Gandy, 67, has had ITDM since 1996. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gandy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gandy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Jersey.

Bryan D. Giddings

Mr. Giddings, 50, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Giddings understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Giddings meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Indiana.

Sidney Greenlee

Mr. Greenlee, 27, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Greenlee understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Greenlee meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Caleb D. Jahn

Mr. Jahn, 33, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jahn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jahn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Jason T. Langshaw

Mr. Langshaw, 24, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Langshaw understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Langshaw meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Rhode Island.

John L. Lensch

Mr. Lensch, 64, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lensch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lensch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Jaxon S. Lind

Mr. Lind, 21, has had ITDM since 2004. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lind understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lind meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Jesse E. Long

Mr. Long, 29, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Long understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Long meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

Gregory B. Lowry

Mr. Lowry, 52, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lowry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lowry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Paul J. Marsh

Mr. Marsh, 62, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Marsh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Marsh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Richard D. Marty

Mr. Marty, 34, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Marty understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Marty meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington.

Scott A. Meade

Mr. Meade, 46, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Meade understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Meade meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Pedro Mejia

Mr. Mejia, 37, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mejia understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mejia meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

Maynard D. Moore

Mr. Moore, 68, has had ITDM since 2014. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Missouri.

Bret D. Noffke

Mr. Noffke, 44, has had ITDM since 1982. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Noffke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Noffke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Wisconsin.

Dennis K. Rottenbucher

Mr. Rottenbucher, 57, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rottenbucher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rottenbucher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Joseph J. Schwartz

Mr. Schwartz, 66, has had ITDM since 2015. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schwartz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schwartz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Benjamin N. Smith

Mr. Smith, 28, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

Matthew Spahr

Mr. Spahr, 30, has had ITDM since 2012. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Spahr understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Spahr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Aaron M. Stoltzfus

Mr. Stoltzfus, 27, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stoltzfus understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stoltzfus meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Daniel Suarez

Mr. Suarez, 57, has had ITDM since 2009. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Suarez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Suarez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Tyler B. Terrill

Mr. Terrill, 31, has had ITDM since 1998. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Terrill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Terrill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Jason M. Thomas

Mr. Thomas, 36, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Thomas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thomas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kentucky.

Steven L. Tiefenthaler

Mr. Tiefenthaler, 56, has had ITDM since 2011. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies

that Mr. Tiefenthaler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tiefenthaler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2016 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

Joseph D. Wallace

Mr. Wallace, 51, has had ITDM since 2016. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wallace understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wallace meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

David L. White

Mr. White, 58, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. White understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. White meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

Paul B. Woodward

Mr. Woodward, 58, has had ITDM since 2009. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Woodward understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woodward meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Miguel L. Xilotl

Mr. Xilotl, 34, has had ITDM since 2006. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Xilotl understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Xilotl meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2016 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0030 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period. FMCSA may issue a final

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0030 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: March 20, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–05966 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–18885; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0231; FMCSA–2008–0292; FMCSA–2008–0340; FMCSA–2008–0398; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0106; FMCSA–2012–0161; FMCSA–2012–0215; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0023; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 126 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before April 26, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2003–14223; FMCSA–2004–18885; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0231; FMCSA–2008–0292; FMCSA–2008–0340; FMCSA–2008–0398; FMCSA–2010–0161; FMCSA–2010–0187; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0106; FMCSA–2012–0161; FMCSA–2012–0215; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2013–0021; FMCSA–2013–0022; FMCSA–2013–0023; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0011; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2014–0302; FMCSA–2014–0304 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* 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(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for two years 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 two-year period.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person:

> Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 126 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

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.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 126 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 57230; 65 FR 66286; 66 FR 13825; 66 FR 17994; 67 FR 57266; 67 FR 68719; 67 FR 76439; 68 FR 2629; 68 FR 10298; 68 FR 10300; 68 FR 10301; 68 FR 13360; 68 FR 15037; 68 FR 19596; 69 FR 52741; 69 FR 53493; 69 FR 62742; 69 FR 71100; 70 FR 2701; 70 FR 7545; 70 FR 7546; 70 FR 12265; 70 FR 14747; 70 FR 16886; 70 FR 16887; 71 FR 62148; 71 FR 63379; 72 FR 180; 72 FR 1051; 72 FR 1053; 72 FR 11425; 72 FR 11426; 72 FR 12665; 72 FR 18726; 72 FR 7111; 72 FR 7812; 72 FR 9397; 73 FR 46973; 73 FR 54888; 73 FR 61922; 73 FR 61925; 73 FR 74565; 73 FR 75803; 73 FR 76440; 73 FR 78423; 74 FR 6209; 74 FR 6211; 74 FR 6689; 74 FR 7097; 74 FR 8302; 74 FR 8842; 74 FR 9329; 74 FR 11991; 74 FR 15584; 75 FR 39725; 75 FR 47883; 75 FR 59327; 75 FR 61833; 75 FR 63257; 75 FR 64396; 75 FR 69737; 75 FR 72863; 75 FR 77492; 77 FR 942; 75 FR 77949; 75 FR 79083; 75 FR 80887; 76 FR 1493; 76 FR 1499; 76 FR 2190; 76 FR 5425; 76 FR 12215; 76 FR 12216; 76 FR 12408; 76 FR 15360; 76 FR 15361; 76 FR 17483; 76 FR 20076; 76 FR 20078; 76 FR 7894; 76 FR 8809; 76 FR 9856; 76 FR 9859; 76 FR 9865; 77 FR 33017; 77 FR 41879; 77 FR 44708; 77 FR 52381; 77 FR 52391; 77 FR 56262; 77 FR 60010; 77 FR 64582; 77 FR 64839; 77 FR 64841; 77 FR 68202; 77 FR 70534; 77 FR 74273; 77 FR 74731; 77 FR 74733; 77 FR 74734; 77 FR 75494; 77 FR 76167; 78 FR 800; 78 FR 8689; 78 9772; 78 FR 10250; 78 FR 10251; 78 FR 11731; 78 FR 12811; 78 FR 12813; 78 FR 12815; 78 FR 12822; 78 FR 14405; 78 FR 14410; 78 FR 16035; 78 FR 16761; 78 FR 16762; 78 FR 18667; 78 FR 20379; 78 FR 22602; 78 FR 24296; 79 FR 14571; 79 FR 28588; 79 FR 35212; 79 FR 38661; 79 FR 47175; 79 FR 56099; 79 FR 56104; 79 FR 58856; 79 FR 59357; 79 FR 65759; 79 FR 65760; 79 FR 69985; 79 FR 70928; 79 FR 72754; 79 FR 73393; 79 FR 73686; 79 FR 73687; 79 FR 74168; 80 FR 2473; 80 FR 3308; 80 FR 3723; 80 FR 6162; 80 FR 7678; 80 FR 7679; 80 FR 8751; 80 FR 8927; 80 FR 9304; 80 FR 12248; 80 FR 12251; 80 FR 12254; 80 FR 12547; 80 FR 13070; 80 FR 14220; 80 FR 14223; 80 FR 15859; 80 FR 15863; 80 FR 16500; 80 FR 16509; 80 FR 18693; 80 FR 20562; 80 FR 29152; 80 FR 33011). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. 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 renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of July and are discussed below:

As of April 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 49 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 66286; 66 FR 13824; 67 FR 68719; 67 FR 76439; 68 FR 2629; 68 FR 10298; 68 FR 13360; 69 FR 53493; 69 FR 62742; 69 FR 71100; 70 FR 2701; 70 FR 7545; 70 FR 12265; 70 FR 16887; 71 FR 62148; 71 FR 63379; 72 FR 180; 72 FR 1051; 72 FR 1053; 72 FR 7812; 72 FR 9397; 72 FR 11425; 72 FR 11426; 73 FR 46973; 73 FR 54888; 73 FR 61922; 73 FR 61925; 73 FR 74565; 73 FR 75803; 73 FR 76440; 73 FR 78423; 74 FR 6209; 74 FR 6211; 74 FR 6689; 74 FR 8302; 74 FR 8842; 75 FR 39725; 79 FR 59327; 75 FR 61833; 75 FR 64396; 75 FR 69737; 75 FR 72863; 75 FR 77942; 75 FR 77949; 75 FR 79083; 75 FR 80887; 76 FR 1493; 76 FR 1499; 76 FR 2190; 76 FR 5425; 76 FR 8809; 76 FR 9859; 76 FR 9865; 76 FR 12215; 76 FR 12216; 76 FR 12406; 77 FR 33017; 77 FR 41879; 77 FR 44708; 77 FR 52381; 77 FR 52391; 77 FR 56262; 77 FR 64582; 77 FR 64839; 77 FR 64841; 77 FR 68202; 77 FR 70534; 77 FR 74273; 77 FR 74731; 77 FR 74733; 77 FR 74734; 77 FR 75494; 77 FR 76167; 78 FR 8689; 78 FR 9772; 78 FR 10250; 78 FR 10250; 78 FR 11731; 78 FR 12811; 78 FR 12813; 78 FR 12822; 78 FR 14410; 79 FR 14571; 79 FR 56099; 79 FR 56104; 79 FR 58856; 79 FR 59357; 79 FR 65759; 79 FR 65760; 79 FR 69985; 79 FR 70928; 79 FR 72754; 79 FR 73393; 79 FR 73686; 79 FR 73687; 79 FR 74168; 80 FR 2473; 80 FR 3308; 80 FR 3723; 80 FR 6162; 80 FR 7678; 80 FR 7679; 80 FR 8751; 80 FR 8927; 80 FR 9304; 80 FR 12254; 80 FR 15859; 80 FR 18693; 80 FR 20562):

David B. Albers, Sr. (UT)
Sava A. Andjelich (IN)
Kreis C. Baldridge (TN)
Robert W. Blankenship (CA)
John R. Bohman (OH)
Dale A. Braton (MN)
Wilfred J. Brinkman (OH)
Ricky D. Cain (NM)
Balwinder S. Chatha (CA)
Cody W. Cook (OK)
Jose G. Cruz Romero (TX)
Dewayne L. Cunningham (IL)
Joseph A. Dean (AR)
Michael L. Dean (MI)
Michael A. Fouch (NJ)
Steven C. Fox (NC)
Wilfred J. Gagnon (VT)
Anthony A. Gibson (IL)
Kenneth L. Handy (IA)
Jerome A. Henderson (VA)
Andrew F. Hill (TX)
Arlan T. Hrubes (TX)
Thomas J. Ivins (FL)
Daniel L. Jacobs (AZ)
Jason P. Jones (IN)
Scott A. Lambertson (MN)
Bryon K. Lavender (OH)
Jose M. Limon-Alvarado (WA)
Carl A. Lohrbach (OH)
James W. Long (AR)
Victor M. McCants (AL)
Duffy P. Metrejean, Jr. (LA)
James G. Mitchell (AL)
Jason N. Moore (VA)
Robert A. Moss (MO)
Jay C. Naccarato (WA)
William K. Otwell (LA)
Michael J. Paul (LA)
Walter B. Peltier (AZ)
Dennis W. Pevey (GA)
Reginald I. Powell (I)
Charles E. Queen (OH)
Andrew H. Rusk (IL)
Gerald E. Skalitzky (WI)
Dennis J. Smith (CO)
Karl H. Strangfeld (UT)
Artis Suitt (NC)
Donald L. Weston (PA)
Henry P. Wurtz (SD)

The drivers were included in one of the following docket Nos: FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2004–18885; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2006–26066; FMCSA–2008–0231; FMCSA–2008–0292; FMCSA–2008–0340; FMCSA–2010–0161; FMCSA–2010–0287; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2012–0106; FMCSA–2012–0161; FMCSA–2012–0215; FMCSA–2012–0280; FMCSA–2012–0337; FMCSA–2012–0338; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–

0011; FMCSA–2014–0296; FMCSA–2014–0298; FMCSA–2014–0300; FMCSA–2014–0301. Their exemptions are effective as of April 1, 2017, and will expire on April 1, 2019.

As of April 4, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 10251; 78 FR 20379; 80 FR 12251):

Michael L. Bergman (KS)
Efrain Gonzalez (UT)
Daniel E. Nestel (IN)

The drivers were included in docket No. FMCSA–2013–0021. Their exemptions are effective as of April 4, 2017, and will expire on April 4, 2019.

As of April 5, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 3 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 57230; 66 FR 17994; 67 FR 57266; 68 FR 15037; 69 FR 52741; 70 FR 2701; 70 FR 14747; 70 FR 16887; 72 FR 12665; 74 FR 9329; 76 FR 15360; 78 FR 16035; 80 FR 13070):

Richard D. Carlson (MN)
Donald P. Dodson, Jr. (WV)
Ralph A. Thompson (KY)

The drivers were included in one of the following docket Nos: FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2005–20027. Their exemptions are effective as of April 5, 2017, and will expire on April 5, 2019.

As of April 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 6 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (74 FR 7097; 74 FR 15584; 76 FR 15361; 78 FR 16761; 80 FR 12547):

Michael L. Ayers (AL)
Paul V. Daluisio (NY)
Darrel R. Martin (MD)
Pahl M. Olson (WI)
James E. Russell (AZ)
Forrest L. Wright (AL)

The drivers were included in docket No. FMCSA–2008–0398. Their exemptions are effective as of April 6, 2017, and will expire on April 6, 2019.

As of April 7, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (80 FR 12248; 80 FR 29152):

Justin C. Bruchman (WI)
Bradley J. Compton (ID)
Anthony C. Curtis (WA)
Lloyd A. Dornbusch (PA)
Paul E. Emmons (RI)
Thomas P. Fitzsimmons (NC)
Steve L. Frisby (CA)
Daryl G. Gibson (FL)
Carl E. Hess (PA)
Alex D. McCrady (NH)
Paul C. Swanson (IL)

The drivers were included in docket No. FMCSA–2014–0302. Their exemptions are effective as of April 7, 2017, and will expire on April 7, 2019.

As of April 11, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 17994; 68 FR 15037; 70 FR 14747; 72 FR 12665; 74 FR 9329; 75 FR 77492; 76 FR 1493; 76 FR 5425; 76 FR 7894; 76 FR 9856; 76 FR 12408; 76 FR 15360; 76 FR 20076; 76 FR 20078; 78 FR 12822; 78 FR 800; 78 FR 16762; 80 FR 15863):

Gary W. Balcom (MI)
Wesley M. Creamer (NM)
Bruce J. Greil (WI)
Charles R. Hoeppner (MD)
Paul J. Jones (NY)
Lester H. Killingsworth (TX)
Stephanie D. Klang (MO)
Pedro G. Limon (TX)
Kenneth H. Morris (NC)
Donald R. Pointer (CO)
Larry D. Robinson (MO)
George D. Ruth (PA)
Bobby Sawyers (PA)

The drivers were included in one of the following docket Nos: FMCSA–1998–4334; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010. Their exemptions are effective as of April 11, 2017, and will expire on April 11, 2019.

As of April 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 5 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 12815; 78 FR 22602; 80 FR 14220):

Terry R. Hunt (FL)
James P. O'Berry (GA)
Larry B. Peterson (AR)
Franklin P. Reigle II (MD)
Scott Wallbank (MA)

The drivers were included in docket No. FMCSA–2013–0022. Their exemptions are effective as of April 16, 2017, and will expire on April 16, 2019.

As of April 18, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 20 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (80 FR 14223; 80 FR 33011):

Dakota A. Albrecht (MN)
Randy A. Cimei (IL)
David E. Crane (OH)
Ronald A. Doyle (NY)
Darin T. Eubank (VA)
Phillip E. Fitzpatrick (NM)
Lucien W. Foote (NH)
Jimmy F. Garrett (AR)
Odus P. Gautney (TX)
Dale R. Goodell (SD)
Ronald J. Gruszecki (IL)
Alan L. Helfer (IL)
William F. Laforce (VT)
Robert N. Lewis (OH)
Elmer Y. Mendoza (VA)
Andrew M. Miller (IA)
J.W. Peebles (TN)
John R. Ropp (IL)
Nelson J. Stokke (CA)
Darwin L. Stuart (IL)

The drivers were included in docket No. FMCSA–2014–0304. Their exemptions are effective as of April 18, 2017, and will expire on April 18, 2019.

As of April 21, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the conditions for obtaining a renewed exemption from the vision requirements (65 FR 66286; 66 FR 13825; 67 FR 68719; 68 FR 2629; 68 FR 10300; 68 FR 10301; 68 FR 19596; 70 FR 2701; 70 FR 7546; 70 FR 14747; 70 FR 16886; 70 FR 16887; 72 FR 180; 72 FR 7111; 72 FR 9397; 72 FR 11425; 72 FR 18726; 74 FR 7097; 74 FR 11991; 74 FR 15584; 75 FR 47883; 75 FR 63257; 75 FR 69737; 76 FR 1499; 76 FR 7894; 76 FR 15361; 76 FR 17483; 76 FR 20078; 77 FR 60010; 78 FR 128152; 78 FR 16761; 78 FR 18667; 78 FR 22602; 80 FR 16500):

Rodger B. Anders (MD)
John D. Bolding, Jr. (OK)
David B. Bowman (PA)
Michael P. Curtin (IL)
James G. Etheridge (TX)
Michael E. Herrera, Jr. (NM)
Michael R. Holmes (SD)
James R. Petre (MD)
Zeljko Popovac (VT)
Jerald W. Rehnke (MN)
James R. Rieck (CA)
Richie J. Schwendy (IL)
Janusz Tyrpien (FL)
Charles F. Wotring (OH)

The drivers were included in one of the following docket Nos: FMCSA–2000–7918; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2005–20027; FMCSA–2006–25246; FMCSA–2008–0398; FMCSA–2010–0187; FMCSA–2010–0287; FMCSA–2010–0372; FMCSA–2013–0022. Their exemptions are effective as of April 21, 2017, and will expire on April 21, 2019.

As of April 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 2 individuals have

satisfied the conditions for obtaining a renewed exemption from the vision requirements (78 FR 14405; 78 FR 24296; 80 FR 16509):

David Doub (IN)
Gale L. Smith (PA)

The drivers were included in docket No. FMCSA–2013–0023. Their exemptions are effective as of April 24, 2017, and will expire on April 24, 2019.

Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

IV. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 126 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: March 20, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–05970 Filed 3–24–17; 8:45 am]

BILLING CODE 4910–EX–P

Reader Aids

Federal Register

Vol. 82, No. 57

Monday, March 27, 2017

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

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
13549–13740 14
13741–13958 15
13959–14110 16
14111–14318 17
14319–14418 20
14419–14600 21
14601–14810 22
14811–14986 23
14987–15112 24
15113–15280 27

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.

2 CFR

3474 14419

3 CFR

Proclamations:
9574 12707
9575 12709
9576 12711
9577 13223
9578 14809
9579 15111
Executive Orders:
13532 (Revoked by EO 13779) 12499
13769 (Revoked by EO 13780) 13209
13777 12285
13778 12497
13779 12499
13780 13209
13781 13959
Administrative Orders:
Notices:
Notice of March 22, 2017 15107

7 CFR

205 14420
319 14987
966 13741
3430 15113
Proposed Rules:
51 14832
52 12424
271 12184
272 12184
273 12184
930 14481
945 14485

10 CFR

72 14987
429 ..... 14425, 14426
430 ..... 14425, 14427
431 14426
435 14427
Proposed Rules:
26 13778
50 13778
52 13778
72 15007
73 13778
140 13778

12 CFR

1202 13743
1207 14992
1223 14992
Proposed Rules:
1005 ..... 13782, 15009
1026 13782

13 CFR

107 14428

14 CFR

17 14429
21 13752
25 ..... 13961, 14111, 14113, 14115, 14117, 14119, 14122, 14125, 14126, 14128
27 13962
39 ..... 12289, 12291, 12293, 12393, 12395, 12397, 12401, 12405, 12407, 12410, 13059, 13062, 13063, 13379, 13382, 13385, 13753, 14429, 14601, 14602, 15115, 15118, 15120, 15123, 15126
71 ..... 12503, 12504, 12505, 12713, 12715, 13065, 15128, 15129, 15131
73 13389
91 14433
97 ..... 14811, 14813
234 ..... 14437, 14604
Proposed Rules:
25 14165
39 ..... 12301, 12303, 12305, 12308, 12310, 12312, 12314, 12424, 12753, 12755, 13073, 13077, 13079, 13405, 13565, 13567, 13570, 14488, 14642, 14646, 14832, 14835, 14837, 15116, 15169
71 ..... 12522, 12523, 12525, 13407, 13409, 14839, 14841, 15172
73 ..... 12526, 12529
399 13572

16 CFR

1240 12716

17 CFR

229 14130
232 14130
239 14130
249 14130
Proposed Rules:
1 13971
23 13971
40 13971
210 12757
211 12757
229 ..... 12757, 14282
230 14282
231 12757
232 14282
239 14282
240 13928
241 12757
249 14282
274 14282

18 CFR

11 12717
12 13390

20 CFR

404 15132
416 15132

21 CFR

1 14143
101 14143
112 14143
115 14143
117 14143
118 14143
201 14319
507 14143
510 ....12167, 12170
516 12167
520 12167
522 ....12167, 12170
529 ....12167, 12170
558 12167
800 14143
801 14319
862 ....13549, 13551
876 12171
882 13553
1100 14319
1308 ....12171, 13067, 14815

Proposed Rules:

73 ....12184, 12531
1132 14647
1301 14490
1308 14842
1311 14490

23 CFR

490 14438

28 CFR

802 13554

29 CFR

503 14147
1910 14439
1915 14439
1926 14439
4022 13755
4044 13755

Proposed Rules:

1910 12318
1915 12318
1926 12318
2510 12319

30 CFR

Proposed Rules:

56 15173
57 15173
938 13268

32 CFR

706 14606

33 CFR

100 ....12412, 12414, 15133, 15135
117 ....12177, 12415, 13756, 13757, 13758, 14607, 14820, 14995, 15135, 15137, 15138
165 ....12177, 12416, 13225, 13965, 14149, 14439
401 12418
402 12420

Proposed Rules:

100 ....13081, 14494, 15014, 15174
110 15014
117 ....12185, 13785
165 ....13081, 13410, 13572, 15014
328 12532

34 CFR

668 13227
674 13968

36 CFR

1193 12295
1194 12295

37 CFR

204 12180

Proposed Rules:

201 12326
350 14168
360 14168

38 CFR

17 14820

39 CFR

111 ....12180, 12181
243 12921
265 ....12921, 15138
266 12921
3004 12506

40 CFR

22 14324
50 14325
51 14324
52 ....12328, 13227, 13230, 13235, 13243, 13390, 13392, 13398, 14442, 14446, 14458, 14461, 14463, 14608, 14611, 14822, 15139
68 13968
81 13227
124 14324
171 14324
180 ....13245, 13251, 13759, 14614, 14617, 14620, 14623, 14631, 14633, 14636
271 ....13256, 14327
300 ....12422, 14149, 14324
320 12333
770 14324

Proposed Rules:

Ch. I 14172
52 ....13084, 13086, 13269, 13270, 13278, 13280, 13413, 14496, 14498, 14499, 14648, 14654, 14670, 14845
86 14671
110 12532
112 12532
116 12532
117 12532
122 12532
174 14846
180 14846
194 13282
230 12532
232 12532
271 14341
300 ....12532, 14149
302 12532
372 12924
401 12532

42 CFR

10 ....12508, 14332
73 13259
405 14639
410 14639
411 14639
414 14639
417 14639
422 14639
423 14639
424 14639
425 14639
438 12509
460 14639
510 14464
512 14464

44 CFR

64 ....13399, 14828
67 ....12510, 14153, 14158, 14162, 14334, 14336

47 CFR

0 13260
1 12512
54 ....14338, 14466, 14639
64 ....12182, 12922
69 14338
73 ....12922, 14995
74 ....13069, 13969

Proposed Rules:

6 13972
7 13972
14 13972
15 13285
20 13972
54 13413
64 ....12924, 13972
67 13972
73 13285

48 CFR

Proposed Rules:

816 13418
828 13418
852 13418
3001 14341
3002 14341
3004 14341
3024 14341
3039 14341
3052 14341

49 CFR

270 14476
380 14476
383 14476
384 14476
571 14477
585 14477
1250 13401

Proposed Rules:

171 14499
172 14499
173 14499
174 14499
177 14499
178 14499
179 14499
180 14499
350 14848
365 14848
385 14848
386 14848
387 14848
395 14848
523 14671
531 14671
533 14671
536 14671
537 14671
Ch. XII 13575

50 CFR

217 ....13765, 14996
300 12730
622 ....14477, 14641, 15005
635 ....12296, 12747, 14163
648 ....13402, 13562, 13564, 14478, 15154, 15155, 15164
660 12922
679 ....12423, 12749, 12750, 13072, 13267, 13777, 14479, 15164

Proposed Rules:

217 14185
622 12187
660 14850
679 ....13302, 14853

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 23, 2017

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.